THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS COMPENSATION COMMISSION

T. Scott Beck, Commissioner

Appellate case No. 2019-001361

RECEIVED
Jun 03 2020
SC Court of Appeals

Courtney Ray Mitchell,

Appellant,

v.

United Parcel Service and
Liberty Corporation,

Respondents.

RECORD ON APPEAL

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June 2, 2020

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JUDICIAL CONFERENCE DECISION AND ORDER

filed July 15, 2019

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
JUDICIAL CONFERENCE DECISION AND ORDER

Courtney R. Mitchell v UPS
SCWCC: 1322347
Commissioner: Beck

This matter was heard before the South Carolina Workers' Compensation Full Commission in Judicial Conference on a **Motion to Reinstate**. The Commissioners considered the matter and ordered the matter handled in the following manner:

IT IS, THEREFORE, ORDERED the pending appeal of the Administrative Order of the Commission is hereby;
_____ Dismissed as Interlocutory. _____Set for Oral Argument.

IT IS, THEREFORE, ORDERED the pending motion be, and hereby is;
_____ Granted. ___✓___Denied. _____Dismissed _____Preserved for hearing

BEFORE THE;
_____ Hearing Comm. _____Jurisdictional Comm. _____Full Commission.

IT IS, THEREFORE, ORDERED this matter be, and hereby is; remanded to take such action and enter an Order consistent with the Court's directive.

_____ Remand to Panel as indicated below.
_____Barden _____James _____Taylor
_____Beck _____Campbell _____Wilkerson
_____McCaskill

_____ Remand for Order consistent with the Order of the Court.
_____ Remand to the Hearing Commissioner.
_____ Remand to the Jurisdictional Commissioner.
_____ Other: _____.

_____ Remand: _____ Panel Oral Argument. _____En Banc Oral Argument.

AND IT IS SO ORDERED.

Susan S. Barden, Vice-Chair
For the Commission

Columbia, South Carolina
7/15
_____2019

CONCURRING:	**NOT PARTICIPATING:**	**DISSENTING:**
Commissioner T. Scott Beck	___x___	_____
Commissioner Melody James	_____	_____
Commissioner Aisha Taylor	_____	_____
Commissioner Avery Wilkerson	_____	_____
Commissioner Michael Campbell	_____	_____
Commissioner Gene McCaskill	_____	_____

CERTIFICATE OF SERVICE
THIS IS TO CERTIFY THE UNDERSIGNED HAS THIS DATE SERVED THIS ORDER IN THE ABOVE ENTITLED ACTION UPON ALL PARTIES ELECTRONICALLY OR BY DEPOSITING A COPYHEREOF, POSTAGE PAID, IN THE UNITED STATES MAIL

This 15 **day of** July **, 2019.**

By: Valerie D Adler
SCWCC Judicial Department

ADMINISTRATIVE ORDER

May 23, 2019

South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723

WCC File #: 1322347

Date of Injury: 06/21/2013

ADMINISTRATIVE ORDER

Courtney Mitchell v. United Parcel Service Inc.
WCC File No: 1322347

The Request for Commission Review in the above captioned case is dismissed. The appellant brief was not timely filed pursuant to R.67-705 H(3). Brief was due by May 12, 2019 and no extension was requested.

Amy A. Bracy
Judicial Director

Date: May 23, 2019

CERTIFICATE OF SERVICE

I hereby certify on May 23, 2019, I served this document on the parties listed below by electronic mail or depositing a copy hereof, postage prepaid, in the United States mail and addressed as follows:

Donald L. Smith
Attorney At Law
122 N. Main Street
Anderson, SC 29621

United Parcel Service Inc.
55 Glenlake Pkwy NE
ATLANTA, GA 30328

O Shayne Williams
McAngus Goudelock & Courie, LLC
PO Box 1349
Myrtle Beach, SC 29578

By: Eugenia C. Hollmon, Judicial Department

DECISION AND ORDER

February 14, 2019

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO: 1322347

COURTNEY RAY MITCHELL, Employee, Claimant, vs. UNITED PARCEL SERVICE, Employer, AND LIBERTY MUTUAL, Carrier, Defendants.	**DECISION AND ORDER**

DATE OF HEARING: Hearing held in Columbia, S.C. on November 2, 2018.

APPEARANCES: Claimant appeared via videoconference and was represented by Donald L. Smith, Esquire of Anderson, South Carolina.

Defendants represented by O. Shayne Williams, Esquire of McAngus Goudelock & Courie, L.L.C. of Myrtle Beach, South Carolina.

PURPOSE OF THE HEARING: To determine all issues as set forth in Forms 50 and 51 as well as any other issues timely presented before the Commission.

COMMISSIONER: Commissioner T. Scott Beck

FILED: February 14, 2019

STIPULATIONS

At the hearing, Counsel for the Claimant and Defendants stipulated the following issues:

1. The purpose of the hearing was to determine the issues set forth on Forms 50, 51, the Hearing Notice, and any other issues which were timely presented before the Commission.
2. Notice of the hearing was timely and properly served upon all parties of interest.
3. The parties agreed that venue was proper.
4. Claimant's average weekly wage and corresponding compensation rate are $870.39 and $580.29, respectively.
5. Claimant seeks benefits under the South Carolina Workers' Compensation Act based upon an injury he alleges occurred on June 21, 2013. Therefore, the South Carolina Workers' Compensation Commission has jurisdiction over this claim.

APA SUBMISSIONS

The following records were submitted into evidence pursuant to the Administrative Procedures Act.

Claimant's APA Submissions:

1. Records of Three Rivers Behavioral Health, dated 6/28/13-7/15/13 (pp. 1-6)
2. Records of Self-Memorial Hospital, dated 7/28/13-7/29/13 (pp. 7-25)
3. Records of Rebecca Norris, M.D., dated 9/4/13 (pp. 26)
4. Records of Greenville County Psychological Services Division Department of Public Safety, dated 7/30/13-10/17/14 (pp. 27-43)
5. Records of Manual R. Torres, LISW, CP, dated 1/20/14 (pp. 44-50)
6. Records of David R. Price, PhD, dated 11/17/15 (pp. 51-66)

7. Statements taken after lunch, dated 6/21/13 (pp. 67-74)
8. Negative Emails (pp. 75-78)
9. Statements by: Reggie Owens, Dwight Inman and Mike Leonard (pp. 79-83)
10. Courtney's Coaching Review Reports (pp. 84-107)
11. Deposition of Michael Battista, dated 10/15/15 (pp. 108-141)
12. Deposition of Scott Brown, dated 10/15/15 (pp.142-155)
13. Deposition of Donnie Canady, dated 10/15/15 (pp. 156-201)
14. Deposition of Sharon Mayes, dated 10/15/15 (pp. 202-229)
15. Deposition of Reginald Owens, dated 10/15/15 (pp. 230-266)
16. Deposition of Michael Leonard, dated 10/15/15 (pp. 267-320)
17. Transcript-Motion to Vacate Order of Protection, dated 1/30/14 (pp. 321-386)
18. Deposition of Dr. Rebecca Norris, dated 3/23/18 (pp. 387-551)
19. Physician's Assessment Statement, Dr. Pat Mullen, dated 4/8/18 (pp. 552-557)
20. Deposition of Dr. Patrick Mullen, dated 6/25/18 (pp. 558-714)
21. Deposition of Velma Jones with exhibits (pp. 715-793)
22. DVD – Shots Fired

Defendant's APA Submissions:

23. Records of Dr. Rebecca Norris, Primary Care Associates, dated 12/5/12-5/6/14 (pp. 794-819)
24. Records of SC Department of Corrections, dated 3/3/15-5/19/17 (pp. 820-902)
25. Records of Manuel R. Torres, M. Torres Therapy, dated 1/20/14 (pp. 903-909)
26. Records of Patrick B. Harris Psychiatric Hospital, dated 7/17/06-9/13/06 (pp. 910-916)

27. Records of Pickens Detention Center, dated 7/3/06-7/17/06 (pp. 917-922)
28. Records of Greenville County Detention Center, dated 6/26/13-2/25/15 (pp. 923 – 1117)
29. Records of Dr. David Price, The Forensic Network, dated 10/2/13-10/26/15 (pp. 1118-1144)
30. Records of Abbeville Mental Health Clinic, dated 10/17/06-8/2/07 (pp. 1145-1165)
31. Records of Dr. Timothy Y. Dew, The Hand Center, P.A., dated 6/10/13 (pp. 1166-1180)
32. Records of Three Behavioral Health, dated 6/28/13-7/8/13 (pp. 1181-1249)
33. Records of Greenville Health System, dated 6/27/13-6/28/13 (pp. 1250-1266)
34. Records of AnMed Health, dated 7/31/01-7/27/13 (pp. 1267-1309)
35. Records of Anderson Radiology, dated 5/1/12-6/11/13 (pp. 1310-1316)
36. Personnel records from Ralph Hayes Toyota (pp. 1317-1321)
37. UPS Personnel File (pp. 1322-1394)
38. UPS Performance File (pp. 1395-1416)
39. UPS Coaching File (pp. 1417-1467)
40. UPS Emails (pp. 1468-1499)
41. UPS statements and investigation on alleged threats (pp. 1500-1550)
42. Transcript of Record, dated 2/12/15 (pp. 1551-1706)
43. Records of Anderson Family Court, dated 5/9/14 (pp. 1707-1709)
44. Personnel records from American Services, Inc., dated 6/30/06 (pp. 1710-1711)
45. Records of Department of Probation, Parole, and Pardon Services (pp. 1712-1727)
46. Records of Department of Corrections (pp. 1728-1733)

47. Records of Davies County District Court (pp. 1734-1737)
48. Emails to/from Claimant's Attorney regarding mileage and fees for deposed witnesses (pp. 1738-1739)
49. S.C. Inmate Detail Report (pp. 1740-1741)
50. Updated SC Department of Corrections Records (pp.1742-1797)
51. Deposition of Courtney Ray Mitchell
52. Deposition of Dr. Robert Mullen
53. Deposition of Dr. Rebecca Norris
54. Deposition of Velma Jones

STATEMENT OF THE CASE

This claim involves a denied injury to Claimant's psyche, back, and arms which Claimant alleges occurred on June 21, 2013. Claimant seeks a finding of compensability and causally related medical treatment from the date of injury and continuing. Claimant further contends that he reached maximum medical improvement on the date of injury, June 21, 2013. Claimant is not alleging entitlement to temporary total disability benefits, but he does seek a finding of permanent and total disability entitlement. Defendants take the position that Claimant did not sustain an injury that arose out of and in the course of his employment as alleged. Defendants further assert that Claimant failed to provide proper notice of the alleged accident and that any claim for benefits as a result of a physical injury is barred by the Doctrine of *Latches*. Therefore, Defendants request Claimant's claim and request for benefits be denied in full.

EVIDENCE OF THE CASE

LIVE TESTIMONY

Testimony of Courtney Ray Mitchell (Claimant):

Claimant is a 45 year old male who has a Bachelor of Arts degree from the University of South Carolina Spartanburg in Interdisciplinary Studies.

Claimant testified regarding his work history. Claimant noted that he was a correctional officer for the South Carolina Department of Corrections. He noted that he left that position because he wanted to go where his talents, educational level, training and experience would be capitalized (Hearing Transcript pp. 40, ll. 20-24.) Claimant noted that he also worked for a brief period of time for the Department of Probation and Parole. (Hearing Transcript pp. 41, ll. 3-6.) Claimant worked in that position until he was terminated for a purported altercation with another agent. (Hearing Transcript pp. 41, ll. 12-16.) Claimant also noted that he worked for a law firm called Harris, Ragan, & Paterson, until he left because of an argument that he got into with the lead attorney. (Hearing Transcript pp. 43, ll. 11-18.) Claimant also acknowledged that he worked for a company called American Security at Easley Baptist Hospital for approximately one year. (Hearing Transcript pp. 45, ll. 10-16.) He initially gave his two weeks' notice to them after a year, but he got into a disagreement with his boss and left immediately. (Hearing Transcript pp. 45, ll. 17-21.) Ultimately, Claimant was placed on trespass notice by that Employer. (Hearing Transcript pp. 45, ll. 22- pp. 46, ll. 6.) After his trespass notice, Claimant returned to his place of employment where an altercation ensued with an Easley police officer. (Hearing Transcript pp. 46, ll. 7-11.) Claimant also testified that he was in the US National Guard as a military policeman until August of 2006.

Claimant went to work for UPS on March 30, 2012, as an inside sales representative (ISR). (Hearing Transcript pp. 52, ll. 16-19.) When Claimant began, he was in a training group, which is an academy of sorts to help new ISRs learn the job. (Hearing Transcript pp. 53, ll. 15-18.) Claimant moved out of the training group and became a true ISR on or about May 14, 2012.

(Hearing Transcript pp. 53, ll. 19 - pp. 54, ll.2.) Claimant acknowledged the territory that he took over as an ISR, was previously operated by someone who was promoted because her sales were so good. (Hearing Transcript pp. 54, ll. 3-8.) He noted that his job as an ISR was to call on customers within the territory with the help of outside representatives to try and obtain more sales and/or keep the sales in the general area. (Hearing Transcript pp. 54, ll. 9-14.) Approximately 6 weeks after he started as a full-fledged ISR, Claimant was assigned a coach to help him become proficient at his job. (Hearing Transcript pp. 54, ll. 15-18.) Within a few months, Claimant began to have health issues that caused him to go out on disability from October 23, 2012 to October 31, 2012 and again on November 19, 2012 until December 14, 2012. (Hearing Transcript pp. 54, ll. 19 – pp. 55, ll. 4.)

Claimant noted that while he was working as an ISR he was evaluated by a quality performance review. (Hearing Transcript pp. 55, ll. 5-8.) Claimant's coach was Ms. Velma Jones. She was available to coach anyone within her territories to help provide feedback and help plan their day and develop strategies for success. (Hearing Transcript pp. 55, ll. 23 – pp. 56, ll. 6.) Claimant noted that when he struggled he was provided with help, but he noted his belief that it was not very good help. (Hearing Transcript pp. 56, ll. 10-16.) He did note, however, that when he did well, he was given positive encouragement from his supervisors. (Hearing Transcript pp. 56, ll. 17-20.)

Claimant testified that in mid-year 2013, his production was not where it was supposed to be. (Hearing Transcript pp. 56, ll. 25 – pp. 57, ll. 3.) Because his production was not where it was supposed to be, he requested to move to another job and his request was denied. (Hearing Transcript pp. 57, ll. 4-6.) Claimant said that he was informed that because he was not meeting the minimum standards on his quality performance review, he was not going to be able

to move to another position within the company. (Hearing Transcript pp. 57, ll. 7-11.) In a letter to his supervisor, Mr. Michael Battista, dated May 14, 2013, Claimant stated "I just found out yesterday that I have a degenerative condition that will continue to affect my motor skills in my hands to a point where it will be more difficult to operate the computer." (Hearing Transcript pp. 57, ll. 16-23.) Some six days later, Claimant sent another letter to the HR manager, Mr. Reggie Owens, telling him "I am requesting accommodation with my job due to medical limitations I am experiencing. Last week I found through a medical test that I am losing motor control in my hands and legs. We suspect this is a result of an injury I sustained while serving my country as a military police for the US Army." (Hearing Transcript pp. 58, ll. 2-11.) Claimant later stated that he informed Mr. Owens that he was exposed to an IED while serving in Iraq or Afghanistan. (Hearing Transcript pp. 58, ll. 15-18.) Claimant acknowledged at the hearing that he never served any time overseas and that he never sustained any service related injuries. (Hearing Transcript pp. 51, ll. 23 – pp. 52, ll. 4.)

Claimant testified that after he reported an alleged service related disability in May of 2013, Mr. Owens and a supervisor, Ms. Sharon Mayes, helped him file a disability claim. (Hearing Transcript pp. 58, ll. 19-23.) Claimant went out on disability on June 11, 2013, and he never worked again for UPS after that moment in time. (Hearing Transcript pp. 59, ll. 1-13.)

Claimant testified regarding his allegation of an injury occurring on or about June 21, 2013. He is alleging an aggravation of his mental condition and/or and aggravation of his back and bilateral carpal tunnel syndrome as a result of his work environment and duties. Claimant did not allege that any physical injury aggravated his mental condition. Claimant testified that when he initially became an ISR, he earned awards for how well his territory was doing. (Hearing Transcript pp. 13, ll. 11-15.) Claimant testified that by the fourth month his territory

changed and his customers seemed dissatisfied. (Hearing Transcript pp. 15, ll. 2-11.) Claimant believed that his coach, Ms. Velma Jones, was criticizing more than coaching. (Hearing Transcript pp. 16, ll. 18-22.) Regardless, Claimant and Ms. Jones shared aspects about their personal lives including insights on children, similar interests, and local ties that they had. (Hearing Transcript pp. 16, ll. 23 – pp.17, ll. 7.) Claimant trusted Ms. Jones and noted that he had no issues with her and that she was a friend he could take in confidence. (Hearing Transcript pp. 17, ll. 8-21.)

Claimant testified that he interacted with the person in charge of Greenville sales, Mr. Ken Baca, a few times, and he thought Mr. Baca was demeaning and sarcastic. (Hearing Transcript pp. 17, ll. 22 – pp. 18, ll. 4.) Claimant did not like Mr. Baca and did not trust him. (Hearing Transcript pp. 18, ll. 13-14.) Claimant also testified regarding his interaction with his supervisor, Mr. Mike Battista. Claimant thought Mr. Battista was a nice man that seemed overwhelmed. (Hearing Transcript pp. 18, ll. 15-21.)

Claimant testified that in September of 2012, his health started to deteriorate. (Hearing Transcript pp. 19, ll. 9-12.) He noted that he had a vascular condition that sent him to a cardiologist and later he had a gall bladder attack that required his gall bladder to be removed. (Hearing Transcript pp. 9, ll. 19-22.)

Claimant testified that his job at UPS required him to talk on the telephone, access multiple programs on the computer, and sit down most of the day. (Hearing Transcript pp. 20, ll. 1-9) The first time Claimant ever recognized that he had lower back issues was when he was working at a local Staples. He did not have any more problems with his back until he started feeling terrible pain at the end stages of his career at UPS. (Hearing Transcript pp. 20, ll. 10-18) Claimant noted that he never had any issues with his hands until his late career at UPS. (Hearing

Transcript pp. 20, ll. 19-21) Claimant stated his belief that sitting on the job was very painful. (Hearing Transcript pp. 21, ll. 11-12) Claimant testified that he did not report or file any workers' compensation claim while working for UPS. Instead, he filed for and received short term disability relative to the issues he had with his hands and back. (Hearing Transcript pp. 23, ll. 16-22)

Claimant felt overwhelmed as an ISR. (Hearing Transcript pp. 24, ll. 23 – pp. 25, ll. 1) He felt like he was getting negative responses from his team. (Hearing Transcript pp. 25, ll. 21 – pp. 26, ll. 4) Claimant also stated that he was miserable and that he believed that there was no way his coworkers would not see how miserable he was. (Hearing Transcript pp. 27, ll. 4-16) After approximately four months, Claimant's numbers started to decline and that caused his stress and worry about his job. (Hearing Transcript pp. 28, ll. 3-16) He noted that his supervisor would actually have him write himself up for failure to produce or meet his QPRs. (Hearing Transcript pp. 34, ll. 19-21) Claimant testified that he thought he could be fired at any day and he acknowledged that he was having difficulties with his position. (Hearing Transcript pp. 34, ll. 19-24)

Claimant testified that he thought he got along well with his coworkers. (Hearing Transcript pp. 29, ll. 11-19) He stated that he went to one of his coworker's houses for a barbeque and that he also had a barbeque at his mother's house attended by Ms. Jones. (Hearing Transcript pp. 29, ll. 11-19) On June 21, 2013, the date of his alleged accident, he was actually out to lunch with several of his coworkers. (Hearing Transcript pp. 30, ll. 11 – pp. 31, ll. 5)

During his employment at UPS, all of the employees were required to watch a video called Shots Fired. Claimant testified he believed that he had a nickname of "Shots Fired" after that video was shown. (Hearing Transcript pp. 26, ll. 5-18) Claimant testified that his coach, Ms.

Velma Jones, never made a positive statement about him. (Hearing Transcript pp. 35, ll. 21-24) Claimant testified that he told his supervisors that his position was causing him difficulties and asked for a transfer, but he was told that because his numbers were not up to standards, he could not change his position. (Hearing Transcript pp. 36, ll. 16 – pp. 37, ll. 3)

While Claimant admitted to mental health issues in 2006 and 2009, he reported that his issues in 2012 and 2013 were much worse. (Hearing Transcript pp. 37, ll. 4-10) Claimant admitted that he did not take any medication between 2009 and 2013, because he did not feel that he needed it. (Hearing Transcript pp. 37, ll. 22 – pp. 38, ll. 7) Claimant stated that he filed his claim because he wanted medical people that provided such wonderful care for his hands and back to be provided for and that he wanted to get provided for the "agony he went through and the embarrassment he went through as an employee at UPS." (Hearing Transcript pp. 38, ll. 18-24) He stated that mentally he was hurt by the way he was treated by his supervisors and physically he was injured by sitting and typing, causing problems with his back and hands. (Hearing Transcript pp. 39, ll. 25 –pp. 40, ll. 8)

On cross examination, Claimant testified that he was involuntarily committed to Patrick B. Harris Mental Health Hospital in 2006 from July 17, 2006 until September 13, 2006. (Hearing Transcript pp. 47, ll. 7-12) Claimant acknowledged that after his release from Patrick B. Harris he was required to seek outpatient treatment from Abbeville Mental Health Center. (Hearing Transcript pp. 47, ll. 13-18) Claimant did not recall telling the providers at Abbeville Mental Health that he had become unreasonably fixated on a prior supervisor. (Hearing Transcript pp. 48, ll. 7-14) After completion of the court ordered one year program at Abbeville Mental Health, Claimant was supposed to stay on his medications. (Hearing Transcript pp. 48, ll. 19-23) However, he acknowledged that even while in the program, he was not compliant with his

medication treatment plan. (Hearing Transcript pp. 49, ll. 2-5) After release from the program, Claimant's mental issues did not subside. In 2008 he actually entered an Alford Plea for terroristic threats against a girlfriend. (Hearing Transcript pp. 49, ll. 18-21)

Claimant admitted that he last worked for UPS on June 11, 2013, because he went out on disability at that time. (Hearing Transcript pp. 61, ll. 11-16) Regardless, on June 21, 2013, Claimant went to a lunch with several UPS employees. (Hearing Transcript pp. 61, ll. 11-19) During this luncheon, statements were made to co-employees that were interpreted as threatening, so the police later showed up at his house to investigate. (Hearing Transcript pp. 62, ll. 20 – pp. 63, ll. 1) It was after the police came to his house that the Claimant really felt like he was upset. (Hearing Transcript pp. 63, ll. 2-6) In July of 2013, Claimant had a package delivered to his coach Ms. Jones at UPS that included his concealed weapons permit, three cell phones, and receipts from purchases made around areas of South Carolina near where Ms. Jones' family lives. (Hearing Transcript pp. 63, ll. 7-25 After the package delivery, Claimant was arrested, tried, and ultimately convicted of intimidating and threatening Ms. Velma Jones. (Hearing Transcript pp. 64, ll. 6) In fact, Claimant is currently serving ten years in prison for that conviction. (Hearing Transcript pp. 64, ll. 1-6)

Claimant testified that after the June 21, 2013 lunch and after his arrest, he was seen by a Dr. Jeffery Musick. Claimant remembered Dr. Musick, but did not recall telling Dr. Musick his employment history of short stints in a variety of jobs because he would get tired of them while thinking he could advance quicker in another position. (Hearing Transcript pp. 64, ll. 7-23) Claimant also vividly recalled Dr. Manuel Torres, but he could not remember phrasing his words to Dr. Torres that he was unable to maintain any job for any length of time due to the fact that he was neither compliant with his medications nor therapy. (Hearing Transcript pp. 65, ll. 2-11)

After his current incarceration, he lost his privileges on more than one occasion. In fact, in October of 2015, Claimant threw hot coffee on a guard and hit him in the face. (Hearing Transcript pp. 65, ll. 19-24) However, Claimant could not recall injuring his right hand in that altercation. (Hearing Transcript pp. 66, ll. 1-3) In September of 2018, Claimant aggravated his back doing one of the jobs he was doing at the prison. (Hearing Transcript pp. 66, ll. 17-22) Claimant also testified that in August 28, 2018, his hands became worse while grabbing pots and pans in his prior kitchen job. (Hearing Transcript pp. 67, ll. 1-7) Claimant acknowledged that after making complaints to the prison physicians about aggravations to his back and aggravations to his hands, he asked to be moved from those positions. (Hearing Transcript pp. 67, ll. 10-15) Claimant went on to note on redirect examination by his attorney that lifting big pots and pans definitely aggravated his hands and back. (Hearing Transcript pp. 68, ll. 3-8)

Testimony of Mr. Hardee Mitchell:

Mr. Hardee Mitchell testified that he is Claimant's 43 year old brother. He noted that he is the caregiver for his mother. He went on to note that Claimant had a little bit of a temper like his dad growing up, but he never believed that Claimant had any mental issues. (Hearing Transcript pp. 73, ll. 12-24) Mr. Mitchell noted his belief that Claimant's mental health was pretty good until recently, but he acknowledged that Claimant had some issues while in the National Guard and some issues while in Kentucky. (Hearing Transcript pp. 75, ll. 3-10) Mr. Mitchell also noted his belief that Claimant's mental condition appeared to worsen approximately six months after going to work for UPS. (Hearing Transcript pp. 1, ll. 25)

Testimony of Ms. Velma Gina Jones:

The testimony of Ms. Velma Gina Jones was taken by *de benne ese* deposition on April 13, 2018. According to her testimony, Ms. Jones was Claimant's coach during his tenure with

UPS. Essentially, she was a team lead who was responsible for helping to get new ISRs up to speed, by training them, identifying problems and helping them focus on the requirements of the job. (Deposition of Velma Jones pp. 6, ll. 14-20) Ms. Jones was not a supervisor and had no role in hiring, firing, or disciplining. (Id. at ll. 23-25) Ms. Jones coached Claimant in 2012 and 2013 along with multiple other employees. (Deposition of Velma Jones pp. 7, ll. 12-23) Ms. Jones noted that while training Claimant, the two of them would discuss where there was room for improvement, the setting of goals, and they would work to achieve those goals. (Deposition of Velma Jones pp. 12, ll. 7-19) Per Ms. Jones, Claimant was appreciative of coaching and their coaching sessions always ended on happy, positive notes. (Deposition of Velma Jones pp. 12, ll. 20 – pp. 13, ll. 6) Claimant had the opportunity to work with other coaches in addition to Ms. Jones. (Deposition of Velma Jones pp. 13, ll. 10-15) Even with coaching sessions from Ms. Jones and other coaches, Mr. Mitchell showed very little to minimal progress. (it. et. ll. 13-18)

Ms. Jones described Claimant's work day and his work station. The work days were from eight to five on Monday through Friday with two 15 minute breaks and an hour for lunch for a total of 7.5 hour shifts. (Deposition of Velma Jones pp. 13, ll. 25 – pp. 14, ll. 6) The work stations were called pods that could be raised and lowered so that employees could either sit or stand. (Deposition of Velma Jones pp. 14, ll. 7-16) Hand rests and keyboards could be adjusted. (Id. at ll. 16-18) Employees could even walk around while working in the pods. (Id. at ll. 23-24)

Ms. Jones and Claimant were close enough to talk about personal issues at work. (Deposition of Velma Jones pp. 14, ll. 25 – pp. 15, ll. 9) Claimant told Ms. Jones he was "blown up" while in Afghanistan. (Deposition of Velma Jones pp. 16, ll. 1-11) She and Mr. Mitchell as well as other employees attended group lunches and Ms. Jones even attended a barbeque at Claimant's mother's house with her young son. (Deposition of Velma Jones pp. 16, ll. 9-23)

Ms. Jones reiterated that she was a coach and not a supervisor and that there were many supervisors and managers that any employee could reach out to for help for any reason. (Deposition of Velma Jones pp. 17, ll. 2-18) Claimant never informed Ms. Jones that he had any problems with his hands or back or that he had any issues that he thought were attributable to his work conditions or his work environment. (Deposition of Velma Jones pp. 15, ll. 16-25)

Ms. Jones was in attendance with coworkers and Mr. Mitchell on June 21, 2013, at a luncheon that occurred at a local restaurant. Claimant was out of work on disability at that time. (Deposition of Velma Jones pp. 18, ll. 11-21) After that luncheon, Ms. Jones never spoke with Claimant again. (Id. at ll. 11-16) Ms. Jones noted that as a result of the luncheon and subsequent events, she was asked to make a statement for police and ultimately testify in criminal proceedings against Claimant for the threats that were made against her. In her testimony which is attached to her Deposition as exhibit one, Ms. Jones described Claimant's demeanor at the June 21, 2013 luncheon. Per Ms. Jones, Claimant began the conversation by talking about being upset at work and called one of his coworkers who was at the luncheon a derogatory name. Claimant then began to characterize this person as an "Arab or something, just put a turban on him and call him Samir and he could be a New York taxi driver." (Deposition of Velma Jones Ex. 1, pp. 15) Per Ms. Jones, Claimant began to get louder and louder at the table such that another table got up and moved. (Id.) There was also another table with children that requested to be moved away. (Id.) Claimant then started talking about a new sniper rifle with armor piercing bullets that he had obtained. (Id.) Later, Claimant described his supervisor, Mr. Mike Battista, as "shit," and noted that he would "take care of him." (Id.) He made comments about his prior military history that to Ms. Jones just did not make sense. (Id.) Claimant then went on to note "you know my purpose, my main drive, my focus, my…fixation is to have Ken Baca

removed from that place in a box." Claimant then corrected himself and said Ken Baca to be removed with his stuff beside him in a box. (Id.) Claimant then went on to talk about Ms. Sharon Mayes, calling her "Sister Madea."(Id. at pp. 16) Claimant then got up from the table, threw some money on the table, and left. (Id.)

After being disturbed by the conversation during the luncheon, in particular the threats made to Mr. Baca, the references to guns and bullets and the military, Ms. Jones and the other employees in attendance at the luncheon went to Mr. Reggie Owens to report the actions of Claimant during the luncheon. (Id. at pp. 17) Approximately one week later, Ms. Jones and Mr. Battista started to receive texts perceived as threatening. (Id. at pp. 19)

In July of 2013, a delivery was made to Ms. Jones at work. The package was delivered by Darryl Bailey. (Id.) Mr. Bailey came to Ms. Jones with an envelope in his hands and said that a man had dropped off a leaf blower borrowed by Claimant with this package from Claimant and said take this package directly to Gina Jones, coach, immediately. (Id. at pp. 20) Ms. Jones and Mr. Bailey opened the package which contained a trespass notice for Dwight Inman and Ken Baca, Mr. Mitchell's concealed weapons permit, three cell phones, two pieces of notepad paper, one from a hunting club, a receipt from a 7-Eleven, and three business cards for a tree nursery in Anderson. (id et. pp. 20, ll. 8 – pp. 21, ll. 25) Ms. Jones was particularly struck by the concealed weapons permit. (Id.) After reviewing the receipt from the 7-Eleven further, Ms. Jones realized that the gas station/ 7-Eleven was near her mom's house. (Id. at pp. 22) Ms. Jones took from the package that Claimant knew where her mom lived and that he had a gun. (Id. at pp. 22) Ms. Jones noted that she was frightened by Claimant, as he made comments about coworkers and management that normal people would not do, and he threated to take people out of their work in a box. (Id. at pp. 23)

The Depositions of Donald Louis Canady, Scott Brown, Michael Leonard, and Dwight Inman were entered into evidence. These Depositions provide cumulative and corroborative evidence regarding the events that took place at the luncheon on June 21, 2013. During that luncheon, Claimant talked about obtaining a military sniper rifle with armor piercing bullets. He also mentioned that he wanted his supervisor, Mr. Ken Baca, to go out in a box and then corrected himself by stating that he was going to help Mr. Baca carry his stuff out in a box.

The Deposition of Donald Canady, who was the security manager for UPS in 2013, was reviewed. Mr. Canady noted that he became aware of Mr. Mitchell on the day of the luncheon. (Deposition of Donald Canady pp. 9, ll. 7-11) After learning about the luncheon, Mr. Canady understood Claimant threatened a supervisor and made statements regarding a new sniper rifle and armor piercing bullets. (Deposition of Donald Canady pp. 12, ll. 12-19) Mr. Canady ultimately contacted his boss and then contacted local law enforcement in Anderson. (Deposition of Donald Canady pp. 13, ll. 6-14) Mr. Canady was under the impression that the officer was going to make a face to face visit for a "knock and talk" with Claimant to determine if there was a credible threat. (Deposition of Donald Canady pp. 14, ll. 1-9) After the police contacted Mr. Mitchell, Claimant called Mr. Canady very upset, and hung up on Mr. Canady without being willing to converse about the situation in any way shape or form. (Deposition of Donald Canady pp. 15, ll. 1-21) The night after the "knock and talk", Mr. Canady spoke with the visiting officer and understood that there was no viable threat. (Deposition of Donald Canady pp. 17, ll. 2-6) The following Monday, however, the same detective contacted Mr. Canady and stated that all precautionary measures needed to take care of other employees needed to be taken immediately, that there was a viable threat, that Claimant was dangerous, and that they were calling to alert UPS right then. (Deposition of Donald Canady pp. 17, ll. 7-15) At that point, Mr. Canady

arranged for there to be officers around the clock at the UPS facility where Claimant formerly worked. (Deposition of Donald Canady pp. 18, ll. 22 – pp. 19, ll. 6) Mr. Canady noted that later a box of items including Claimant's concealed weapons permit appeared at the facility. (Id. at ll. 15-25)

Testimony of Mr. Reginald Owens:

Mr. Owens testified that he was the former HR manager at the inside sales site of UPS. He retired in August of 2018. (Hearing Transcript pp. 83, ll. 2-9) Mr. Owens testified that his job required him to be responsible for employee retention, recruitment, coaching, and counseling of both employees and management. (Hearing Transcript pp. 83, ll. 19-24) His job duties also included placement of employees, staffing analysis, investigation, and documentation. (Hearing Transcript pp. 83, ll. 25 – pp. 84, ll. 1) Mr. Owens was part of the hiring process, and was involved in hiring Mr. Mitchell. After his hire, Mr. Mitchell came to Mr. Owens attention, because he was having attendance issues. (Hearing Transcript pp. 84, ll. 19-23) As a result of the inquiry, Mr. Owens had a meeting with Mr. Mitchell to determine what the problems were and to help identify ways to help Mr. Mitchell. (Hearing Transcript pp. 85, ll. 2-7) Mr. Mitchell informed Mr. Owens that he was having medical issues that were contributing to his absenteeism, so Mr. Owens helped Claimant apply for and receive disability benefits. (Hearing Transcript pp. 85, ll. 6-14) Initially, Claimant reported heart issues. Later, he told Mr. Owens that he was having problems with his legs and hands that he attributed to an IED he stepped on while in Afghanistan. (Hearing Transcript pp. 85, ll. 21-25) Claimant went on to tell Mr. Owens that he was going to lose feeling in both of his legs and hands because of the IED exposure. (Hearing Transcript pp. 85, ll. 21- pp. 86, ll. 3) At no time did Mr. Mitchell tell Mr. Owens that

any of the problems with his hands or legs were attributable to his job. (Hearing Transcript pp. 86, ll. 4-9) and (Hearing Transcript pp. 86, ll. 24 – pp. 87, ll. 3)

Mr. Owens testified regarding the proper handling of a report of a work related injury. He noted that paperwork is immediately completed and employees are sent for the necessary medical treatment that they need before all paperwork is sent on to the workers' compensation carrier. (Hearing Transcript pp. 87, ll. 4-15) Mr. Owens noted that Claimant never filled out any paperwork related to a work accident, and never reported a work accident. (Hearing Transcript pp. 87, ll. 16-18) To the contrary, Claimant reported his physical issues were unrelated to work, so Mr. Owens helped Claimant complete disability paperwork (Hearing Transcript pp. 87, ll. 19-24)

Mr. Owens testified that he first learned Claimant was alleging a workers' compensation claim in late 2014, early 2015 when he was contacted by the workers' compensation attorney for UPS. (Hearing Transcript pp. 89, ll. 15-20) Mr. Owens went on to note that when he first learned that Claimant was alleging a workers' compensation claim, it was his understanding that Claimant was seeking benefits for some sort of mental disorder. (Hearing Transcript pp. 89, ll. 21-25)

Mr. Owens testified that Claimant did reach out to him to discuss the possibility of moving to a different position within the organization while he was still employed. Mr. Owens informed Claimant that he could not move to a different position, because he was not meeting the minimum performance requirements of his current position at that time. (Hearing Transcript pp. 58, ll. 13-21) No transfer was available to any employee who was not proficient in their current job.

Mr. Owens testified regarding the showing of a "Shots Fired" video to all employees in the Greenville ISR office. He noted that the purpose of showing the video was a corporate decision made to have employees prepare for an active shooter situation, due to what was going on in the world at the time. (Hearing Transcript pp. 90, ll. 4-9) Mr. Owens noted that Claimant never complained to him about having to watch the video and never reported at any time that any co-employee was calling him any names at work. (Hearing Transcript pp. 90, ll. 10-15) In fact, Mr. Owens testified that if an employee reported a name calling or teasing situation, an investigation would be undertaken immediately and steps would be taken to stop that activity. (Hearing Transcript pp. 90, ll. 16-22) Mr. Owens noted that Claimant never complained about his supervisors, coach, or managers to him. (Hearing Transcript pp. 90, ll. 23 – pp. 91, ll. 1) To the contrary, Claimant reported to Mr. Owens that his supervisor and manager were helping him and he actually commended his coach, Ms. Velma Jones. (Hearing Transcript pp. 91, ll. 2-5) Mr. Owens confirmed that on June 21, 2013, when Claimant went to lunch with coworkers and threatening comments were made, Claimant was out of work on disability and was not an active employee at that time. (Hearing Transcript pp. 91, ll. 15-22)

Mr. Owens testified that in July of 2013, Mr. Mitchell had a package delivered to the UPS facility containing three cell phones, a concealed weapons permit, receipts, and a business card. (Hearing Transcript pp. 92, ll. 1-7) He noted that the receipts were from stores that were close to family members of Claimant's coach, Ms. Velma Jones and that the package was actually delivered to Ms. Jones. (Hearing Transcript pp. 92, ll. 8-12) Mr. Owens noted that after the package was delivered, he felt personally threatened. (Hearing Transcript pp. 92, ll. 17-19) Mr. Owens noted that he had worked for UPS for 41 years prior to that event and that with his knowledge of Claimant's military background, the things Claimant had purportedly done, he felt

Claimant was very capable of hurting him and other employees. (Hearing Transcript pp. 92, ll. 20 – pp. 93, ll. 10) After the package was delivered, Mr. Owens noted that UPS spent hundreds of thousands of dollars for additional security in light of Mr. Mitchell's actions. (Hearing Transcript pp. 93, ll. 17 – pp. 94, ll. 2)

Testimony of Ms. Sharon Mayes

Ms. Sharon Mayes testified that she is a manager of 83 inside sales representatives, four supervisors, and five coaches that cover three UPS sales territories. (Hearing Transcript pp. 106, ll. 20) She was in that position during the time Claimant worked for UPS as well. (Hearing Transcript pp. 106, ll. 24 – pp. 107, ll. 1) Ms. Mayes explained that the duties of an inside sales representative are to manage an area and work in conjunction with representatives in the field. (Hearing Transcript pp. 107, ll. 2-7) She noted that Mr. Mitchell did not meet the minimum expectations of an ISR, so they quickly assigned a coach to help him. (Hearing Transcript pp. 107, ll. 8-19) The coach's job was to help plan his sales acumen, answer any questions he may have, and to make sure there was a smooth transition from training to becoming a full ISR. (Hearing Transcript pp. 107, ll. 12-19) Ms. Mayes noted that it is not unusual for an ISR to have a coach. (Hearing Transcript pp. 107, ll. 20-25) Ms. Mayes noted that when Claimant was initially hired, he did receive some accolades as an ISR, because he inherited a territory from an ISR that was promoted due to her performance in the same territory. (Hearing Transcript pp. 108, ll. 11-25) The accolades were based on sales by the prior ISR. She noted that prior to becoming an ISR, Claimant went through approximately six weeks of training in a temporary/training group called the associates group. (Hearing Transcript pp. 109, ll. 4 – pp. 110, ll. 4) Ms. Mayes noted that towards the end of his tenure, Claimant did ask to be transferred from the ISR position back to the temporary, associates group. (Hearing Transcript pp. 110, ll. 5-15) She noted that he

also made a request to go to security, but there was not a security position available and Claimant was unable to transfer within the company because he was not meeting the minimum requirements of his job that he held at the time. (Hearing Transcript pp. 110, ll. 16-23)

Ms. Mayes noted that her job is to make sure that her ISRs are getting help and support, so she spoke with Mr. Mitchell and learned of his medical issues. (Hearing Transcript pp. 110, ll. 24 – pp. 11, ll. 17) Ms. Mayes then referred Mr. Mitchell to the HR manager, Reggie Owens, to help him with the disability process. (Hearing Transcript pp. 111, ll. 13-17) In fact, Ms. Mayes described her position as the cheerleader for her people to help them stay motivated and succeed. (Hearing Transcript pp. 112, ll. 1-15) While Mr. Mitchell did tell Ms. Mayes that he was having physical problems, he never told her the source of his reported physical problems. (Hearing Transcript pp. 112, ll. 16-23) Claimant informed Ms. Mayes that he had been exposed to an improvised explosive device while he was in the armed services. (Hearing Transcript pp. 113, ll. 2-17)

Ms. Mayes testified that throughout all of her dealings with Claimant, he never told her that he was having any problems with his supervisors, coach, or co-employees. (Hearing Transcript pp. 113, ll. 18-21) She noted that there is an open door policy and that if someone does not feel comfortable with the open door, there is a 1-800 number that can be called to report any issues that any employee feels uncomfortable with in the working environment. (Hearing Transcript pp. 113, ll. 22 – pp. 114, ll. 15)

Ms. Mayes testified regarding Claimant's work station and work duties. She noted that all ISRs had ergonomic chairs and work stations that would raise or lower so that employees could stand or sit and move around. (Hearing Transcript pp. 114, ll. 25 – pp. 115, ll. 10) Ms.

Mayes noted that when ISRs spoke to clients they would type into the computer to document the result of the calls. (Hearing Transcript pp. 115, ll. 25 – pp. 116, ll. 12)

Ms. Mayes went on to testify regarding her knowledge of the events surrounding the luncheon on June 21, 2013 and subsequent events. While Ms. Mayes was not at the luncheon, she did see the group of the employee attendees return after lunch. (Hearing Transcript pp. 117, ll. 14-17) She noted that she noticed something was wrong with them after lunch so she asked if they were okay. (Hearing Transcript pp. 117, ll. 18-24) Ms. Mayes testified regarding her understanding of the events of that luncheon and how they impacted her. She noted that she did not understand Mr. Mitchell's actions because all they were trying to do was help him. (Hearing Transcript pp. 118, ll. 5-8) She felt horrified by the comments that were apparently made at the luncheon. (Hearing Transcript pp. 118, ll. 13-17) Ms. Mayes reiterated that she had no idea Claimant was alleging a workers' compensation claim until she was contacted by the attorney for UPS. (Hearing Transcript pp. 118, ll. 25 – pp. 119, ll. 4)

Medical and Documentary Evidence:

All of the medical and documentary evidence submitted at the hearing was reviewed in this claim. A summary of the medical and documentary evidence I find most relevant to the issues at hand is noted below.

The records and Deposition testimony of Dr. Rebecca Norris show that she initially evaluated Claimant on August 25, 2011, to become an established patient. At that time, Claimant was reporting some swelling in his legs and hands and headaches. (Deposition of Dr. Rebecca Norris pp. 6, ll. 10-24) Dr. Norris made it clear that Claimant did not report any psychological concerns to her upon initial presentation. (Deposition of Dr. Rebecca Norris pp. 41, ll. 10-24) Dr. Norris went on to note that she had no understanding of whether or not

Claimant had a history of manic issues or psychological issues in his life prior to June of 2013. (Deposition of Dr. Rebecca Norris pp. 41, ll. 25 – pp. 42, ll. 6) In fact, Dr. Norris testified that she had no understanding, prior to her deposition, that Claimant was involuntarily committed to Patrick B. Harris in 2006 and that he had previously been described as psychotic and disoriented. (Deposition of Dr. Rebecca Norris pp. 42, ll. 16-24)

Dr. Norris noted that in her career she has treated people with bipolar disorder and that one of the signs and symptoms of bipolar disorder is the lack of ability of the patient to be able to understand what the problem is and how to fix it. (Deposition of Dr. Rebecca Norris pp. 44, ll. 12-24) She acknowledged that records that were presented to her for the first time showed that Claimant had a history of bipolar disorder and a history of reporting the lack of need of services to treat that condition. (Deposition of Dr. Rebecca Norris pp. 45, ll. 3-14) Dr. Norris testified that she did not treat Claimant for bipolar disorder and that bipolar disorder is not something that just goes away. (Deposition of Dr. Rebecca Norris pp. 48, ll. 2-4) She testified that the condition needs to be treated as it is a chronic condition that requires medication and/or counseling. (Deposition of Dr. Rebecca Norris pp. 48, ll. 12-21) She noted that people with the condition are prone to making grandiose statements. (Deposition of Dr. Rebecca Norris pp. 48, ll. 22-25) She also noted that someone with Claimant's diagnoses would be hypersensitive to someone telling them, even in the most usual way, that they are not meeting their production quota or becoming hypersensitive to authority or criticism if they are untreated. (Deposition of Dr. Rebecca Norris pp. 49, ll. 6-25)

Dr. Norris noted that she had no understanding of Claimant's outside of work activities and her only knowledge regarding Claimant's work activities was a job description provided by Claimant's Attorney at her Deposition. (Deposition of Dr. Rebecca Norris pp. 33, ll. 10-20) She

admitted that in her practice when she sends someone out for a specialist referral, she defers to the specialist on issues such as causation, diagnosis, and treatment. (Deposition of Dr. Rebecca Norris pp. 34, ll. 13 – pp. 35, ll. 6)

Dr. Norris acknowledged that she completed forms for Claimant to help him receive disability benefits. On one form dated July 5, 2013, she specifically noted that Claimant's diagnosis was back pain and that the condition was not related to work. (Deposition of Dr. Rebecca Norris pp. 36, ll. 16 – pp. 37, ll. 2) Dr. Norris went on to note, after reviewing a complete copy of her medical file, she could not identify any mention by Claimant that any of his problems she treated were related to work. (Deposition of Dr. Rebecca Norris pp. 54, ll. 3-20) Lastly, Dr. Norris noted that she has not evaluated or seen Claimant since May 6, 2014. (Deposition of Dr. Rebecca Norris pp. 55, ll. 5-7)

The records of The Hand Center show that Claimant was evaluated there on June 10, 2013 by Dr. Timothy Dew. At that time, Claimant reported bilateral hand pain that he noticed in April after he had a cardiac event. (Claimant's APA #31 pp. 1166) Dr. Dew noted Claimant had very mild carpal tunnel and possible peripheral neuropathy versus cervical radiculopathy (Id. at pp. 1167) Dr. Dew went on to note that he believed that most of Claimant's symptoms were not related to his carpal tunnel, especially from his exam and nerve studies. (Id.) Dr. Dew's records clearly note that Claimant presented there reporting that his problems were not related to work. (Id. at pp. 1168)

Records and Deposition Testimony of Dr. Patrick Bowman Mullen:

Dr. Mullen testified that he is a practicing psychiatrist who is not board certified. (Deposition of Dr. Mullen pp. 5, ll. 7-19) Dr. Mullen was retained by Claimant to prepare a physician assessment statement. Dr. Mullen acknowledged that he never met Claimant, never

spoke to Claimant, and he never reviewed Claimant's Deposition that was taken in this claim. (Deposition of Dr. Mullen pp. 6, ll. 3 – pp. 7, ll. 12) Dr. Mullen went on to note that Claimant's Attorney prepared the 31 question physician assessment statement for him. (Deposition of Dr. Mullen pp. 7, ll. 13-18) Dr. Mullen was asked specific questions regarding each of the pre-prepared statements noted in the physician assessment statement he signed. He noted that he had no personal knowledge of Claimant's job duties or work station. (Deposition of Dr. Mullen pp. 6, ll. 1-14) He noted clearly that he was not an orthopedist and that he would defer to a board certified orthopedist on issues of causation of orthopedic injuries. (Deposition of Dr. Mullen pp. 11, ll. 18-24) Dr. Mullen noted on the statement that he had no independent knowledge of any potential intervening causes for Claimant's physical issues. (Deposition of Dr. Mullen pp. 11, ll. 25 – pp. 12, ll. 13) However, when he completed the statement, he was unaware that Claimant was diabetic and had uncontrolled diabetes at the time or that he had a diagnosis of peripheral neuropathy. (Deposition of Dr. Mullen pp. 12, ll. 23 – pp. 13, ll. 18) When presented with that information, Dr. Mullen reversed his answer to question seven on his assessment. (Deposition of Dr. Mullen pp. 13, ll. 12-23)

In his physician assessment, Dr. Mullen also provided opinions regarding Claimant's carpal tunnel diagnosis. However, Dr. Mullen noted clearly that he would absolutely defer to Dr. Timothy Dew, a board certified orthopedist, on all issues of carpal tunnel causation. (Deposition of Dr. Mullen pp. 14, ll. 11-23) Dr. Mullen had no knowledge that Dr. Dew's records indicated that Claimant's problems were not related to work. (Deposition of Dr. Mullen pp. 14, ll. 24 – pp. 15, ll. 12) As such, he went on to note that his answer to number eight on the physician assessment statement was incorrect within a reasonable degree of medical certainty. (Deposition of Dr. Mullen pp. 15, ll. 13-19)

Dr. Mullen testified that conditions such as PTSD and bipolar disorder were treatable conditions with psychotherapy and medications. (Deposition of Dr. Mullen pp. 15, ll. 20 – pp. 16, ll. 18) Dr. Mullen acknowledged that a trigger of vulnerability to manic depression is not taking medications and not participating in psychotherapy. (Deposition of Dr. Mullen pp. 16, ll. 24 – pp. 17, ll. 7) Dr. Mullen went on to note that someone with diagnoses such as Claimant's is more likely to go into a depressive or manic state without treatment. (Deposition of Dr. Mullen pp. 18, ll. 16 – pp. 19, ll. 12)

Dr. Mullen noted that information provided to him by Claimant's Attorney did not include a report from Dr. Musick, in which Dr. Musick opined that Claimant was a manic in a manic phase that included grandiose and paranoid delusions and firmly sustained false beliefs from July 2006 to September 2006. (Deposition of Dr. Mullen pp. 21, ll. 3 – pp. 22, ll. 16) Dr. Mullen acknowledged reports stating that as far back as 2006 Claimant reported that he was unable to maintain a job for any length of time due to being non-compliant with his medication therapy and that he would only work for employers for short stints because he got tired of them thinking he would be better in a new position. (Deposition of Dr. Mullen pp. 23, ll. 19 – pp. 25, ll. 4) Dr. Mullen acknowledged that someone with Claimant's diagnoses was prone to react poorly to people in authority including policemen or a boss. (Deposition of Dr. Mullen pp. 25, ll. 2-13) Dr. Mullen noted that in his untreated, psychiatric condition, Claimant generally may have a different grasp on reality than someone without his untreated diagnoses. (Deposition of Dr. Mullen pp. 30, ll. 6-17) Dr. Mullen also noted that it is more likely than not with Claimant's untreated psychiatric diagnoses that even having a coach come work with him could be perceived as picking on him as opposed to trying to help him succeed in his job. (Deposition of Dr. Mullen pp. 33, ll. 5-17) Dr. Mullen acknowledged that the records he received prior to

completing his physician's assessment did not contain the report of Dr. Musick and did not contain information regarding Claimant's prior plea to terroristic threats or references to numerous prior jobs that Claimant left due to either altercations with co-employees or employers. (Deposition of Dr. Mullen pp. 34, ll. 4 – pp. 35, ll. 12) In fact, Dr. Mullen reported being puzzled by the gap in time contained within the records provided to him. (Deposition of Dr. Mullen pp. 35, ll. 5-25) Dr. Mullen acknowledged that had he actually had the opportunity to sit down with the Claimant he would have been on a different foundation and would have had a much more present state exam versus just a review of records. (Deposition of Dr. Mullen pp. 37, ll. 1 – pp. 38, ll. 1)

Dr. Mullen acknowledged that in reviewing the medical records provided to him, he could find no indication where Claimant actually said he believed his problems with his back or his hands were related to his work. (Deposition of Dr. Mullen pp. 39, ll. 20 – pp. 40, ll. 5) Dr. Mullen noted that after reviewing the records presented to him at his Deposition and being provided the information regarding Claimant's untreated psychiatric diagnoses, Claimant has a pattern of problems with prior employers. (Deposition of Dr. Mullen pp. 42, ll. 19-25) Dr. Mullen acknowledged that the records presented to him show that Claimant just did not tell the truth and that was consistent with his diagnoses. (Deposition of Dr. Mullen pp. 43, ll. 1-11) Dr. Mullen went on to note that based on the information provided to him in his Deposition he could not state within a reasonable degree of medical certainty what caused Claimant to make comments in June of 2013 that were either perceived as threatening or were in fact threatening. (Deposition of Dr. Mullen pp. 48, ll. 12 – pp. 49, ll. 14)

Based on the foregoing facts on the record I hereby issue the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Claimant currently alleges that he sustained an injury by accident on June 21, 2013, in the Form of an aggravation to his psyche, lower back, and bilateral carpal tunnel syndrome. Further, Claimant asserts he is at maximum medical improvement for all conditions as of the date of injury.
2. Claimant filed his first Form 50, Request for Hearing, on December 23, 2014. On that form, Claimant alleged a mental claim only. A hearing on that Form 50 was set to occur on October 27, 2017, before the undersigned Commissioner. After the pre-hearing conference, Claimant withdrew his Request for Hearing.
3. Claimant filed a new Form 50, Request for Hearing, on November 16, 2017. On that Request for Hearing, filed four years and five months after the date of the alleged accident, Claimant alleged a mental injury only.
4. On February 2, 2018, four years and eight months after the alleged accident, Claimant filed an Amended Form 50, alleging a mental injury and exacerbation of the lumbar spine and bilateral carpal tunnel.
5. The record is replete with evidence that Claimant's low back, carpal tunnel syndrome, and psychological condition predate the alleged date of injury in this matter. The remaining question is whether these issues were aggravated by the employment. I find they were not.
6. With regard to the aggravation of the bilateral carpal tunnel syndrome and the low back, I find no record in this voluminous file that Claimant was asserting any aggravation to these scheduled conditions until his Form 50 dated February 2, 2018, nearly five years

after his alleged date of injury. Furthermore, Claimant asserted on numerous occasions that his hands, legs, and back issues were due to stepping on an IED while serving in the US Army. Of particular note, Claimant never served in the army and was never in Afghanistan. Also, on his long term disability form, (Def. APA pp. 808) Claimant asserts that his back issues are unrelated to his employment. Also, Dr. Dew, a board certified orthopedist who saw Claimant regarding his bilateral hand issues, noted Claimant's problems were not related to employment (Def. APA pp. 1168) and noted his belief that the bulk of Claimant's symptoms were likely not related to carpal tunnel. (Id. at pp. 1167)

7. While Claimant did obtain a physician assessment statement from Dr. Robert Mullen, any inference in the questionnaire answered by Dr. Mullen is significantly offset by a thorough reading of his Deposition. First, I note that Dr. Mullen never examined, met, or even spoke with Claimant. Second, Dr. Mullen is a psychiatrist and has never practiced any other form of medicine since he was licensed in 1978. He specifically states that he would defer on any issues that were relative to causation of the back and carpal tunnel syndrome to physicians that practice in those areas. Third, it was clear that his conclusions were based on inaccurate and/or missing information. Dr. Mullen even noted being perplexed by gaps in the information provided to him.
8. The Deposition testimony and records of Dr. Norris are insufficient to establish causation for the physical components of this matter. Dr. Norris made it very clear that even after a thorough review of all of her records, she could find no reference to any complaint by Claimant of his problems being related to work. Dr. Norris noted that she had no understanding of Claimant's outside of work activities, had limited understanding of his

medical history, and had no understanding of his work activities at UPS. She then went on to note that she has not even evaluated Claimant since 2014. While Dr. Norris states that working nine to ten hours a day sitting, would make his back issues worse, it was clear that Dr. Norris did not have accurate information regarding Claimant's work station, work duties, or even his work hours. Further, Dr. Norris admitted unequivocally that she would defer to specialists on issues of causation.

9. I find insufficient evidence in the records to support Claimant's work caused or aggravated his bilateral carpal tunnel syndrome and lower back issues.

10. I find entitlement to benefits for back and bilateral carpal tunnel syndrome, even if they were aggravated, would be barred by the equitable Doctrine of *Latches*. The first pleading alleging any injury or aggravation to Claimant's back or arms was on a Form 50 filed by Claimant on February 2, 2018, four years and eight months after the alleged accident. Claimant never informed his Employer at any time before February 2, 2018, that he was alleging anything other than a mental/mental claim. This delay by Claimant to report and / or prosecute a claim for problems he believed were attributable to his work was unreasonable and deprived Defendants with the opportunity to defend the claims until much later when many of the witnesses had moved or left employment. Further, Claimant provided no reasonable explanation for his delay to prosecute or even allege these injuries were related to his work. Further, Claimant clearly testified that his back and arm issues were aggravated by work he performed in prison, well after leaving UPS.

11. I find Defendants were never provided notice of this claim until a Form 50 dated December 23, 2014, nearly 18 months after the date of alleged injury. At that time, the claim was limited only to a mental claim. Claimant's testimony that he did not want to

provide notice because he did not want to place his long term disability benefits at jeopardy does not rise to the level of a reasonable excuse as contemplated in South Carolina Code Ann. §42-15-20. Claimant's delinquency in providing notice was purely for personal gain. Claimant's delinquency caused prejudice to Defendants by failing to provide them with enough time to reasonably investigate Claimant's assertions until almost 18 months had elapsed. Therefore, Claimant's request for benefits, even assuming his injuries arose out of the course of employment, is denied based on failure to provide timely notice.

12. I also note that Claimant's purported reason for filing this claim was to ensure that his medical providers received payment for their services and for someone to hear about what he went through at UPS and to hopefully prevent someone from going through the same thing.

13. I would be remiss if I failed to note that Claimant was fired by Defendants on August 16, 2013 for intimidating another UPS employee who was a witness in a separate, but somewhat related criminal matter. Claimant was charged with intimidation, found guilty and sentenced to ten years in prison for his actions.

14. I find the record as a whole is insufficient to establish causation as it related to aggravation of the psyche. Claimant's records are replete with prior psychological problems. In 2006 Claimant was involuntarily committed after an altercation involving a police officer. Claimant was diagnosed with bipolar disorder at that time. While Claimant was supposed to receive ongoing treatment for that disorder, Claimant failed to acknowledge the gravity of his disease and even when on treatment, did not comply with his treatment regimen. In 2008, Claimant was involved in an altercation in Kentucky that

led him to enter an Alford plea of terroristic threats. Claimant admitted that he was not taking his medication in 2012 and 2013 and was not attending counseling for his known psychiatric conditions. The record clearly shows Claimant had a history of difficulties and altercations with prior employers and employees. The record also shows that Claimant had a poor work history that usually involved only short stints with the employer because he felt like his skills would be better suited in a different position. In reviewing the medical records and medical opinions, it is clear that physicians believe that Claimant's poor work history related to continued employment was a sign and symptom of him refusing to take care of his psychological disease with medication and therapy. Further, there is insufficient testimony that any compensable physical injury aggravated Claimant's mental condition.

15. While Claimant has alleged an aggravation of his mental condition, he has failed to show his mental condition was aggravated by any compensable physical injury, and he has failed to show any aggravation occurred from unusual and extraordinary conditions of employment. The records establish that the conditions that Claimant complains of were merely normal work conditions and to the credit of UPS, they went above and beyond to work with Claimant by providing coaching and help. It was only because of Claimant's actions that he was terminated by UPS.

16. I note that the alleged date of injury, June 21, 2013, the day Claimant went to lunch with co-employees where the purported threats were made, is after Claimant went out of work on disability (June 11, 2013). Therefore, Claimant was not even working on the date of his alleged injury. Even if Claimant's alleged injury arose out of his employment, which it did not, it did not arise in the course of employment.

17. For all of the reasons stated above, Claimant's request for benefits is denied in its entirety.

CONCLUSIONS OF LAW

1. South Carolina Code Ann. §42-1-160 is applicable in defining an injury by accident. Based on my Findings of Fact, Claimant has not shown that he sustained an injury by accident arising out of and in the course of his employment. Claimant has failed to meet his burden by preponderance of the evidence that he sustained an aggravation of a preexisting condition as it pertains to his back, arms, carpal tunnel syndrome and psyche. Claimant did not show a compensable physical injury aggravated his mental condition. Additionally, he did not prove that his mental condition was caused by or aggravated by unusual and extraordinary conditions of employment.
2. The Doctrine of *Latches* is applicable in that Claimant waited almost five years before asserting injuries to his back or carpal tunnel syndrome. His delay was unreasonable, prejudiced Defendants and no reasonable explanation was provided to account for the delay. Thus, he is barred from receiving benefits under the Doctrine of *Latches*, even assuming he sustained a compensable injury, which he did not. See Richey v. Dickinson and Travelers Prop. Cas. Co., 359 S.C. 609, 598 S.E2d 307 (Ct. App. 2004)
3. South Carolina Code Ann. §42-15-20 is applicable in showing the time frame within which a Claimant must provide notice of any injury by accident. Claimant in this matter did not provide timely notice, there was no reasonable excuse for his delay, and Defendants were prejudiced by his delay. Claimant reported an alleged mental injury almost 18 months after the purported accident and first provided notice of an alleged

aggravation to his back and bilateral carpal tunnel syndrome almost five years after the alleged injuries occurred.

4. South Carolina Code Ann. §42-17-40 is applicable in defining the conduct of hearings and the rendering of awards.

ORDER

Based on the foregoing testimony, APA submissions, Findings of Fact and Conclusions of Law, **IT IS HEREBY ORDERED** that Claimant did not meet his burden of establishing an injury by accident arising out of and in the course of his employment. Therefore, his request for benefits pursuant to the South Carolina Workers' Compensation Act is hereby denied.

IT IS FURTHER ORDERED that even if Claimant had established an injury by accident arising out of and in the course of his employment, his request for benefits would be denied for failure to provide proper notice and by the Doctrine of *Latches*.

AND IT IS SO ORDERED.

T. Scott Beck, Commissioner

CERTIFICATE OF SERVICE

This is to certify the undersigned has this date served this order in the above entitled action upon all parties to this cause by sending an electronic copy hereof by electronic mail addressed to the attorney or attorneys for said parties or by depositing a copy hereof, postage paid, in the United States certified mail addressed to any unrepresented party.
February 14, 2019

By: Shawnee DeBruhl, Administrative Assistant to Commissioner Beck

FORM 30
REQUEST FOR COMMISSION REVIEW
February 27, 2019

South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
803-737-5675

WCC File #: 1322347
Carrier File #: WC555C6285
Carrier Code #:
Employer FEIN #:

Claimant's Name: Courtney Ray Mitchell SSN: 250-27-4888
Address: Evans Correctional, 610 Hwy. 9 West
City: Bennetsville State: SC Zip: 29512

Employer's Name: United Parcel Service
Address: 204 Halton Road
City: Greenville State: SC Zip: 29607

Home Phone: Work Phone: Insurance Carrier: Aetna Insurance
Preparer's Name: Donald L. Smith, Esquir Law Firm: Atty. Office of Donald Smith Preparer's Phone #: 864 642 9284

REQUEST FOR COMMISSION REVIEW

Request for Commission Review by ☒ claimant ☐ employer (check one) Date of injury: June 21, 2013

The undersigned makes application for review of the findings of the Commissioner in the above-captioned case. The request for review is based on the following grounds: (State the grounds of your appeal in the form of questions presented. Each question presented must contain a concise statement of one proposition of law or fact. Refer to evidence by title and exhibit number. Use additional pages if necessary).

Please see attachment for the basis of Grounds for Appeal .

(Check one) Oral argument ☒ is ☐ is not requested. Appellant's request for oral argument is waived if not indicated on this form.

I certify that I have served this document pursuant to R.67-211 by delivering a copy to Mr. O. Shayne Williams, Esquire
Name

PO Box 1349 Myrtle Beach SC 29577
Address

on the 27th day of February, 2019 by ☑ first class mail ☐ personal service ☐ certified mail.

D L Smith
Preparer's Signature

Attorney
Title

February 27, 2019
Date

Check this box if you are not represented by an attorney. ☐

If the claimant appeals and is representing himself or herself, the Judicial Department will prepare the additional copies of this form and serve this form on the opposing party. R.67-701B. Otherwise, file the original and four copies of this form with the Judicial Department. The appeal must be postmarked no later than 14 days from the date of service of the Hearing Commissioner's decision. R.67-701 and R.67-205. Attach the filing fee to this form. Attach a Form 32 if you are unable to pay the filing fee. Refer to R.67-701 through R.67-711 for additional information.

ATTORNEY OFFICE OF DONALD SMITH

122 N. Main St.
Anderson SC 29621
attorneydonaldsmith@gmail.com

Donald L. Smith, Esquire

Telephone: (864) 642-9284
Facsimile: (864) 642-9285

March 7, 2019

Ms. Skylet Kean
Court Reporter

RE: Courtney Ray Mitchell
WCC File No. 1322347

Dear Ms. Kean,

On November 2, 2018, the above case was heard before Commissioner T. Scott Beck in Columbia, South Carolina. My records indicate that you were the court reporter for the above-referenced hearing.

I have filed a Form 30 to appeal the above-mentioned case. In this regard, I respectfully request that you provide me with a transcript of the entire record.

Thank you in advance for any courtesies that you may extend on my behalf in these matters.

Sincerely,

Donald L. Smith (Bar#6699)
Attorney for Appellants
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com

FORM 30 ADDENDUM
Grounds for Appeal
Courtney Ray Mitchell
WCC# 1322347

1. Claimant currently alleges that he sustained an injury by accident on June 21, 2013, in the Form of an aggravation to his psyche, lower back, and bilateral carpal tunnel syndrome. Further, Claimant asserts he is at maximum medical improvement for all conditions as of the date of injury.
2. Claimant filed his first Form 50, Request for Hearing, on December 23, 2014. On that form, Claimant alleged a mental claim only. A hearing on that Form 50 was set to occur on October 27, 2017, before the undersigned Commissioner. After the pre-hearing conference, Claimant withdrew his Request for Hearing.
3. Whether the Single Commissioner erred as a matter of fact and law in Fact 3, by implying the defense was prejudiced by what was common knowledge
4. Whether the Single Commissioner erred as a matter of fact and law in Fact 4, by not considering the fact Claimant's mental issues were highly publicized to the entire UPS plant on June 21, 2013; and, he was on disability due in part to his hands and his back.
5. Whether the Single Commissioner erred as a matter of fact and law in Fact 5 by failing to give weight to the expert witnesses.
6. Whether the Single Commissioner erred as a matter of fact and law in Fact 6, in failing to recognize that the issues for which Claimant was originally on disability in the beginning of June 2013.
7. Whether the Single Commissioner erred as a matter of fact and law in Fact 7 in that Dr. Mullen did not withdraw his opinion that the manner in which UPS addressed Mr. Mitchell was the leading cause of Mr. Mitchell's exacerbation of his bipolar.

8. Whether the Single Commissioner erred as a matter of fact and law in Fact 8 in finding that Dr. Norris did not believe that sitting for eight hours at a computed would not exacerbate his back issues, as well as his hand issues. I find insufficient evidence in the records to support Claimant's work caused or aggravated his bilateral carpal tunnel syndrome and lower back issues.
9. Whether the Single Commissioner erred as a matter of fact and law in Fact 9 in finding that *Laches* applies in this matter given the fact that the defense was aware of the health issues in June of 2013.
10. Whether the Single Commissioner erred as a matter of fact and law in Fact 10 in finding that the defendants did not have notice of the mental issues with which claimant was struggling on June 21, 2013.
11. Whether the Single Commissioner erred as a matter of fact and law in Fact 11 by discussing Claimant's criminal case when that case had nothing to do with his mental health; and, therefore, was irrelevant.
12. Whether the Single Commissioner erred as a matter of fact and law in Fact 12 when he finds that the record of aggravation is insufficient when acts of aggravation were systemic, including calling Claimant "Shots Fired!"
13. Whether the Single Commissioner erred as a matter of fact and law in Fact 13 in not recognizing when Dr. Mullen acknowledged that Claimant's "coach" was at the epicenter of his destruction.
14. Whether the Single Commissioner erred as a matter of fact and law in failing to recognize employer's abuse of Claimant at the work place culminated with the event of June 21, 2013.

15. Whether the Single Commissioner erred as a matter of fact and law in not using the proper standard in concluding Claimant had not proven his case.

CONCLUSIONS OF LAW

1. Whether the Single Commissioner erred as a matter of fact and law in Conclusion 1 in finding that Claimant did not prove that his disability stemmed from the exacerbation of his bipolar condition, hand difficulties and back issues; and, in subsequently denying him benefits pursuant to South Carolina Code Ann. §42-1-160.
2. Whether the Single Commissioner erred as a matter of fact and law in Conclusion 2 in applying *Laches* when all of the health issues which Claimant raised were known in June of 2013.
3. Whether the Single Commissioner erred as a matter of fact and law in Conclusion 3 in finding that Claimant failed to give proper notice to the defendants pursuant to South Carolina Code Ann. §42-15-20, when the assessment of the co-workers at lunch on June 21, 2013 was that Claimant had a "psychotic break"; and, he held a grudge against UPS and his co-workers for injuring him and his family.

ORDER

Whether the Single Commissioner erred as a matter of fact and law in Order 1 in failing to use the proper evidentiary standard in issuing his order.

Whether the Single Commissioner erred as a matter of fact and law in Order 2 in applying *Laches* in rendering his decision.

STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE Courtney Ray Mitchell, Claimant, vs. United Parcel Service, Employer, and Liberty Insurance Corporation, Carrier, Defendants.	BEFORE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION **CERTIFICATE OF SERVICE BY MAIL** W.C.C. File No.: 1322347

THE UNDERSIGNED person deposes and says that he served a copy of a Form 30 for the above-referenced Claimant in this action, by placing a copy thereof in an envelope addressed to the party at the address shown below, which envelope was sealed and postage thereon fully prepaid, and deposited in the United States Mail at Anderson, South Carolina, and that there is regular communication by the United States Mail between the place of mailing and the place addressed as follows:

Date: 2/27/2019

Donald L. Smith, (SC Bar#6699)
Attorney for Claimant
ATTORNEY OFFICE OF DONALD SMITH
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com

MAILED TO:

O. Shayne Williams, Esquire
McAngus Goudelock & Courie, LLC.
P O Box 1349
Myrtle Beach SC 29578

SCWCC
MAR 04 2019
JUDICIAL

FORM 31

BRIEFING SCHEDULE AND NOTICE OF APPELLATE HEARING

April 12, 2019

South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723

WCC File #: 1322347
Carrier File #: 555C62858
April 12, 2019

FORM 31 BRIEFING SCHEDULE AND NOTICE OF APPELLATE HEARING

United Parcel Service Inc. v Courtney Mitchell

Filing Date for Appellant's Brief: May 12, 2019

Subject: **Set on Review.**

Date: **06/17/19 at 01:30 PM**

Location: **South Carolina Workers' Compensation Commission**
1333 Main Street, Suite 500
Columbia, SC 29201

You are receiving this notice pursuant to South Carolina Regulation 67-704. This matter is to be set for Full Commission Review on the above date. Regulation 67-705(A) requires the appellant to file a brief which includes a statement of the case, questions presented, argument, and the conclusion by the date above. Pursuant to Regulation 67-205, please submit your brief electronically through the **Upload** functionality in eCase located on the Commission's website at www.wcc.sc.gov.

The claimant must attend when not represented by an attorney or when disfigurement is involved. Corporations must be represented by an attorney, and uninsured employers must attend.

Pursuant to South Carolina Regulation 67-705, the Respondent may file a responding brief within fifteen (15) days of service of Appellant's brief. Appellant may then file a reply brief within ten (10) days of service of Respondent's responding brief. All briefs must be received by the Workers' Compensation Commission at least five (5) days before the scheduled date for review.

For questions regarding this matter, please visit eCase Status at **www.wcc.sc.gov** or contact the Judicial Department of the South Carolina Workers' Compensation Commission at (803) 737-5739.

The Commission requests your presence thirty minutes prior to your scheduled oral argument.

This matter is set before: Panel A

CERTIFICATE OF SERVICE – This is to certify the undersigned has served this notice in the above entitled action upon all parties to this cause by sending a copy hereof by electronic mail or United States mail. Unrepresented parties were served by United States Postal Service first class postage.

Party	Attorney
Employee: Courtney Mitchell	Donald L. Smith attorneydonaldsmith@gmail.com 864-642-9284
Employer: United Parcel Service Inc. Carrier: Liberty Insurance Corporation	O Shayne Williams shayne.williams@mgclaw.com 843-848-6018

FORM 31
BRIEFING SCHEDULE AND NOTICE OF APPELLATE HEARING
March 15, 2019

South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723

WCC File #: 1322347
Carrier File #: 555C62858
March 15, 2019

FORM 31 BRIEFING SCHEDULE AND NOTICE OF APPELLATE HEARING

United Parcel Service Inc. v Courtney Mitchell

Filing Date for Appellant's Brief: April 14, 2019

Subject: **Set on Review.**

Date: **05/20/19 at 04:30 PM**

Location: **South Carolina Workers' Compensation Commission**
1333 Main Street, Suite 500
Columbia, SC 29201

You are receiving this notice pursuant to South Carolina Regulation 67-704. This matter is to be set for Full Commission Review on the above date. Regulation 67-705(A) requires the appellant to file a brief which includes a statement of the case, questions presented, argument, and the conclusion by the date above. Pursuant to Regulation 67-205, please submit your brief electronically through the **Upload** functionality in eCase located on the Commission's website at www.wcc.sc.gov.

The claimant must attend when not represented by an attorney or when disfigurement is involved. Corporations must be represented by an attorney, and uninsured employers must attend.

Pursuant to South Carolina Regulation 67-705, the Respondent may file a responding brief within fifteen (15) days of service of Appellant's brief. Appellant may then file a reply brief within ten (10) days of service of Respondent's responding brief. All briefs must be received by the Workers' Compensation Commission at least five (5) days before the scheduled date for review.

For questions regarding this matter, please visit eCase Status at **www.wcc.sc.gov** or contact the Judicial Department of the South Carolina Workers' Compensation Commission at (803) 737-5739.

The Commission requests your presence thirty minutes prior to your scheduled oral argument.

This matter is set before: Panel A

CERTIFICATE OF SERVICE – This is to certify the undersigned has served this notice in the above entitled action upon all parties to this cause by sending a copy hereof by electronic mail or United States mail. Unrepresented parties were served by United States Postal Service first class postage.

Party	Attorney
Employee: Courtney Mitchell	Donald L. Smith attorneydonaldsmith@gmail.com 864-642-9284
Employer: United Parcel Service Inc. Carrier: Liberty Insurance Corporation	O Shayne Williams shayne.williams@mgclaw.com 843-848-6018

FORM 50
EMPLOYEE'S NOTICE OF CLAIM AND REQUEST FOR HEARING
February 2, 2018

South Carolina Workers' Compensation Commission
1612 Marion Street • Post Office Box 1715
Columbia, South Carolina 29202-1715
(803) 737-5723
www.wcc.sc.gov

WCC File #: **1322347**
Carrier File #: **WC555C6285**
Carrier Code #:
Employer FEIN #:

Claimant's Name: Courtney Ray Mitchell SSN: 250-27-4888
Address: Gilliam Psychiatric Hospital 4344 Broad River Rd.
City: Columbia State: SC Zip: 29210
Home Phone: Work Phone:

Employer's Name: United Parcel Service
Address: 204 Halton Road
City: Greenville State: SC Zip: 29607
Insurance Carrier: Liberty Insurance Corporation

Preparer's Name: Donald L. Smith Law Firm: Attorney Donald Smith Preparer's Phone #: (864) 642-9284

Complete each information blank. To request a hearing, check Box 13b, indicate the kinds of benefits claimed by checking the box(es) at Lines 6, 7, 8, and 9, and file this form in duplicate.
A claim for workers' compensation benefits is made based on the following grounds: **Date of Injury or Illness: 06/21/2013**
■ Injury ■ Illness ■ Repetitive Trauma

1a. The claimant sustained an injury to his Exacerbation of lumbar spine issues, bi-lateral carpal tunnel and Mental Health (Part(s) of Body Injured) on June 21, 2013 (Month/Day/Year) in Greenville county, state of SC.

1b. Body part(s) affected are: Exacerbation of lumbar spine issues, bi-lateral carpal tunnel and Mental Health

Briefly describe how the accident occurred. Claimant's prolonged sitting at his desk while performing his job exacerbated his lumbar spine issues, coupled with the onset of bilateral carpal tunnel due to his incessant use of the computer, created physical limitations that coupled with the exacerbation of his pre-existing mental issues, caused stress which pushed him "over the edge". Based on the constant degradation by his superiors, and the stress resulting from his recognized inability to do his job, he suffered mental damage for which he has never recovered.

2. Both the claimant and the employer were subject to the South Carolina Workers' Compensation Act at the time of injury.

3. The relationship of employer and employee existed at the time of injury.

4. At the time of the injury the claimant was performing services arising out of and in the course of employment.

5. Notice of the accidental injury was given to the Employer on 06/21/2013 (Month/Day/Year) in the following manner:
Claimant informed numerous higher ups that the responsibilities of the position were getting to be too much and repeatedly asked for a demotion.

☒ 6. Due to injury, the claimant is in need of (check one):
☒ (a) medical examination and treatment for: bilateral carpal tunnel symptoms, lumbar radiculopathy and mental health issues
■ (b) additional medical examination and treatment for: : bilateral carpal tunnel symptoms, lumbar radiculopathy and mental health issues

☒ 7. Due to injury, the claimant requests temporary total disability benefits because of lost compensable time from work and wages for the period of:
TBD

☒ 8. Due to the injury, the Claimant has permanent disability of the following nature and extent (check one):
☒ (1) General Disability: ☒ Total ☐ Partial
☒ (2) Specific Disability: ☒ Total ☐ Partial
☐ (3) Wage Loss

☐ 9. Due to the injury, the Claimant has a serious bodily disfigurement consisting of:

10a. At the time of the injury, the Claimant was paid weekly wages of $TBD, and demands accounting of days worked and wages earned as provided by law.

10b. Give names and addresses of all employers for whom the Claimant has worked since the date of the accident:
None.

11a. Further grounds or unusual aspects of claim:
None.

11b. List names and addresses of all physicians or other medical specialists who have seen or treated the Claimant as a result of the accident:
See Addendum.

11c. To the best of your knowledge, did you have any prior permanent disability? No.
If yes, describe: ____

12. Appropriate benefits as provided in the Act for the above grounds and other relief as the Workers' Compensation Commission may direct as just and proper.

☐ 13a. **I am filing a claim. I am not requesting a hearing at this time.**

13b. **I am requesting a hearing. A $25 fee is required.**

14. Estimated time needed for hearing: 2 hours

I verify the contents of this form are accurate and true to the best of my knowledge

Preparer's Signature	Title	Email	Date
	Attorney for Claimant	attorneydonaldsmith@gmail.com	February 2, 2018

Refer to R.67-204 through R.67-210 and R.67-601 through R.67-615. Questions about the use of this form may be directed to the Commission's Claims Department.

WCC Form # 50
Revised 9/07

AMENDED
50

Employee's Notice of Claim and/or Request for Hearing

ADDENDUM

1. Manuel Torres, LCSW
   50 Cross Park Ct., Greenville SC 29605

2. Ernest Martin, MD
   309 W. Beltine Blvd., Anderson SC 29621

3. Rebecca Norris, MD
   2000 East Greenville St., Anderson SC 29621

4. David Price, Ph.D.
   304 W. Stone Ave., Greenville SC 29609

STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE	BEFORE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
Courtney Ray Mitchell, Claimant, vs. United Parcel Service, Employer, and Liberty Insurance Corporation, Carrier, Defendants.	**CERTIFICATE OF SERVICE BY MAIL** W.C.C. File No.: 1322347

THE UNDERSIGNED person deposes and says that he served a copy of an Amended Form 50 (Employee Requesting a Hearing) for the above-referenced Claimant in this action, by placing copies thereof in envelopes addressed to the parties at the addresses shown below, which envelopes were sealed and postage thereon fully prepaid, and deposited in the United States Mail at Anderson, South Carolina, and that there is regular communication by the United States Mail between the place of mailing and the places addressed as follows:

Date: 2/2/2018

Donald L. Smith, (SC Bar#6699)
Attorney for Claimant
ATTORNEY OFFICE OF DONALD SMITH
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com

MAILED TO:

Sonji Spann, Director
South Carolina Workers' Compensation Commission
P.O. Box 1715
Columbia SC 29202-1715

O. Shayne Williams, Esquire
McAngus Goudelock & Courie, LLC
PO Box 1349
Myrtle Beach SC 29578

FORM 50

EMPLOYEE'S NOTICE OF CLAIM AND REQUEST FOR HEARING

April 12, 2017

South Carolina Workers' Compensation Commission
1612 Marion Street • Post Office Box 1715
Columbia, South Carolina 29202-1715
(803) 737-5723
www.wcc.sc.gov

WCC File #: **1322347**
Carrier File #: **WC555C6285**
Carrier Code #:
Employer FEIN #:

Claimant's Name: Courtney Ray Mitchell SSN: 250-27-4888
Address: 902 Pecan Drive
City: Abbeville State: SC Zip: 29620
Home Phone: Work Phone:

Employer's Name: United Parcel Service
Address: 204 Halton Road
City: Greenville State: SC Zip: 29607
Insurance Carrier: Liberty Insurance Corporation

Preparer's Name: Donald L. Smith Law Firm: Attorney Donald Smith Preparer's Phone #: (864) 642-9284

Complete each information blank. To request a hearing, check Box 13b, indicate the kinds of benefits claimed by checking the box(es) at Lines 6, 7, 8, and 9, and file this form in duplicate.
A claim for workers' compensation benefits is made based on the following grounds: ☒ Injury ☐ Illness ☐ Repetitive Trauma **Date of Injury or Illness: 06/21/2013**

1a. The claimant sustained an injury to his mental health (Part(s) of Body Injured) on June 21, 2013 (Month/Day/Year) in Greenville county, state of SC.
Body part(s) affected are: mental health

1b. Briefly describe how the accident occurred. Claimant's employer refused to take heed that the stress on Claimant was overwhelming.

2. Both the claimant and the employer were subject to the South Carolina Workers' Compensation Act at the time of injury.

3. The relationship of employer and employee existed at the time of injury.

4. At the time of the injury the claimant was performing services arising out of and in the course of employment.

5. Notice of the accidental injury was given to the Employer on 06/21/2013 (Month/Day/Year) in the following manner:
Claimant informed numerous higher ups that the responsibilities of the position were getting to be too much and repeatedly asked for a demotion.

☒ 6. Due to injury, the claimant is in need of (check one):
☒ (a) medical examination and treatment for: various mental health issues
☒ (b) additional medical examination and treatment for: various mental health issues

☒ 7. Due to injury, the claimant requests temporary total disability benefits because of lost compensable time from work and wages for the period of:
TBD

☒ 8. Due to the injury, the Claimant has permanent disability of the following nature and extent (check one):
☒ (1) General Disability: ☒ Total ☐ Partial
☐ (3) Wage Loss
☒ (2) Specific Disability: ☒ Total ☐ Partial

☐ 9. Due to the injury, the Claimant has a serious bodily disfigurement consisting of: numerous scars

10a. At the time of the injury, the Claimant was paid weekly wages of $TBD, and demands accounting of days worked and wages earned as provided by law.

10b. Give names and addresses of all employers for whom the Claimant has worked since the date of the accident:
Same.

11a. Further grounds or unusual aspects of claim:
None.

11b. List names and addresses of all physicians or other medical specialists who have seen or treated the Claimant as a result of the accident:
See Addendum.

11c. To the best of your knowledge, did you have any prior permanent disability? No.
If yes, describe: ____

12. Appropriate benefits as provided in the Act for the above grounds and other relief as the Workers' Compensation Commission may direct as just and proper.

☐ 13a. **I am filing a claim. I am not requesting a hearing at this time.**

☒ 13b. **I am requesting a hearing. A $25 fee is required.**

14. Estimated time needed for hearing: 30 minutes

I verify the contents of this form are accurate and true to the best of my knowledge.

Preparer's Signature **Attorney for Claimant** Title **attorneydonaldsmith@gmail.com** Email Date

Refer to R.67-204 through R.67-210 and R.67-601 through R.67-615. Questions about the use of this form may be directed to the Commission's Claims Department.

WCC Form # 50
Revised 9/07

50 Employee's Notice of Claim and/or Request for Hearing

ADDENDUM

1. Manuel Torres, LCSW
   50 Cross Park Ct., Greenville SC 29605

2. Ernest Martin, MD
   309 W. Beltine Blvd., Anderson SC 29621

3. Rebecca Norris, MD
   2000 East Greenville St., Anderson SC 29621

4. David Price, Ph.D.
   304 W. Stone Ave., Greenville SC 29609

STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE	BEFORE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
Courtney Ray Mitchell, Claimant, vs. United Parcel Service, Employer, and Liberty Insurance Corporation, Carrier, Defendants.	**CERTIFICATE OF SERVICE BY MAIL** W.C.C. File No.: 1322347

THE UNDERSIGNED person deposes and says that he served a copy of a Form 50 (Employee Requesting a Hearing) for the above-referenced Claimant in this action, by placing copies thereof in envelopes addressed to the parties at the addresses shown below, which envelopes were sealed and postage thereon fully prepaid, and deposited in the United States Mail at Anderson, South Carolina, and that there is regular communication by the United States Mail between the place of mailing and the places addressed as follows:

Date: 4/12/17

Donald L. Smith, (SC Bar#6699)
Attorney for Claimant
ATTORNEY OFFICE OF DONALD SMITH
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com

MAILED TO:

Sonji Spann, Director
South Carolina Workers' Compensation Commission
P.O. Box 1715
Columbia SC 29202-1715

O. Shayne Williams, Esquire
P.O. Box 2980
Greenville SC 29602

FORM 50

EMPLOYEE'S NOTICE OF CLAIM AND REQUEST FOR HEARING

December 23, 2014

South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500 • Post Office Box 1715
Columbia, South Carolina 29202-1715
(803) 737-5723
www.wcc.sc.gov

WCC File #: PLEASE PROVIDE
Carrier File #: PLEASE PROVIDE
Carrier Code #: 00417
Employer FEIN #:

Claimant's Name: Courtney R. Mitchell SSN: 250-27-4888
Address: 902 Pecan Drive
City: Abbeville State: SC Zip: 29602
Home Phone: ( ) - Work Phone: ( ) -

Employer's Name: UNITED PARCEL SERVICE INC
Address: 204 HALTON RD
City: GREENVILLE State: SC Zip: 29607-3576
Insurance Carrier: Liberty Insurance Corporation

Preparer's Name: Donald L. Smith Law Firm: Attorney Office of Donald Smith Preparer's Phone #: (864) 642 - 9284

Complete each information blank. To request a hearing, check Box 13b, indicate the kinds of benefits claimed by checking the box(es) at Lines 6, 7, 8, and 9, and file this form in duplicate.

A claim for workers' compensation benefits is made based on the following grounds: **Date of Injury or Illness:** Spring, 2013

☐ Injury ☐ Illness ■ Repetitive Trauma

1a. The claimant sustained an injury to mental health (Part(s) of Body Injured) On Spring, 2013 (Month/Day/Year) in Greenville county, state of South Carolina.

1b. Body part(s) affected are: mental health (PTSD, panic attacks, depression, bipolar disorder)

Briefly describe how the accident occurred. Accident occurred because the employer refused to take heed that the stress on the claimant was overwhelming.

2. Both the claimant and the employer were subject to the South Carolina Workers' Compensation Act at the time of injury.

3. The relationship of employer and employee existed at the time of injury.

4. At the time of the injury the claimant was performing services arising out of and in the course of employment.

5. Notice of the accidental injury was given to the Employer on Spring, 2013 (Month/Day/Year) in the following manner:
Claimant told Mike Batista and multiple other supervisors that he was under a significant amount of stress due to being unable to handle his responsibilities and asked for a demotion

■ 6. Due to injury, the claimant is in need of (check one):
■ (a) medical examination and treatment for: bipolar disorder
■ (b) additional medical examination and treatment for: bipolar disorder

■ 7. Due to injury, the claimant requests temporary total disability benefits because of lost compensable time from work and wages for the period of:
TBD

■ 8. Due to the injury, the Claimant has permanent disability of the following nature and extent (check one):
■ (1) General Disability: ■ Total ☐ Partial
■ (2) Specific Disability: ■ Total ☐ Partial
☐ (3) Wage Loss

☐ 9. Due to the injury, the Claimant has a serious bodily disfigurement consisting of:
None.

10a. At the time of the injury, the Claimant was paid weekly wages of $_____, and demands accounting of days worked and wages earned as provided by law.

10b. Give names and addresses of all employers for whom the Claimant has worked since the date of the accident:
None.

11a. Further grounds or unusual aspects of claim:
None.

11b. List names and addresses of all physicians or other medical specialists who have seen or treated the Claimant as a result of the accident:
Dr. Manuel Torres (LCSW) 50 Cross Park Ct Greenville, SC 29605. Dr. Ernest Martin (MD) 309 W Beltline Blvd Anderson, SC 29621

11c. To the best of your knowledge, did you have any prior permanent disability? No.
If yes, describe: _____

12. Appropriate benefits as provided in the Act for the above grounds and other relief as the Workers' Compensation Commission may direct as just and proper.

☐ 13a. **I am filing a claim. I am not requesting a hearing at this time.**

■ 13b. **I am requesting a hearing. A $25 fee is required.**

14. Estimated time needed for hearing: _____

I verify the contents of this form are accurate and true to the best of my knowledge.

Preparer's Signature	Title	Email	Date
[signature]	Attorney	attorneydonaldsmith@gmail.com	8/27/14

Refer to R.67-204 through R.67-210 and R.67-601 through R.67-615. Questions about the use of this form may be directed to the Commission's Claims Department.

WCC Form # 50
Revised 9/07

50

Employee's Notice of Claim and/or Request for Hearing

EXHIBIT
tabbies
A

STATE OF SOUTH CAROLINA) COUNTY OF GREENVILLE))	BEFORE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
Courtney Ray Mitchell,) Claimant,) vs.))	**CERTIFICATE OF SERVICE BY MAIL** W.C.C. File No.: PLEASE PROVIDE
United Parcel Service, Inc.,) Employer,))	
and))	
Liberty Insurance Corporation,) Carrier,) Defendants.)	

THE UNDERSIGNED person deposes and says that he served a copy of a Form 50 Request for Hearing for the above-referenced Claimant in this action, by placing a copies thereof in envelopes addressed to the parties at the addresses shown below, which envelopes were sealed and postage thereon fully prepaid, and deposited in the United States Mail at Anderson, South Carolina, and that there is regular communication by the United States Mail between the place of mailing and the places addressed as follows:

Date: 10/23/14

Tyler Smith
Paralegal to Donald L. Smith
ATTORNEY OFFICE OF DONALD SMITH
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285

MAILED TO:

Sonji Spann, Director
South Carolina Workers' Compensation Commission
PO Box 1715
Columbia SC 29202-1715

United Parcel Service, Inc.
55 Glenlake Pkwy NE
Atlanta GA 30328

Liberty Insurance Corporation
P.O. Box 31204
Tampa FL 33631

FORM 51

February 6, 2018

South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500 • Post Office Box 1715
Columbia, South Carolina 29202-1715
(803)737-5723 www.wcc.sc.gov

WCC File #: 1322347
Carrier File #: WC555C6285
Carrier Code #:
Employer FEIN #:

Claimant's Name: Courtney Ray Mitchell SSN 250-27-4888
Address 902 Pecan Drive Abbeville, South Carolina

Employer's Name: United Parcel Service
Address: 3009 Executive Drive Greensboro, North Carolina 27406

Home Phone: Work Phone #
Insurance Carrier: Liberty Mutual

Date of Injury: 6/21/13

Preparer's Name: O. Shayne Williams Law Firm McAngus Goudelock & Courie Preparer's Phone #: (843) 848-6021

Date of Injury or Illness: 6/21/13 **Estimated time for hearing:** 2 hours.

Complete each information blank. Clearly specify when contentions are admitted in part and denied in part. The Employer-Carrier in answer to the claim, respectfully shows:

1. It is ☐ **Admitted** ☒ **Denied** the employee sustained an injury or illness on or about the date set forth in the application. The reasons for denial are:
Defendants deny Claimant sustained a compensable injury by accident.

2. It is ☒ **Admitted** ☐ **Denied** both the employer and employee were subject to the Workers' Compensation Act at the time in question. The reasons for denial are:
Admitted that Employer was subject to the Act.

3. It is ☐ **Admitted** ☒ **Denied** the relationship of employer and employee existed at the time in question. The reasons for denial are:
See No. 4.

4. It is ☐ **Admitted** ☒ **Denied** at the time in question the employee was performing service arising out of and in the course of employment. The reasons for denial are:
Claimant was out on disability at the time of the alleged injury and was not performing service arising out of and in the course of his employment.

5. It is ☐ **Admitted** ☒ **Denied** notice of injury was given the employer. The reasons for denial are:
Denied that proper notice was provided.

6. It is ☐ **Admitted** ☒ **Denied** the employee ☐ **needs** ☒ **is entitled to additional** medical care as a result of injury or illness. The reasons for denial are:
See No. 1.

7. It is ☐ **Admitted** ☒ **Denied** the employee is entitled to temporary total disability for the period(s) of:

8. It is ☐ **Admitted** ☒ **Denied** the employee is permanently disabled. The reasons for denial are:
See No. 1.

9. It is ☐ **Admitted** ☒ **Denied** the employee has serious disfigurement.

10. It is contended that an average weekly wage of **$ 870.39** applies, according to attached Form 20 as provided by law.

11. Further contentions, grounds of defense, or unusual aspects are:
This matter was recently scheduled before Commissioner Beck to be heard via video conference. **Commissioner Beck has retained jurisdiction over this claim.** Defendants request that this matter be heard via video conference so that the Employer witnesses are not in the same room / building as claimant. Otherwise, the Defendants request all defense witness testimony be taken via *de benne esse* video deposition without the claimant being present, due to the unique circumstances of this claim. *Laches*, lack of notice and all other available affirmative defenses are being asserted. This Form 51 is being filed in response to an Amended Form 50 filed on February 2, 2018.

☐ **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. 67-1803.
- ☐ 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 certify I have served this document pursuant to Reg. 67-211 by delivering a copy to Donald L. Smith, Esquire
Address 122 North Main Street
Anderson, South Carolina 29621 on the 6th day of February, 2018 by:
☒ **first class postage** ☐ **certified mail** ☐ **personal service** ☐ **electronic service**
I verify the contents of this form are accurate and true to the best of my knowledge.

Preparer's Signature	Attorney for Employer/Carrier (Title)	shayne.williams@mgclaw.com (Email)	February 6, 2018 (Date)

Refer to R.67-204 through R.67-210 and R.67-601 through R.67-615. Refer to R. 67-1801 for mediation. Questions about the use of this form may be directed to the Commission's Judicial Department. Pursuant to R.67-606, a Form 20 must be filed with the Claims Department at least 30 days from the date of filing this form.

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO: 1322347

COURTNEY RAY MITCHELL,	}	
	}	
Employee,	}	
	}	
Claimant,	}	
	}	
vs.	}	
	}	
UNITED PARCEL SERVICE,	}	
	}	**CERTIFICATE**
Employer,	}	**OF**
	}	**SERVICE**
AND	}	
	}	
LIBERTY MUTUAL,	}	
	}	
Carrier,	}	
	}	
Defendants.	}	
	}	
	}	

The undersigned certifies that she is an employee at MCANGUS GOUDELOCK & COURIE, and that she has served, on the date set forth below, a copy of the document described below, in the above entitled action to the following persons, pursuant to Section 15-9-930 and Section 15-9-940 of the Code of Laws of South Carolina, 1976, by depositing a copy of same in the United States Mail, postage prepaid, addressed to:

TO: Donald L. Smith, Esquire
Attorney Office of Donald Smith
122 North Main Street
Anderson, South Carolina 29621

Amy Bracy, Judicial Director
S. C. WORKERS' COMPENSATION COMMISSION
Post Office Box 1715
Columbia, South Carolina 29202-1715

DOCUMENT: Form 51

DATE OF MAILING: February 6, 2018

Cindy Scott

Cindy Scott
Legal Assistant to O. Shayne Williams

MEMORANDUM IN SUPPORT OF APPEAL OF EMPLOYEE

(APPELLANT'S BRIEF TO SCWCC)

May 13, 2019

BEFORE THE

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

SCWCC FILE NO.: 1322347

Courtney Ray Mitchell,
Employee, Claimant,

Appellant,

versus

United Parcel Services, Employer,
and Liberty Insurance Corporation., Carrier,

Respondents.

MEMORANDUM IN SUPPORT OF APPEAL OF EMPLOYEE/APPELLANT

Donald L. Smith
Attorney for the Appellant
122 N. Main St.
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com

ISSUES PRESENTED

I. Whether the Single Commissioner erred as a matter of fact and law in finding that Claimant had not suffered a compensable injury in the course of his employment.

II. Whether the Single Commissioner erred as a matter of fact and law in failing to give weight to the testimony of Dr. Pat Mullen, M.D.

III. Whether the Single Commissioner erred as a matter of fact and law in Fact 11 by discussing Claimant's criminal case when that case had nothing to do with his veracity; and, therefore, was used only to attack his character.

IV. Whether the Single Commissioner erred as a matter of fact and law in Fact 12 when he finds that the record of aggravation is insufficient when acts of aggravation were systemic, including calling Claimant, "Shots Fired!"

V. Whether the Single Commissioner erred as a matter of fact and law in Conclusion in finding that Claimant did not prove that his disability stemmed from the exacerbation of his bipolar condition; and, in subsequently denying him benefits pursuant to South Carolina Code Ann. § 42-1-160.

VI. Whether the Single Commissioner erred as a matter of fact and law in Conclusion in finding that claimant failed to give proper notice to the defendants pursuant to South Carolina Code Ann. § 42-15-20, when the assessment of the co-workers at lunch on June 21, 2013 was that Claimant had a "psychotic break"; and, he held a grudge against UPS and his co-workers for injuring him and his family.

STATEMENT OF CASE

This case is on appeal with the South Carolina Workers' Compensation by the employee, Courtney Ray Mitchell, from a Decision and Order issued by Commissioner T. Scott Beck, on February 14, 2019. Commissioner Beck found, based upon all of the evidence presented at the hearing on November 2, 2018, that the employee's injury was not causally related to his employment. Specifically, the Commissioner found that the claimant did not prove that he suffered an exacerbation of his pre-existing psychoses.

HISTORICAL BACKGROUND

Claimant is a 45-year-old male who has a Bachelor of Arts degree from the University of South Carolina Spartanburg in Interdisciplinary Studies.

Claimant testified regarding his work history. Claimant noted that he was a correctional officer for the South Carolina Department of Corrections. He noted that he left that position because he wanted to go where his talents, educational level, training and experience would be capitalized (Hearing Transcript pp. 40, ll. 20-24). Claimant noted that he also worked for a brief period of time for the Department of Probation and Parole. (Hearing Transcript pp. 41, ll. 3-6.) Claimant worked in that position until he was terminated for a purported altercation with another agent. (Hearing Transcript pp. 41, ll. 12-16.) Claimant also noted that he worked for a law firm called Harris, Ragan, & Paterson, until he left because of an argument that he got into with the lead attorney. (Hearing Transcript pp. 43, ll. 11-18.) Claimant also acknowledged that he worked for a company called American Security at Easley Baptist Hospital for approximately one year. (Hearing Transcript pp. 45, ll. 10-16.) He initially gave his two weeks' notice to them after a year, but he got into a disagreement with his boss and left immediately. (Hearing Transcript pp. 45, ll. 17-21.) Ultimately, Claimant was placed on trespass notice by that Employer. (Hearing Transcript

pp. 45, ll. 22- pp. 46, ll. 6.) After his trespass notice, Claimant returned to his place of employment where an altercation ensued with an Easley police officer. (Hearing Transcript pp. 46, ll. 7-11.) Claimant also testified that he was in the US National Guard as a military policeman until August of 2006.

Claimant went to work for UPS on March 30, 2012, as an inside sales representative (ISR). (Hearing Transcript pp. 52, ll. 16-19.) When Claimant began, he was in a training group, which is an academy of sorts to help new ISRs learn the job. (Hearing Transcript pp. 53, ll. 15-18.) Claimant moved out of the training group and became a true ISR on or about May 14, 2012. (Hearing Transcript pp. 53, ll. 19 - pp. 54, ll.2.) Claimant acknowledged the territory that he took over as an ISR, was previously operated by someone who was promoted because her sales were so good. (Hearing Transcript pp. 54, ll. 3-8.) He noted that his job as an ISR was to call on customers within the territory with the help of outside representatives to try and obtain more sales and/or keep the sales in the general area. (Hearing Transcript pp. 54, ll. 9-14.)

Claimant was salesman of the month for June, July and August of 2012. (APAs p.746, 1.3). (Hearing Transcript, p.13, 15). However, his "patch", or territory, was reshaped in August of 2012. He was left with Harrisburg, the rural capital of Pennsylvania. (Hearing Transcript, p. 13, 25). He lost West Virginia and metropolitan Pennsylvania. (Hearing Transcript, p. 14, 2.4).

The decrease in the patch spelled doom for Claimant.

> It was just awful. At the time that I took it over, the outside manager for the Harrisburg area quit and I was without an outside manager. The – there had been several, several inside managers before me. Just a big disaster. (Hearing Transcript, p. 14, 14.19).

Claimant's struggles were almost immediate. Within a few months, Claimant began to breakdown physically. He went out on disability from October 23rd to October 31st, 2012; and, he did again on November 19, 2012 until December 14, 2012. (Hearing Transcript p. 54, 21.23;

55, l.3). His recognition of his inability to grasp certain aspects of his job forced him to request a transfer to another department. That futile attempt was followed by a plea to be *demoted*.

Claimant noted that while he was working as an ISR he was evaluated by a quality performance review. (Hearing Transcript pp. 55, 5-8) Claimant's coach was Ms. Velma Jones. It was Claimant's belief that Ms. Jones had something to do with the restructuring of his patch. (Hearing Transcript, p. 14, 7.8). When Ms. Jones was questioned regarding her assessment of Mr. Mitchell, it took her over two (2) pages to admit that he *never* got better in the employ of UPS following her assessment on August 20, 2012, in which she stated, "At this time, I do not see the skills reflected in Ray to be able to maintain the rigors on an ISR position." (APAs, p. 084). She *never* made a positive statement about Claimant's efforts. (APAs, p.748-751, 23.24).

Claimant also believed that Mike Battista had something to do with his patch becoming Harrisburg. (Hearing Transcript, p. 14, 7.8). Mike Battista was Claimant's supervisor. He testified that he believed Courtney was in the Harrisburg market at the time of his dismissal from UPS. (APAs, p. 126, 8.9). No evidence was ever offered to refute Claimant's assertion that his patch had been stripped down to nearly nothing. In his supervisory position, Battista used self-writeups as a motivational tool, but it was something he rarely did. He used this form of motivation only when somebody consistently did something wrong. (APAs, p. 126, 20.23).

Mr. Battista was asked how Claimant had progressed in a positive or negative manner from the time he started. It was his belief that he had regressed from an employment standpoint.

> 16 I would say, down. He struggled with
> 17 being on the phone; talking effectively to the
> 18 customers; understanding the products, and the
> 19 skill set, and the acumen.
> 20 He struggled with the systems; just
> 21 overall, was not comfortable with the job, and the
> 22 expectations, themselves.

(APAs, p. 120, 16.22). Mitchell was an ISR from May of 2012 into the beginning of June of 2013. Utilizing a metric system, the ISR's were to maintain around 100%. Battista said that Claimant was at 50% at the end of his tenure. (APAs, p. 125, 13.16).

During his employment at UPS, all of the employees were required to watch a video called Shots Fired. Claimant testified he believed that he had a nickname of "Shots Fired" after that video was shown. (Hearing Transcript p. 26, 5.11). Claimant testified that his coach, Ms. Velma Jones, never made a positive statement about him. (Hearing Transcript p. 35, 21-24). Claimant testified that he told his supervisors that his position was causing him difficulties and asked for a transfer, but he was told that because his numbers were not up to standards, he could not change his position. (Hearing Transcript p. 36-37, l2.3).

Claimant testified that he was involuntarily committed to Patrick B. Harris Mental Health Hospital in 2006 from July 17, 2006 until September 13, 2006. (Hearing Transcript pp. 47, ll. 7-12) Claimant acknowledged that after his release from Patrick B. Harris he was required to seek outpatient treatment from Abbeville Mental Health Center. (Hearing Transcript pp. 47, ll. 13-18) After completion of the court ordered one-year program at Abbeville Mental Health, Claimant was supposed to stay on his medications. (Hearing Transcript pp. 48, ll. 19-23) However, he acknowledged that even while in the program, he was not compliant with his medication treatment plan. (Hearing Transcript p. 49, ll. 2-5).

He had another episode in Kentucky in 2009. He was originally arrested for Criminal Domestic Violence for difficulties he was having with his girlfriend. (Hearing Transcript p. 31, 23-25). Based on the fact he was from South Carolina, he could not get a bond. Eventually, he pled to terroristic threats and was allowed to leave Kentucky; and, return to South Carolina where his dad was dying of cancer.

Following his dad's death, after much thought, he believed that he simply needed to refocus his efforts on his stability. The focus resulted in a quiet stretch in his life. More importantly, his resolve provided him with opportunity to get married. Ultimately, his marriage resulted in the birth of his son. When he began work with UPS in March of 2012, he was the most stable he may have ever been.

As previously mentioned, Velma Jones, and the other members of Claimant's leadership team rode him hard. Mr. Mitchell recognized this fact but would not let anything force him to relinquish his job. He attempted to be moved to a different department; and, he was rebuffed. He asked to be demoted; and, he was asked to put it in writing. Eventually, UPS wore him down and Courtney's asymptomatic mental health issues overwhelmed him. He has never recovered.

ARGUMENT

I. Whether the Single Commissioner erred as a matter of fact and law in finding that Claimant had not suffered a compensable injury in the course of his employment.

In a Worker's Compensation matter, for an injury to be compensable, it must arise out of and in the course of employment. S.C. Code Ann. § 42-1-160 (1985). "Arising out of" refers to the origin of the cause of the injury. *Rodney v. Michelin Tire Corp*., 320 S.C. 515, 466 S.E.2d 357 (1996). "An injury arises out of employment when there is apparent to the rational mind, upon consideration of all the circumstances, a causal relationship between the conditions under which the work is to be performed and the resulting injury." Id. at 518, 466 S.E.2d at 358. The claimant has the burden of proving facts that will bring the injury within the workers' compensation law, and such award must not be based on surmise, conjecture or speculation. *Sola v. Sunny Slope Farms*, 244 S.C. 6, 135 S.E.2d 321 (1964).

Claimant/Appellant met his burden. There is no question he has mental health issues. Similarly, the constant negativity dispensed by the Employer, combined with the refusal to accommodate his requests to move him from the ISR position, ensured his breakdown. UPS could have dismissed him with cause at some point prior to his termination. Instead, they kept him employed in order to play with him as if he was a mouse, and the employer a cat.

II. Whether the Single Commissioner erred as a matter of fact and law in failing to give weight to the testimony of Dr. Pat Mullen, M.D.

Dr. Mullen reviewed over 500 pages of medical records and depositions. His review made the following findings which discussed the "unusual or extraordinary conditions in employment". Mr. Mitchell inferiority at his job caused great stress for him for over seven (7) months. Mr. Mitchell was told for over seven (7) months by his superiors that his performance was inadequate. Mr. Mitchell's superiors knew of his emotional instability and his inability to do his job. Mr. Mitchell's superiors would not make adjustments to his position. Mr. Mitchell recognized his emerging episode and approached Employer about changing his job title. He was denied, ensuring a maniacal event. to get manic and have exacerbated his PTSD. (APAs, p. 557).

Dr. Mullen found that Claimant would not be able to resume employment. He adopted Mr. Mitchell would have a marked impairment in social interaction and socialization. He would be unlikely to get along with coworkers or peers without distracting them or exhibiting behavioral extremes. Mr. Mitchell would likely have a marked impairment in adaptation. He has decompensated on two occasions resulting in involuntary psychiatric commitments. This rating would indicate it would be unlikely that Mr. Mitchell would be able to perform substantial gainful activity. The contributors toward this problem would be his Posttraumatic Stress Disorder and his Bipolar I Disorder. (APAs, p. 557).

III. Whether the Single Commissioner erred as a matter of fact and law in Fact 11 by discussing Claimant's criminal case when that case had nothing to do with his veracity; and, therefore, was used only to attack his character.

Courtney Mitchell was sentenced to the maximum sentence of ten (10) years for Intimidation of a witness. Mr. Mitchell did not have a prior criminal record for all intents and purposes. Counsel for the employer inserted said conviction in his case in chief merely to attack his character. The charge had nothing to do with his veracity.

Under Rule 609(a)(1), evidence that a witness other than an accused has been convicted of a crime punishable by death or imprisonment for more than one year (in the jurisdiction where the conviction occurred) is admissible, subject to Rule 403, SCRE. Under Rule 403, evidence of such a conviction "may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence."

The purpose of the use of prior convictions is to show the witness's appreciation of truth. Impeachment is not for the purpose of showing the witness is a bad man. It is supposed to show how the conviction bears on her credibility or veracity. In this case, the prejudicial value of the single conviction for witness intimidation is far outweighs the probative value. Since the charge has absolutely nothing to do with an individual's likelihood of telling the truth, the conviction was erroneously submitted and admitted into evidence. In this case, the trial court did not relate any specific facts or circumstances, other than the mere existence of the convictions, that made them particularly probative of [the witness's] credibility." *State v. Black*, 400 S.C. 10, 23-24, 732 S.E.2d 880, 887-88 (2012).

IV. Whether the Single Commissioner erred as a matter of fact and law in Fact 12 when he finds that the record of aggravation is insufficient when acts of aggravation were systemic, including calling Claimant "Shots Fired!"

Courtney Mitchell had never been labeled as "disabled" prior to his employment with UPS. He had a couple of episodes three (3) years prior to said employment. However, he entered his employment in a good place. He had been married and fathered a boy since his last episode. Life was moving swimmingly. His three (3) "salesman of the month" victories did nothing but further his resolve that he was capable of living a "normal" life.

His three (3) awards were followed by a diminishment of his territory. There has not been anything offered to refute the claim. In addition, he was left with the Harrisburg, Pennsylvania market. He began to struggle immediately. His struggles were magnified by his "coach", Velma Jones.

Ms. Jones assessed Mr. Mitchell with not having the skills to do the job in September of 2013. Her coaching was based *solely* on criticizing and demeaning Mitchell. Mitchell began breaking apart; and, he continued on a daily basis.

Q. So sleep apnea, carpal tunnel, bad back, he was vulnerable in the first place, is that right?
A.Yeah.
So these physical issues make the mental aspect that much worse?
A. I think so.
Q. So the -- the work, the constant riding him and telling him how bad he is, would that be something that exacerbated his bi-polar condition?
A. I -- I think if he was perceiving everything that way, as he apparently was, and subsequent events sort of demonstrate that, then I think that would have been very hard on him.
Q. The -- the stress from work and the unquestioned ---
A. Vulnerability?
--- lack of -- lack of ability than Ms. Jones put in every one of her reports, that would exacerbate his condition?
A. Yeah, I think so.

6 To a reasonable degree of medical
7 certainty?
8 A. I -- I think so, yeah.

(APAs, p. 628-29, 24.12; 629-30, 24.8).

According to Reggie Owens the Human Relations man for the company, UPS would not move from the position he had without first picking up his proficiency as an ISR. Since Velma Jones had stated that he did not have the ability to do the ISR position months prior, he would be relegated to the same position until such time as he became proficient at his job. On the other hand, without the accommodation, he would either be fired or forced to quit.

The constant degrading and his inability to satisfy UPS with his work led to a growing instability. Ms. Jones offered the following:

3 A. In my opinion it wasn't a new Courtney. I had
4 seen erratic behavior fluxes in his mood through the
5 whole tenure of his working with us at UPS. What
6 happened at the lunch was an extreme version of it.

(APAs, p. 740, 3.6).

Scott Brown also witnessed Courtney's frustrations growing. They ultimately came cascading down at the June 21, 2013 lunch. When they left the lunch, they felt concern for Courtney's conduct.

13 A We all felt very uneasy, and we figured,
14 he needs help; so we decided, we have to tell
15 somebody; so we went right into Reggie's office,
16 and we explained what happened about the lunch;
17 that Ray might do something that he's gonna regret.
18 Our intention was to help Ray, and
19 it's -- it didn't get him help.

(APAs, p. 750, 13.19).

The law in South Carolina law, a wrongdoer "takes the plaintiff as he or she is found" which has the legal effect of making the wrongdoer liable for any aggravation of a preexisting

condition. *See* Waring v. Johnson, 533 S.E.2d 906 (Ct. App. 2000).South Carolina's Workers' Compensation laws expressly provide that an injured worker may recover benefits if the pre-existing condition was aggravated by a work-injury. Courtney Mitchell had a pre-existing condition when he came to UPS. They brought it to the forefront, and pushed it beyond repair buy not recognizing his pleas for accommodations

V. Whether the Single Commissioner erred as a matter of fact and law in Conclusion in finding that Claimant did not prove that his disability stemmed from the exacerbation of his bipolar condition; and, in subsequently denying him benefits pursuant to South Carolina Code Ann. §42-1-160.

It was, and remains, undeniable that Mr. Mitchell suffers from Bipolar Disorder. For greater than seven (7) months, his coach told him of his inadequacies. His recent marriage, and subsequent birth of his child, created a great need for stability. However, the constant negativity directed at Mr. Mitchell was the basis for significant anxiety. He simply never knew when his arrival at work would be his last. Dr. Mullen addressed the effect of the same.

25 Do you have any reason
1 to believe that his position at UPS was firm?
2 A. Oh, I would -- I mean, if I got this
3 many -- if I personally, not having bi-polar
4 disorder, got this many negative assessments I
5 would think my job -- I would wonder why I was
6 still employed, I mean ---

(APAs, p. 620-21, 25.6).

Claimant was forced to endure "unusual or extraordinary" conditions of employment while in the employ of Employer. He was asymptomatic prior to beginning of the incessant barrage of criticism being directed at him. However, he began a steady fall from grace once the disapproval began overwhelming him. The deluge of dissatisfaction proximately caused the exacerbation of a pre-existing condition. This "unusual or extraordinary" manner of "coaching"

caused irreparable damage to Mr. Mitchell. Based on the Act's directive toward providing coverage rather than noncoverage, Mr. Mitchell's injury on the job should be covered.

The Workers' Compensation Act shifts from the employee to the employer the risk of work-related injuries incident to modern industrial activity. In return, it requires the worker, as a condition for receiving the benefits of the Act, to surrender his right to sue at common law. Cook v. Mack's Transfer & Storage, 291 S.C. 84, 352 S.E.2d 296 (1986) .

Workers' compensation laws are to be liberally construed and any reasonable doubt as to construction of the Act must be resolved in favor of the claimant, the provisions of the Act reconciled, if possible, its purposes effectuated, and its presumptions and penalties directed toward the end of providing coverage rather than noncoverage. *Cokeley v. Robert Lee, Inc.*, 197 S.C. 157, 14 S.E. (2d) 889 (1941).

V1. Whether the Single Commissioner erred as a matter of fact and law in Conclusion in finding that Claimant failed to give proper notice to the defendants pursuant to South Carolina Code Ann. §42-15-20, when the assessment of the co-workers at lunch on June 21, 2013 was that Claimant had a "psychotic break"; and, he held a grudge against UPS and his co-workers for injuring him and his family.

The Claimant's disability was brought to light by a lunch held with co-workers on June 21, 2013. The attendees reported back to management that Claimant had suffered an emotional event which had caused them a great deal of anxiety. Employer allegedly hired additional security from the City of Greenville to address the many issues that had arisen following said lunch. Mitchell's coach spoke of a "psychotic break". While her minimalistic experience and/or education with psychiatric care is not as advantageous as it could be, it clearly makes everyone aware of the mental difficulties encountered by Claimant.

Mr. Mitchell was arrested in July of 2013. He was denied a bond until the following spring. His brother has been his power of attorney since that time. There are numerous other

reasons as to why a claim was not filed. However, it is Claimant's belief that the *whole* UPS facility, and the workers therein, learned of Claimant's mental issues on that June day. As a result, the defendants had notice at that time. Claimant opines that defendants would not be prejudiced by a finding that they had ample notice of Claimant's condition. As such, Claimant prays that the argument regarding Laches is dismissed based on the lack of damage to the defendants.

CONCLUSION

Mr. Mitchell was working for UPS at the time of his episode. The basis of his episode was UPS had worn him out. The circumstances under which he had an episode relate to the way in which the Employer treated a man with an asymptomatic mental issue.

Date: May 13, 2019

s/Donald L. Smith
Donald L. Smith, (SC Bar#6699)
Attorney for Claimant
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MOTION TO VACATE THE ORDER OF DISMISSAL AND REINSTATE THE APPEAL

June 10, 2019

STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE Courtney Ray Mitchell, Appellant, vs. United Parcel Service, Employer, and Liberty Insurance Corporation, Carrier, Respondents.	BEFORE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION **MOTION TO VACATE THE ORDER OF DISMISSAL AND TO REINSTATE THE APPEAL** W.C.C. File No.: 1322347

Pursuant to Rule 6 of the South Carolina Rules on Civil Procedure (SCRCP), Appellant respectfully moves this Commission to vacate the Order of Dismissal, dated May 23, 2019, and to reinstate the Appeal, and further states to this Commission the following:

1. Appellant's Brief was due on May 12, 2019.

2. May 12, 2019 was a Sunday.

3. Rule 6 SCRCP provides "In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a State or Federal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor such holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday.

4. Pursuant to the above-mentioned rule, Appellant has until Monday, May 13, 2019, to file his Appellant's Brief.

5. Appellant's Brief was filed on May 13, 2019, as evidenced by the Certificate of Service and the envelope post marked May 13, 2019.

6. Since service is complete upon mailing pursuant to Rule 5 (b) of SCRCP, Appellant's Brief was timely filed.

CONCLUSION

For the foregoing reasons, Appellant respectfully moves this Commission to vacate its Order of Dismissal and to reinstate the said Appeal for having been timely filed.

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Attorney for Appellant

Anderson, South Carolina
June 10, 2019

STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE	BEFORE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
Courtney Ray Mitchell, Appellant, vs. United Parcel Service, Employer, and Liberty Insurance Corporation, Carrier, Respondents.	**MOTION FOR CONTINUANCE** W.C.C. File No.: 1322347

Appellant, by and through his counsel of record, Donald L. Smith, respectfully makes the following Motion for Continuance:

1. A Full Commission Review of the above-mentioned case has been set on June 17, 2019, at 1:30 p.m.

2. That Plaintiff's counsel would not be able to attend the hearing pursuant to Rule 601(a)(12) SCACR.

3. That Plaintiff's counsel has pre-trial the same date and time at the Summary Court in Greenville County, S.C. for ***State v. Samantha Honig, C.A. No. 2018-23-70466611*** for the week of June 17-21, 2019.

4. That proof of the aforementioned matter is in the court roster is submitted and attached with this Motion.

5. That the Court would not be prejudiced by this respectful request.

WHEREFORE, the undersigned counsel respectfully requests that this matter be continued.

{SIGNATURE TO FOLLOW}

Respectfully Submitted,

Donald L. Smith,(SC Bar#6699)
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attorneydonaldsmith@gmail.com
Attorney for Appellant

Anderson, South Carolina
June 10, 2019

STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE Courtney Ray Mitchell, Claimant, vs. United Parcel Service, Employer, and Liberty Insurance Corporation, Carrier, Defendants.	BEFORE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION **CERTIFICATE OF SERVICE BY MAIL** W.C.C. File No.: 1322347

THE UNDERSIGNED person deposes and says that he served a copy of Appellant's Motion to Vacate the Order of Dismissal and to Reinstate the Appeal, and Motion for Continuance upon the Defendants, by and through their counsel of record, Mr. O Shayne Williams, Esquire, by placing a copy thereof in an envelope addressed to the party at the address shown below, which envelope was sealed and postage thereon fully prepaid, and deposited in the United States Mail at Anderson, South Carolina, and that there is regular communication by the United States Mail between the place of mailing and the place addressed as follows:

Date: June 10, 2019

Donald L. Smith, (SC Bar#6699)
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com
Attorney for Appellant

MAILED TO:

O. Shayne Williams, Esquire
McAngus Goudelock & Courie, LLC.
P O Box 1349
Myrtle Beach SC 29578

DEFENDANT'S REPLY TO CLAIMANT'S MOTION TO REINSTATE APPEAL

June 19, 2019

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO: 1322347

COURTNEY RAY MITCHELL, Employee, Claimant, vs. UPS, INC., Employer, AND LIBERTY MUTUAL Carrier, Defendants.	**DEFENDANTS' REPLY TO CLAIMANT'S MOTION REINSTATE APPEAL**

TO: SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION AND DONALD L. SMITH, ESQUIRE:

Claimant's attorney filed a Motion to Reinstate Appeal on June 10, 2019. This motion was received by Defendants on June 14, 2019. Defendants hereby respond to Claimant's motion as follows:

1. Claimant filed a timely Form 30, Appeal to an Order that was issued by the Commission on February 14, 2019. Subsequently, the Commission set this matter for oral argument before the Full Commission to occur on May 20, 2019. Prior to the May 20, 2019 Full Commission review date, Claimant's attorney wrote a letter requesting that the appeal be rescheduled due to a conflict.
2. The Commission rescheduled the Full Commission review hearing to occur on June 17,

2019.

3. Claimant's Appellate brief to the full Commission was due on May 13, 2019. Neither the Defendants, nor the Commission received a brief from the Claimant's attorney. In fact, as of the date of filing of this Reply Motion no brief has been received by the Defendants. Also, no brief is noted as being received by the Commission on the Commission's eCase system.
4. Claimant's attorney filed his Motion to Reinstate Appeal on June 10, 2019. In that Motion, Claimant refers to a Certificate of Service for the filing of his brief and notes that he has the envelope for a May 13, 2019 service date. Neither the Certificate of Service nor the envelope were produced as an exhibit to the motion.
5. The Defendants can do no more than state that they never received Claimant's Appellant brief to the Full Commission, which is required pursuant to the regulations.
6. The Defendants do not believe that any good cause has been shown as to why the Appeal, which was administratively dismissed when the Commission did not receive a copy of Claimant's brief, should be reinstated.

Based on the foregoing, the Defendants respectfully request that Claimant's Motion to Reinstate Appeal be dismissed.

Respectfully submitted,

O. SHAYNE WILLIAMS
MCANGUS GOUDELOCK & COURIE, L.L.C.
Post Office Box 1349
Founders Centre, 2411 North Oak Street, Suite 401
Myrtle Beach, South Carolina 29577
(843) 848-6000
Attorneys for the Employer/Carrier

Myrtle Beach, South Carolina
June 19, 2019

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO: 1322347

COURTNEY RAY MITCHELL, Employee, Claimant, vs. UPS, INC., Employer, AND LIBERTY MUTUAL, Carrier, Defendants.	**CERTIFICATE OF SERVICE**

The undersigned certifies that she is an employee at MCANGUS GOUDELOCK & COURIE, and that she has served, on the date set forth below, a copy of the document described below, in the above entitled action to the following persons, pursuant to Section 15-9-930 and Section 15-9-940 of the Code of Laws of South Carolina, 1976, by depositing a copy of same in the United States Mail, postage prepaid, addressed to:

TO: Donald L. Smith, Esquire
Attorney Office of Donald Smith
122 North Main Street
Anderson, South Carolina 29621

VIA U.S. MAIL
Judicial Director
S. C. WORKERS' COMPENSATION COMMISSION
Post Office Box 1715
Columbia, South Carolina 29202-1715

DOCUMENT: Motion

DATE OF MAILING: June 19, 2019

Ashley DiPalma
Legal Assistant to O. Shayne Williams

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
NOV 08 2019
SC Court of Appeals

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

W.C.C. File No.: 1322347

Courtney Ray Mitchell, Employee, ...Appellant,

v.

United Parcel Service, Employer, and
Liberty Mutual, Carrier,..... Respondents.

PROOF OF SERVICE

I certify that on the 6th day of November 2019, I served Respondents United Parcel Service and Liberty Mutual's **Reply to Return to Motion to Strike Item from Designation of Matter** on Courtney Ray Mitchell by depositing a copy of it in the United States Mail, postage prepaid, addressed to his attorney of record as follows:

Donald L. Smith, Esq.
ATTORNEY OFFICE OF DONALD SMITH
122 N. Main Street
Anderson, South Carolina 29621
Counsel for Appellant
Courtney Ray Mitchel

Mackenzie Broughton
Legal Assistant to Helen F. Hiser
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P.O. Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900

Attorneys for Respondents United Parcel Service and Liberty Mutual

TRANSCRIPT OF HEARING HELD BY COMMISSIONER T. SCOTT BECK

November 2, 2018

BEFORE THE

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

WCC FILE NO. 1322347

COURTNEY MITCHELL, CLAIMANT, VS. UNITED PARCEL SERVICE, INC., EMPLOYER, AND LIBERTY INSURANCE CORPORATION, CARRIER, DEFENDANTS.	)	TRANSCRIPT OF PROCEEDINGS NOVEMBER 2, 2018

THIS HEARING WAS HELD BEFORE COMMISSIONER T. SCOTT BECK, REPORTED BY SKYLET KEAN, COURT REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA; SAID PROCEEDINGS WERE HELD AT THE SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES VIA TELECONFERENCE, 1221 GREGG STREET, COLUMBIA, SOUTH CAROLINA, ON FRIDAY, NOVEMBER 2, 2018, COMMENCING AT 11:55 A.M.

seeking a finding of compensability for aggravation to a preexisting psychological condition. He is further seeking a finding of compensability for an aggravation to his low back, an aggravation to bilateral carpal tunnel syndrome. He is asserting entitlement to causally related medical care.

And I assume, Mr. Smith, that is related medical care that has been provided thus far?

MR. SMITH: Yes, sir.

THE COURT: All right. He asserts that he is at maximum medical improvement and that maximum medical improvement is, in fact, the same as the alleged date of accident, that being June 21st, 2013. And as he is at maximum medical improvement, Mr. Mitchell asserts that he is permanently and totally disabled under the Act predominantly due to the psych but is, in fact, asserting a mental physical claim in this matter.

Mr. Smith, anything in addition to that with regard to the claimant's position you'd like to get on the record or any other matter you're here to litigate today, sir?

MR. SMITH: No, sir.

THE COURT: With regard to the defendants' position, they deny compensability of this matter in

MR. SMITH: Yes, sir.

THE COURT: Mr. Mitchell, would you raise your right hand?

COURTNEY MITCHELL,

AFTER HAVING BEEN DULY SWORN TO TELL THE TRUTH, TESTIFIED AS FOLLOWS:

THE COURT: Please state your full name for the record.

THE WITNESS: Courtney Ray Mitchell.

THE COURT: Thank you, sir. Mr. Smith.

MR. SMITH: May it please the Court.

DIRECT EXAMINATION

BY MR. SMITH

Q. Mr. Mitchell, how old are you?

A. I am 45 years old.

Q. What is your education?

A. I have a bachelor of arts degree University of South Carolina Spartanburg.

THE COURT REPORTER: Can he speak up?

THE COURT: Hang on, Mr. Smith. We're having a hard time hearing. I believe he said he had a bachelor of arts --

THE WITNESS: I have a bachelor of arts degree from the University of South Carolina Spartanburg in interdisciplinary studies.

THE COURT: Thank you, sir.

BY MR. SMITH

Q. Do you have any children?

A. Yes. I have one son, Nathan, who is seven.

Q. With regard to your employment with UPS, when did it begin?

A. Well, there were two dates actually. I started in November of 2011 as a driver's helper. That ended I think in January of 2012. And then I started as a sales representative in March of 2012 and that ended in June of 2013.

Q. How did it end?

A. It ended with my dismissal after being out with -- had been out for disability.

Q. What was the disability?

A. What was the disability? The disability at that time was my lower back and my hands with the carpal tunnel syndrome.

Q. With regard to your employment history, where were you immediately prior to UPS?

A. Immediately prior to UPS I was -- I was with Kawasaki in Anderson.

Q. What were your duties there?

A. I was a sale person there. Sold

motorcycles.

Q. When did that position come to an end?

A. Sometime around November of 2011.

Q. And why?

A. We got a shortage of time where it's just so slow that there was no need for an extra person. They cut down my hours, so I had to seek other employment.

Q. What did you do prior to that?

A. Prior to that I'd worked for Staples and prior to that I'd worked for Ralph Hayes Toyota both as sales.

Q. Why did you leave Staples?

A. I wanted to get -- it was only a part-time job and I wanted a full-time job with the Kawasaki position.

Q. And so you started you say in March of 2012 sales at UPS?

A. That's correct, sir.

Q. When you started at UPS, what was the hierarchy from immediately above you to the last person that you would talk to at the local branch?

A. We had -- the hierarchy as far as our supervision was, we got a coach, we had a supervisor, and then we had a manager, and then we had a -- I

forgot the title of the person that was -- title in charge of the whole facility.

Q. Can you tell me who your coach was?

A. My coach was Velma Jones through most of my employment.

Q. Who was your supervisor?

A. Supervisor was Michael Battista.

Q. The manager?

A. Manager was Sharon Mayes.

Q. And the person above Ms. Mayes?

A. That would have been Ken Baca.

Q. When did you go to international sales or national sales?

A. I'm sorry, sir?

Q. March 2013 what sales position did you have?

A. Oh, yes. In March 2013 after my training I was placed into a patch that included a sales territory that included metropolitan Pennsylvania, a rural part of Pennsylvania and a metropolitan part of West Virginia and a rural part of Virginia.

Q. When did you have that patch to yourself? I mean, was that -- March you didn't have your own patch, did you?

A. No, sir. No, sir. I was trained in May

BY MR. SMITH

Q. What is a patch?

A. Yes, sir. It's a territory of area that we use to sell in. That we don't go into another's person's territory. We -- we service that entire territory. Not only do we sell but we make sure that the people in that area get the proper service that they're supposed to from the service of UPS.

THE COURT: Thank you, sir.

BY MR. SMITH

Q. And so you won an award. How many awards did you win?

A. Three.

Q. That would have been what months?

A. I believe it was May, June and July.

Q. What happened the fourth month, if anything?

A. In the fourth month in August we started transitioning to a new patch, a new area and my area was taken away. I was given a smaller area and the area was in really bad shape.

Q. What did it consist of?

A. Pardon?

Q. What did it consist of?

A. It consisted of Harrisburg, which was the

representative had been there quite some time.

Q. With regard to your sales, it is safe to say that they weren't the same as they had been those first three months?

A. Absolutely not. It was a -- it was an absolute wreck. We were just trying -- it seemed like we were always trying just to keep what little we had fighting fires that were already in place and trying to keep customers that we already had happy. And we were trying to find people to sell and most of the area seemed dissatisfied.

Q. Did you voice your concerns to your higher -- Velma Jones or anyone else?

A. Yes, I did. And so did the outside sales manager that had taken over, Matt Buffington. He had voiced concerns about how bad a shape the -- our area was and Harrisburg in particular.

Q. All right. And so the things that you told management, how did they act on those?

A. They just seemed to not take that into consideration. All they wanted was more numbers. Just numbers. Call more, call more, do better, do better.

Q. How did each of them deal with you if they dealt with you individually?

A. Well, I was asked to write myself up for not getting the numbers that they were seeking.

Q. Who did that?

A. I was...

Q. Who did that?

A. I'm sorry.

Q. Who did that?

A. Mike Battista -- well, excuse me. First Ms. Jones asked me to do that and then Mr. Battista asked me to do that.

Q. How often do you believe that occurred?

A. It was on a weekly basis after August.

Q. How did you deal with those statements or requests?

A. I did as I was asked, but it was disheartening. I came in early. I stayed late trying anything I could to come up with new numbers.

Q. What was your perception of your relationship with your coach, Velma Jones?

A. I felt like she wasn't listening and I didn't feel like she was really coaching. I felt like all she was doing was criticizing.

Q. Did you talk to her about outside aspects of your life?

A. I did. I shared...

Q. Such as what?
A. I shared -- I shared insights on having children and what my wife went through with her labor with Nathan. And she shared the same thing with her child and we talked about similar interests that her husband and I had and some interest that our families seemed to -- some local ties that we had.
Q. So based on that, what did you think of Velma Jones? What did you consider her?
A. I thought she was trusted.
Q. Did you believe you had any issues with her whatsoever?
A. I didn't have any issues with her. No, sir.
Q. What was her perception of your work that you understood?
A. I didn't think she liked my work at all.
Q. Did you consider her a friend?
A. I did.
Q. Did you take her in confidence?
A. I did.
Q. Ken Baca; who was he?
A. He was in charge of the Greenville facility of sales.
Q. How much did you interact with him?

A. Just a few times.
Q. And how did those interactions go?
A. They were never positive. I felt he was very demeaning and sarcastic.
Q. Can you tell us any specific incidents?
A. Yes. On one occasion he made light from a huge meeting how terrible my handwriting was. And on the second time right during the celebration we had of veterans day he made light that I was military police and they kind of made fun of the military police organization that I was quite proud to be a part of.
Q. So what was your assessment of Mr. Baca?
A. I did not like him. I did not trust him.
Q. What about Mike Battista?
A. I thought Mr. Battista was a nice man but he just seemed overwhelmed.
Q. How so?
A. He just seemed sad. He got emotional with us a couple of times in front of some of our meetings and he just -- just seemed like he was unhappy.
Q. Did you have disciplinary issues?
A. The only issues I had was one that I didn't -- I didn't make an announcement, a legal announcement and I wasn't doing the -- I wasn't doing

my call time.

Q. How many times do you believe you were written up total?

A. Probably at least twice a month and I think maybe once a week.

Q. And do we have an understanding of who did the majority of that or was it one person?

A. Yes. Ms. Jones, Battista and Ms. Mayes.

Q. Can you tell us about your physical health at UPS?

A. Starting in around September, it just deteriorated. I first had a vascular condition which sent me to a cardiologist. I had to stay on -- with that cardiologist through most of my time there I had to go through cardiology rehab where I would work out during the week with monitors and being checked by those doctors. Later I had a gallbladder attack and I had had to have my gallbladder removed. And then later I had the -- my hand started being quite painful, but it started curling up and just shaking. And then I had just incredible lower back trouble and I had to go out on those two problems.

Q. When do you believe you went out on those two problems?

A. I believe that was May of 2013.

explanation of your issues with your back or your hands?

A. No. I simply wanted -- I simply wanted to be taken care of like I thought workmen's comp was supposed to do.

Q. Yes. But did you file a workers' comp claim?

A. Not at that time. That's right. Because we thought -- at that time I thought -- I was scared that I would lose my job and I wanted to take care of everything through the disability and everything that we had at the company. We had short-term disability. I was out on short-term disability. I was hoping all of that would take care of itself and I could come back to work for UPS.

Q. So the -- the issues that put you on short-term disability were the hand and the back? Or hands and back?

A. That's correct.

Q. Was there anything else to that?

A. No, sir. Not at that time. That was the reason I was coming out.

Q. Are you stating that these issues that you were having, that they were mere exacerbations?

A. That's correct. It seems like it was --

A. I felt overwhelmed. I felt like I wasn't given -- in the position I was, I just felt like there was just a no-win situation there. I was -- I felt losing -- I kept going to work. I kept trying my best but I just felt -- I was to the point where I didn't know what else to do but leave that position. And I -- it got where it was difficult to go to work every day. It got different. I was having -- I started getting nightmares worrying about going to work. I was having trouble getting along with my wife. We were arguing and I was just in a stressful condition and I wanted to get away from that stress.

Q. Did you share that with anyone at UPS?

A. Yes, I did. Several.

Q. Who?

A. I shared it with my coach, Velma Jones, my coach, Jamie, Mike Battista, Sharon Mayes, Reggie Owens, our HR. I even -- I'd even written the Atlanta office and told them that I was having trouble there.

Q. And that was based on -- on what? What was the focal point of your problem?

A. The negative responses I was getting from my team there and just the constant what felt like degradation and writing myself up. Just I felt

like -- finding out that there were people talking behind my back. I just -- I was having -- I was just having a really, really tough time in the position I was at and I just wanted to go away from it.

Q. People talking behind your back. What was your understanding of what was being said?

A. It was my understanding that I was being called "shots fired."

Q. What does that relate to?

A. It relates to a video that we saw about workplace violence.

Q. Specifically, what was it about?

A. It was about watching for signs that an employee might be having trouble maybe to the point that they would be unstable and that they might could come in and commit violence. And we were try -- the purpose of the video was to prevent anything like that to happen.

Q. What was your perception of why you were labeled "shots fired"?

A. I felt that that was done because of my being proud of my military background and that I was under so much strain that they seemed to be making fun of the strain that I was under.

Q. Did they see outward signs of that stress?

place where I could make the money that I needed for my family.

Q. How did that change from a number standpoint or from a percentage standpoint after those three months?

A. Starting absolutely in August, it just fell apart. We started seeing -- I started seeing that I wasn't making my bonuses. I was -- matter of fact, I had to -- right after that point I was brought in by Mr. Battista several times and he was showing me that I -- the numbers weren't there to quantify the bonuses and so forth.

Q. Did that cause you any stress?

A. Very much so. I was -- I was really worried about the job. I was worried about making enough money and keeping my job for my family.

Q. What did your wife do for a --

A. My wife is an accountant.

Q. Does she work with numbers?

A. Absolutely.

Q. Did she have the opportunity to see the -- your pay?

A. Absolutely.

Q. Did that cause any -- do you have any issues? Did she have any issues with the pay?

MR. WILLIAMS: Objection, Your Honor.

THE COURT: I'm going to allow it.

BY MR. SMITH

Q. Did she have any issues with your pay?

A. She was concerned. She was concerned about the job. I had told her that we seemed to be having trouble but I thought -- I promised her. I said, "We will get through this. I will try to get another job within the company and we'll make through this."

Q. How did you get along with your co-workers?

A. I thought very well. We would to go to lunches. We had outside things like Greenville Appreciation Days. We had outside things that were done at the facility that I worked at as well outside. We went to our own houses. I even had a -- I went to one of my co-worker's house for a nice barbecue and I had a barbecue at my mother's house.

Q. Do you remember about what time that barbecue occurred?

A. Yes. That happened in May right before I went out with my hands and my back.

Q. What was the next social event that you had with your co-workers?

A. That would have been -- I had a lunch in Greenville at a restaurant and I believe it was in June. Matter of fact, I know it was June. It was June 21st, 2013 and that was at the Olympian Grill, I believe it was, in Greenville.

Q. What's your characterization of that lunch?

A. I thought we were all just having a simple discussion. We were laughing. Just having good fun. I did kind of tease one guy a little too much probably and I even apologized. I said I'm sorry I was getting on you a little bit. And he seemed to be taking it in stride. I had no idea that there was any problems leaving that lunch. I was in good -- I thought it was a great meal.

Q. Did you ever work with UPS again?

A. No, I did not.

Q. Do you understand why you were dismissed?

A. I was understood that I was dismissed for threatening another employee.

Q. Did you, in fact, do that?

A. No, I did not.

Q. With regard to your mental health, had you ever been treated for issues relating to mental health?

A. Yes, I have.
Q. When did those -- or when did it occur?
A. The first episode I've ever had occurred in 2006 and I was -- I was admitted to Patrick B. Harris Hospital.
Q. And what was your understanding that your diagnosis was?
A. I was understanding that I had -- that I was bipolar. I had a personality -- some type of personality trait and posttraumatic stress disorder.
Q. Did you believe that you had these issues?
A. No, I did not.
Q. Can you tell us about any other mental health situations that you had?
A. I have been admitted three times. The second time I was admitted, I was admitted right after my arrest in 2013 to Three Rivers. I was diagnosed with bipolar, the personality disorder and PTSD.
Q. Did you go to --
A. Later after that -- pardon me.
Q. Did you go to Patrick B. in 2009?
A. In 2009 I had a -- I had an issue at Kentucky where I had a -- I was originally arrested for a CDV with a lady there in Kentucky that I got in

A. No. I know of nothing. No one -- no one ever approached me and said I was doing anything out of the ordinary. I seemed to be very healthy. I had a very healthy relationship with my wife. Things were going so well.

Q. Based on your sales production, did you have any concerns about your position with UPS?

A. I didn't start having any concerns about my position at UPS until I changed the area that I was working in and I was just completely overwhelmed that -- not being able to sell in that particular part where I was -- seemed to be doing so well on the part before that.

Q. Did you have any concerns about your position with UPS based on statements or comments made by your management?

A. Absolutely. From that point on I felt that I could be fired at any day I walked in there.

Q. And when do you believe that that began?

A. That began in August when I first was told that I needed to write myself up.

Q. Did you tell any of them that you were overwhelmed or you were having difficulties with the position you were in?

A. Yes, I did. I even asked to be demoted.

A. I'm sorry. Ask that, please, again.
Q. Did you believe that you could do that job based on Ms. Jones' coaching?
A. No, I didn't.
Q. When did you come to that realization?
A. It definitely occurred to me after several months of being in the new territory that I just wasn't -- came from the ground that I had. I was just overwhelmed.
Q. Did you tell UPS anything about the effects on the job on you?
A. Yes. I told them that I was having a lot of trouble and I wanted to be a more -- a positive employee and possibly I could be at a different position.
Q. Did you tell them that the position itself was causing you difficulty?
A. Yes, I did.
Q. And who did you tell?
A. I started from Velma Jones. I told Jamie Downs. I told Mike Battista. I told Sharon Mayes. I even told Reggie Owens.
Q. And what did you understand based on those conversations?
A. That there was nothing that really could

be done. That because my numbers weren't there, that I couldn't change any positions. That I was basically stuck where I was at.

Q. How would you compare your mental state from this 2013 issue or event to the previous mental health issues that you had in 2006, 2009?

A. It was much worse. Much worse. 2012 to 2013 began a dissension in time to me that -- it's painful to me to just even think about it. It was the worst time in my life without a doubt.

Q. Have you ever been able to recover from May-June 2013?

A. No.

Q. Are you on medication at this point?

A. I am.

Q. Have you been off medication since May or June of 2013?

A. That's correct.

Q. All right. Have you been off medication?

A. No. I have not been off of it. No, sir. I'm sorry. I've been on it.

Q. Did you take medication between 2009 and 2013?

A. Did not.

Q. Why?

this? How did you get hurt at UPS?

A. Well, it's a two-facet part. Mentally I was hurt by the way I was treated by my supervisors. The -- just constantly scared and just almost like being terrorized by my own workers there. Physically, the sitting a long condition, long periods of time and typing on the computer hurt my back and my hands.

MR. SMITH: I have nothing further.

THE COURT: Mr. Williams.

MR. WILLIAMS: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. WILLIAMS

Q. Sir, I'd like to talk a little bit more about your work history, some things I think that have been left out we need to talk about. You worked at the Department of Correction as a correctional officer for approximately one year; is that right?

A. Correct.

Q. And you actually left there because you wanted to go where your talents, education level, training and experience would be capitalized. Does that sound right?

A. The information I gave.

MR. WILLIAMS: Okay. That's Page 729,

Your Honor.

BY MR. WILLIAMS

Q. You also worked for a very brief period of time at the Department of Probation and Parole, about four months; isn't that right?

A. That's correct.

Q. You worked there until you were fired; is that right?

A. That's correct.

Q. Okay.

A. That's correct.

Q. And I asked you all about that in your deposition. And you told that the reason you were terminated is because you got into an argument with another agent. Do you remember telling me that?

A. That's correct.

Q. Okay.

A. That's correct.

Q. Okay. But actually you and a co-worker were fired for intimidating, threatening another co-worker; isn't that right?

A. There was three of us fired, sir. The person that stated that they were in the argument and the -- me another gentlemen on the other side.

Q. Sure.

working for the Department of Probation and Parole. But you never got to be a probation officer, did you?

A. That's incorrect, sir. We were still on the job. I was trained. I was making home visits. I did see what I saw.

Q. Fair enough, sir. I've got your entire record from the Department of Probation and Parole. Are you surprised that nothing regarding that is in here?

A. I'm not surprised.

Q. Fair enough. Now, let's talk about some other work that you've done. You worked for a law firm. I believe it was called Harris, Ragan & Patterson. Do you recall working for them?

A. I do.

Q. Okay. You left there because you got into an argument with a lead attorney; isn't that right?

A. That's correct.

Q. You moved to Florida. Did some landscaping with a fellow named Mr. Russ Niemeyer. You only did that for a couple of months. Do you remember that?

A. That's correct.

Q. You left there because you got into an argument with some of the help; isn't that right? Is

that correct?

A. I don't recall that.

Q. Fair enough.

A. No. I left there because I was offered another position at a new firm.

MR. WILLIAMS: Your Honor, I'll just call your attention to claimant's deposition Page 37, Lines 12 to 15.

THE COURT: Give me that cite again.

THE WITNESS: Page 37, Line 12 to 15.

MR. SMITH: Did you offer that to him for recollection?

MR. WILLIAMS: I did. I don't have to offer it to him for recollection. I just asked him about it --

MR. SMITH: Okay.

MR. WILLIAMS: -- and I'd given it in evidence and it wasn't objected to.

BY MR. WILLIAMS

Q. You also worked for a second landscaping business in Florida and you left there after only a couple of months because you got into a fight with the owner, an argument with the owner. Do you remember that?

A. I did not get in a fight.

Q. An argument.
A. That is incorrect. Not get in a fight.
Q. Did you get into an argument with him? I corrected myself. I'm sorry. Did you get into an argument with him?
A. There was never an argument.
MR. WILLIAMS: Your Honor, Page 38, Line 4 to 13.
BY MR. WILLIAMS
Q. Now, let's talk a little bit about coming back to South Carolina and working for American Security at Easley Baptist. Do you recall doing that?
A. Yes.
Q. You were there for about a year?
A. That's correct.
Q. You actually gave them your two weeks' notice after a year, but you got into a disagreement with your boss, so you left immediately. Do you recall that?
A. That's correct.
Q. Okay. In fact, after leaving and being -- well, leaving that job immediately at American Security, you were put on trespass notice by them; isn't that right?

A. That's correct.
Q. And you found out about that when you actually went back to the hospital after being terminated to go to the credit union. Do you remember that?
A. That's correct.
Q. The Easley police were called and there was an altercation and in that altercation you allege that you had an injury to your hand. Do you recall that?
A. That's correct.
Q. Okay. The next day you were upset about that hand, so you went and filed a complaint with Pickens County. Do you remember that?
A. That's correct.
Q. You actually called down to the station, filed a complaint, but then that night you decided you were going to go back to that same place that you were on trespass notice for. Do you remember that?
A. That is incorrect.
Q. Okay. Did you not go back to Patrick B. Harris in a cab with a gun?
A. I did not go to Patrick B. Harris in a cab with a gun.
Q. Where did you go?

A. I went to a bank and I gave the cabbie my pistol while I went into the bank.

Q. Okay. And as a result of that were you ultimately incarcerated and was that the reason you ended up at Patrick B. Harris in 2006?

A. That's correct.

Q. Okay. And you were actually committed to Patrick B. Harris -- and I'm just going to give you dates and tell me if you think this sounds right -- from July 17, 2006 until about September 13, 2006. Does sound about right to you?

A. That's correct.

Q. Okay. Now, after Patrick B. Harris. So after you were released from that facility in September of 2006, you were required to seek outpatient treatment at Abbeville Mental Health; isn't that right?

A. Correct.

Q. Have you reviewed the records at all from Abbeville Mental Health?

A. Not that I recall, sir.

Q. Fair enough. Do you recall telling them that you were becoming unreasonably fixated on a hospital supervisor that you had?

MR. SMITH: Objection as to relevance.

MR. WILLIAMS: I think it's clearly relevant. I mean, it's the same allegation that he's alleging --

THE COURT: Let's proceed.

MR. WILLIAMS: APA Page 1158, Your Honor.

BY MR. WILLIAMS

Q. And to ask the question again, sir, so I can get your response, do you recall telling the individuals at Abbeville, the providers at Abbeville Mental Health that you had become unreasonably fixated on your hospital supervisor? Do you recall that?

A. I don't recall that far back. Honestly, I don't.

Q. Fair enough.

MR. WILLIAMS: And again that's APA Page 1158.

BY MR. WILLIAMS

Q. Now, after leaving that court ordered one-year program outpatient at Abbeville Mental Health, you were supposed to stay on your medications, weren't you?

A. That's correct.

MR. WILLIAMS: That's Page 1149, Your Honor.

BY MR. WILLIAMS

Q. But even while in their program, sir, you were not compliant with your medication treatment plan; isn't that right?

A. Right.

MR. WILLIAMS: That's Page 1149 as well, Your Honor.

BY MR. WILLIAMS

Q. Now, you reentered the workforce in 2008, and I think you talked about this a little bit. But you went to work for a company called Nighthawk Security?

A. That's correct.

Q. And you ended up having to leave there because the issues you were having with that young lady you talked about earlier; is that right?

A. That's correct.

Q. Okay. You mentioned the Alford plea, the nolo contendere plea, the Alford plea. But it was actually for terroristic threats, wasn't it?

A. Terroristic threats came within the jail.

MR. WILLIAMS: Okay. Page 1737, Your Honor.

BY MR. WILLIAMS

Q. Now, in 2009 you moved back to South

It is no different. I was trained at Fort McClellan, Alabama as a United States Army military policeman without a doubt.

Q. Fair enough, sir. And you were actually last in the U.S. National Guard in August of 2006; is that correct?

A. That's absolutely correct.

Q. So you weren't in the National Guard or Army or anything after 2006; is that correct?

A. (Inaudible.)

Q. Yes? Couldn't hear you, sir.

A. That is correct.

Q. Thank you.

A. That is correct.

Q. Thank you. You told Ralph Hayes again on your application that you left the U.S. Army because of an injury. Do you recall telling them that?

A. No. I don't recall.

Q. Fair enough.

MR. WILLIAMS: That's on Page 1318, Your Honor.

BY MR. WILLIAMS

Q. Sir, let's also be clear. You never served any time overseas, did you?

A. That's absolutely true. I've never been

overseas.

Q. Sure. And you never sustained any service-related injuries; isn't that right?

A. That's absolutely true. I've never asserted any injuries except to my knee.

Q. Fair enough. You also told Ralph Hayes Toyota that you attended Concord Law School. You didn't attend law school, did you?

A. I absolutely attended Concord Law School. It's an online school out of California, sir.

Q. Okay. So when we were talking earlier about your education, you just forgot about that?

A. I didn't remember -- I just wanted to speak about the thing that I completed. I did not complete that law school.

Q. Sure. You started at UPS on March 30, 2012 as an inside sales representative. That's what you were hired to be; isn't that right?

A. That's correct.

Q. And when you applied at UPS you also completed an application; is that right?

A. That's correct.

Q. And when you filled out that application, you told them that you were in the U.S. Army working as an MP -- again, the same thing -- from 1990,

February, until January of 2009; is that right? Is that correct?

A. That is correct.

Q. Okay. You also told them that you were a veteran who served active duty in the U.S. Army during a war or campaign. Do you recall telling them that?

A. I don't.

MR. WILLIAMS: Your Honor, that's Page 1327 and 1328.

BY MR. WILLIAMS

Q. Interestingly, you didn't tell UPS about law school, did you? Did you? I can't hear you.

A. No, I did not.

Q. Once you were hired as an ISR, you did a couple of months in a training group. It's like an academy of sorts; is that right?

A. That's correct.

Q. Okay. And once a job opened as an ISR where you could get a patch of land or a territory where you'd go out and do sales, that's when you became a full-fledged ISR; isn't that right?

A. That's correct.

Q. And if my notes are right, you started doing that around May 14th of 2012. Does that sound

right?

A. Correct.

Q. And the territory that you took over -- I believe you stated this earlier. But it was a territory that had been previously operated by someone who was promoted because her sales were so good; isn't that right?

A. That's correct.

Q. Okay. And your job just for a little description was to call on customers within that territory with the help of outsides sales representatives to try and get more work and/or to keep the work in that area; is that right?

A. That's correct.

Q. In June of 2007 [sic] -- so about six weeks after you first started, that's when you got your first coach; isn't that right?

A. That's correct.

Q. Now, you touched on this a little bit, but I think the dates may have been off, so I want to make sure we're clear. From October 23rd, 2012 to October 31, 2012, you had some heart issues and you went out on disability; is that right?

A. That is correct.

Q. Okay. And then again in November of

2012 -- I have down November 19, 2012 almost a month later -- to December 14, 2012, that's when you had a gallbladder issue and again went out on disability?

A. That is correct.

Q. Okay. Now, while working as an ISR, they would evaluate you with something called a Quality Performance Review, a QPR. Do you recall that?

A. I do.

Q. And a QPR is actually an assessment that's performed by four co-workers and your supervisor; isn't that right?

A. That, I'm not sure about.

Q. Fair enough. Fair enough.

A. Never did understand what that was.

Q. Sure. Sure. Now, the coach that you had, I believe you mentioned a Velma Jones. She was actually assigned to your territory; isn't that right?

A. No. She was assigned to many territories.

Q. Many territories but one of those territories was yours; correct?

A. Yes.

Q. And she was available to coach anyone within the territories that she had, her own territories; is that right?

A. That's correct.

Q. And I want to make sure I'm clear on this because she gave you feedback to help you plan your day and develop strategies for success. That's what she was designed to do; isn't that right?

A. That was her job. Yes.

Q. Okay. And you were not the only employee to have a coach?

A. No.

Q. Okay. And just so I'm clear. When you struggled, help was provided for you; isn't that true?

A. That's not.

Q. Okay. So you never got help from a coach?

A. It was not very good help. I would say that.

Q. Fair enough. When you did well, you were given positive encouragement from your supervisors, weren't you?

A. Yes.

MR. WILLIAMS: Okay. And Your Honor, I'll just call your attention to several pages: 1354, 1358, 1359 and 1469.

BY MR. WILLIAMS

Q. Now, in mid-2013 your production was not

where it was supposed to be. Is that a fair assessment?

A. That's correct.

Q. Because of that, when you requested the move to another job it was denied; isn't that right?

A. That's correct.

Q. You were informed that if you're not meeting the minimum standards on your QPRs, that you can't move to another position within the company; isn't that right?

A. That is correct.

Q. Now, you mentioned that you had asked for a job in security, but there was no job available in security; isn't that true?

A. That is not correct.

Q. Okay. In a letter to Michael Battista dated May 14, 2013 you stated, "I just found out yesterday that I have a degenerative condition that will continue to affect my motor skills and my hands to a point where it will be more difficult for me to operate the computer." Do you recall sending him saying that?

A. That is correct.

MR. WILLIAMS: That's on Page 1342, Your Honor.

BY MR. WILLIAMS

Q. Then on May 20, 2013 you sent in another letter to Reggie Owens, the HR manager, and you told him, "I am requesting accommodation with my job due to medical limitations I am experiencing. Last week I found through a medical test that I am losing motor control in my hands and legs. We suspect this is a result of an injury I sustained while serving my country as a military police for the U.S. Army." Do you recall sending that?

A. I do.

MR. WILLIAMS: Your Honor, that's Page 1343.

BY MR. WILLIAMS

Q. In fact, sir, you went further and told Reggie Owens that you actually were exposed to an IED while serving in Iraq or Afghanistan, didn't you?

A. I did say that.

Q. After learning of the disability that you reported in May of 2013, Ms. Mayes and Mr. Owens helped you file a disability claim; isn't that right? Is that right?

A. Yes.

Q. Okay.

A. That's correct.

Q. Thank you. In fact, you went out on disability. I want to make sure this date is clear too. You went out on disability on June 11, 2013. Doesn't that sound right?

A. Seemed like May to me. I'm not sure of that. I don't -- I'm not going to say that that's right because I'm not sure.

Q. I understand. Fair enough. But suffice it to say that it's true, that after you went out on disability in either May or June 11, 2013, you didn't work again for UPS after that moment in time; isn't that right?

A. That's correct.

Q. Okay.

A. That is correct.

Q. Okay. Now, I want to talk a little bit more of the events that happened in June of 2013, on/or about June 21, 2013. Do you recall me taking your deposition? I can't remember which correctional facility you were in. But do you recall me sitting down with you and your lawyer taking your deposition?

A. I do.

Q. And at that time I asked you. That was actually January 12, 2016. So we're talking almost -- if I'm doing my math right, almost three

MR. WILLIAMS: Again, that's Page 102, Lines 12 to 20.

BY MR. WILLIAMS

Q. Sir, I also asked you what was going on with your hands and your back in that deposition. Do you recall telling me you didn't know?

A. I do recall that.

MR. WILLIAMS: Page 98, Your Honor, Line 10 to 22.

BY MR. WILLIAMS

Q. Now, again, after you stopped working and went out on disability either in late May or the date that I contend, June 11, 2013, you didn't work for UPS again. So when you went to lunch on June 21, 2013, you were out on disability; is that right?

A. That is correct.

Q. And you went to a lunch with employees; is that right?

A. That is correct.

Q. In fact, some of those --

A. That's correct.

Q. Some of those employees are ones you now allege were calling you names?

A. I didn't say that.

Q. Fair enough. During this lunch, sir, you

made comments about your co-employees, the subject of which and the interpretation of which is why you were actually serving a ten-year sentence now; isn't that right?

A. Say again.

Q. Sure. During that lunch you made some comments that were interpreted as threats; isn't that true?

MR. SMITH: Objection. Misstatement of facts. Prison sentence had nothing to do with the lunch.

THE COURT: Say that again, Mr. Smith.

MR. SMITH: I would object based on the fact it's a misstatement of fact. It was not -- the sentence has nothing to do with lunch.

MR. WILLIAMS: I'll restate the question.

THE COURT: Please.

MR. WILLIAMS: Be glad to.

BY MR. WILLIAMS

Q. Sir, during that lunch you made threats to employees, didn't you?

A. No. I made no threats and I have no knowledge of anyone understanding it being a threat.

Q. Okay. But after that lunch the police showed up at your house; is that right?

A. That is correct.
Q. Okay. And, in fact, after the police showed up at your house, do you recall telling me at your deposition that that really was when you started to really feel like you were upset?
A. That's correct.
Q. In July of 2013 you deliver or had delivered a package to UPS; is that true?
A. I had a gentleman bring some item to UPS. Yes.
Q. Okay. Brought a blower that I think you had borrowed or something?
A. That's correct.
Q. There also was a package; right?
A. That's correct.
Q. And in that package there was a copy of your -- or actually it was your concealed weapons permit; right?
A. That's correct.
Q. Three cell phones?
A. That's correct.
Q. Receipts from purchases made --
A. That's correct.
Q. -- in and around areas of South Carolina?
A. That's correct.

Q. And at this time you're serving your sentence for being convicted of threatening -- intimidating one of your former workers, Ms. Velma Jones; isn't that right?

A. Sentenced for ten years for threatening a witness.

Q. Thank you. Now, I don't know if you recall this, but after this luncheon and after these events that have led us here, you saw a Dr. Jeffrey Musick. Do you recall seeing him? It was before your trial.

A. I recall that doctor.

THE COURT REPORTER: Excuse me a moment.

(Court reporter changes backup audio.)

BY MR. WILLIAMS

Q. I understand that you don't recall seeing Dr. Musick specifically, but do you recall telling any provider that you had an employment of short stints in a variety of jobs because you get tired of them thinking you could advance quicker in another position? Do you recall telling that to a medical provider?

A. I don't recall that at all.

MR. WILLIAMS: Page 1141, Your Honor.

BY MR. WILLIAMS

Q. You also saw a doctor Manuel Torres before you trial. Do you recall seeing Dr. Torres?

A. Vividly.

Q. Vividly. Okay. Good. Do you recall telling him that you were unable to maintain any job for any length of time due to the fact that you were neither compliant with your medications or your therapy?

A. I don't remember phrasing it that way.

Q. Fair enough.

MR. WILLIAMS: That's Page 905, Your Honor.

BY MR. WILLIAMS

Q. Now, after your incarceration you've lost your privileges a few times; isn't that right? Is that right?

A. That's correct.

Q. Okay. In October of 2015 did you throw hot coffee on a guard and hit him in the face?

MR. SMITH: Objection as to relevance.

THE WITNESS: That's correct.

MR. WILLIAMS: Okay.

THE COURT: I'll allow it.

BY MR. WILLIAMS

BY MR. WILLIAMS

Q. Mr. Owens, what's your occupation?

A. Retired.

Q. And how long have you been retired?

A. Since August of this year.

Q. Okay. What were you doing for work in June of 2013?

A. I was the HR manager at the inside sales site.

THE COURT: Say that again, sir.

THE WITNESS: The HR manager at the inside sales site.

BY MR. WILLIAMS

Q. You've got to talk slow for us. We're getting old.

A. Oh, I'm sorry.

Q. You talk fast, Reggie.

A. All right.

Q. What were your duties in the position of the HR representative in inside sales rep in Greenville?

A. I was responsible for the retention, employee retention, recruitment, coaching and counseling of both employees and also of management. Placement of employees, overall staffing analysis and

also investigation and documentation.

Q. Did you have any role in disability claims or workers' compensation claims as well in HR?

A. Yes. That was also part of my responsibility.

Q. In your position of the HR manager in the Greenville facility, did you come to know Mr. Courtney Mitchell?

A. Yes, I did.

Q. When did you first come to know him?

A. The first time I -- when he was initially hired.

Q. Were you part of the hiring process?

A. I am part of the hiring process.

Q. Okay. And after hiring Mr. Mitchell, did you become involved with him in any other way?

A. Not until later on after he had been employed with you UPS.

Q. Okay. And in what facet did you become involved with him after he became an employee?

A. It was brought to my -- he had some attendance issues and that was brought to my attention with his manager, Sharon Mayes.

Q. And in response to the attendance issues, did you have meetings with him?

A. Yes, I did.
Q. And what were the -- what was the substance of those meetings?
A. Well, one, we'll see what the problem was and see the possible ways we could help him.
Q. Did you ever identify what any of those problems were?
A. Well, he had some disability issues that he had brought to my attention.
Q. Medical issues?
A. Medical issues, yes.
Q. Did you assist him in applying for any disability benefits?
A. Yes, we did.
Q. Okay. Did he tell you the nexus or the source of his problems?
A. Well, he originally -- he told me that the -- he came to me and said he had issues. I believe he had heart issues and then eventually told me he had issues with his legs and hands.
Q. And did he tell you what was causing the hand and leg issues?
A. He said when he served in Afghanistan that he stepped on a -- I always get this -- an IED and that it had caused him to have numbness and

eventually he told me he was going to lose feelings in both his -- in both his legs and in his hands because of this.

Q. Did Mr. Mitchell at any time tell you that any of his problems he was having, those issues you just discussed with his hands or his legs, did he tell you that those problems were in any way related to work?

A. No, he did not.

THE COURT: Hang on a second. Mr. Mitchell, can you hear everything that's being said here? All right. Thank you.

THE WITNESS: Yes, sir, I can.

THE COURT: Okay.

MR. WILLIAMS: Thank you, Your Honor. I guess I'm probably talking too soft.

THE COURT: Yeah. You need to speak up.

MR. WILLIAMS: I'll be glad to.

THE COURT: Because I'm having a hard time hearing you.

MR. WILLIAMS: No problem. Sorry. I was trying to keep it down.

BY MR. WILLIAMS

Q. Did he ever tell you that any of those medical issues that he reported to you that you

helped him apply for disability were in any way related to work or a work injury?

A. No, he did not.

Q. If an employee comes to you as the HR manager and reports that they are having problems that they believe are attributable to work, what is your process?

A. We take the necessary steps. We fill out what the injury was from, get the necessary paperwork and also get the necessary medical information that they need.

Q. Do you send them on to your workers' compensation carrier to make sure they're taken care of?

A. Yes, we do.

Q. Okay. At any point with Mr. Mitchell, did you do that?

A. No.

Q. Okay. What assistance did you provide to him, if any, in the short-term disability or long-term disability application process?

A. Well, I had got him to fill the necessary paperwork that he need to fill out and also requested the necessary paperwork that he needed to fill out.

Q. At some point did Mr. Mitchell reach out

to you to discuss the possibility of moving to a different position within the organization?

A. Yes, he did.

Q. And what was the substance of that conversation? Was it allowed?

A. No.

Q. Why not?

A. Was no need to be. I mean, it was just a normal conversation.

Q. Okay. Let me rephrase the question. I don't think you understood me.

A. Okay.

Q. What I'm trying to find out is what was your answer to his request?

A. I told him that he couldn't go to another position because he was not performing in the job he's in right now.

Q. Okay. And is that a requirement to move within the organization, that you be proficient at your current job before you move to another job?

A. Yes.

Q. Okay. When it came to his report to you of physical problems -- back or whatever he said to you. I believe he said hands and legs -- how many conversations do you think you had with him about

those problems he told you about?

A. I believe it was twice.

Q. In any of those conversations did he even allude to the fact that his problems were related to his duties at -- that he had an injury at UPS?

A. No. Never did.

Q. Okay. Over time did you establish a rapport with Mr. Mitchell?

A. As much as I establish a rapport with most employees.

MR. WILLIAMS: Okay. Beg your indulgence for just moment.

THE COURT: Yes, sir.

BY MR. WILLIAMS

Q. When did you first learn that he was alleging that he had a workers' compensation claim?

A. When you contacted me.

Q. Would that have been sometime in late 2014, early 2015?

A. Yes.

Q. Okay. When you learned that he was alleging a workers' compensation claim, what was your understanding of the injury he was alleging?

A. Some type of mental disorder. That we had caused some type of mental disorder.

Q. Now, did you have any role in the decision to show the "shots fired" video in Greenville?

A. Yes.

Q. Okay. And what was the purpose of showing that video?

A. For what was going on in the world at that time, a decision was made not only by myself but by the organization to have our employees prepare for an active shooter situation for their own protection.

Q. Did Mr. Mitchell ever complain to you about having to watch the video?

A. No.

Q. Did he ever tell you that anyone was harassing him or calling him names at work?

A. No.

Q. Okay. If an employee reports to you as the HR manager that someone is calling them a name or teasing them, what is your process?

A. We first do an investigation and then we take the necessary steps to, one, stop that and, two, take the necessary action that needs to be taken with that employee.

Q. In your communications with Mr. Mitchell, did he ever complain to you about his supervisors, his coach, his manager?

Q. And what was in that package?
A. I believe it was three cell phones, a carry permit. I don't know the correct name. A gun carry permit.
Q. Concealed weapons permit?
A. Concealed weapons permit and some receipts and also I believe it was some type of business card.
Q. Were you aware of any potential significance of the receipts?
A. The receipts were close to some of the family members of Gina Jones. Because the package actually was given to Gina Jones.
Q. Fair enough. After that package was delivered, did you have to attend any hearings or proceedings regarding the events of June 21, 2013?
A. Yes, I did.
Q. Okay. At that time after the package was delivered, did you personally feel threatened?
A. Oh, very much so.
Q. Can you describe that for the Commissioner what you felt after that?
A. Well, with the concealed weapons permit in the package, the three cell phones, what I'd been told about the lunch and the things that had been said at the lunch, I felt very threatened. I've been

with UPS prior to that 41 years. I've never felt that way before until that situation. Because of what he had told me about his military background, the things he had done, I felt he was very capable of hurting me and more so hurting the employees that work at inside sales. I was really more concerned at the end of the day about my employees than I was about myself because something could happen -- something could happen to someone and I would be responsible for that.

Q. The CWP, whose was it, the concealed weapons permit?

A. It was Ray Mitchell's.

Q. Did UPS hire any additional security after that time?

A. Yes, we did.

Q. Do you have any idea how much was spent on extra security?

MR. SMITH: Objection as to relevance.

THE COURT: Relevance?

MR. WILLIAMS: I think it's relevant because it shows what steps UPS had to take in direct response to the actions of Mr. Mitchell.

THE COURT: I'll allow it.

THE WITNESS: The first year we spent over

$80,000. Years after that we spent $124,000 for security.

BY MR. WILLIAMS

Q. Lastly, and I think this will be addressed quickly. But you were deposed in my office by Mr. Smith over three years ago. Do you remember that?

A. Yes.

Q. And did you get reimbursed your witness for your mileage?

A. No, I did not.

Q. Okay. And I don't want you to tell me where you were living, but did you travel from out of state for that deposition?

A. Yes, I did.

Q. Okay. And to your knowledge, at least as of the time that you retired, are you aware of any of the witnesses being paid for their witness fee?

A. None have not.

MR. WILLIAMS: Okay. Your Honor, that's all the questions that I have of this witness.

THE COURT: Mr. Smith.

MR. SMITH: May it please the Court.

CROSS-EXAMINATION

BY MR. SMITH

Q. You turned down checks at that deposition;

A. My fear?
Q. Yeah.
A. Because of what he said at the luncheon and also from a concealed weapons permit put in a package. I mean, at that point I'd have no idea what's on this guy's mind.
Q. If it's expired, it's garbage; right?
A. But he still has one. That means he can carry a gun and he can kill me.
Q. Yes, sir. The lunch that we're talking about, are you aware that no one said anything to him about his statements or his conduct?
A. No, I'm not aware of that.
Q. If no one tells you you're doing something, do you have an idea you're doing something wrong?
A. I don't know how to answer that. I mean, if I were to stand up and punch him in the face, I knew I was doing something wrong.
Q. Yes, sir.
A. Right?
Q. Yes.
A. And I don't think you would have -- nobody here have to tell me that I'm doing something wrong.
Q. Right. But if someone is just talking and

DIRECT EXAMINATION

BY MR. WILLIAMS

Q. I've already been fussed at, too, for being too quiet.

A. Okay.

Q. So you and I have got to talk up today.

THE COURT: This is my bad ear over here.

THE WITNESS: Okay.

BY MR. WILLIAMS

Q. Ms. Mayes, where do you work?

A. I'm in the inside -- the Greenville inside sales UPS sales facility.

Q. And what exactly do you do?

A. I'm manage three districts within our company and over a hundred team members. I have 83 ISRs, four supervisors and five coaches that cover that -- those three territories.

Q. So an ISR is an inside sales representative?

A. Correct.

Q. Okay. Did you manage Mr. Mitchell as an inside sales representative?

A. Yes, I did.

Q. Were you in the same role in 2012-2013 that you're in now?

A. Yes.

Q. Okay. Now, what are the duties of an ISR?

A. Part of the duties is to manage a patch of land, work in conjunction with the field resources. Some of our ISRs are -- they work with two field resources or three based on the revenue of that particular patch of land.

Q. How did Mr. Mitchell do as an ISR?

A. He did not meet expectations. Just some of the minimum expectations. And we recognized that and we started working with him.

Q. How did you do that?

A. Well, one of the things that we do is we have a coach assigned to each of my teams and what they're responsible to do is improve their acumen. Planning their acumen, their sale acumen. Just questions that they might have. Because they go through training and then getting on the floor we want to make sure that there's a smooth transition.

Q. Fair enough. Is it unusual for an ISR to have a coach?

A. No, it is not unusual. In fact, we actually expanded having additional resources called product specialist as well to also help with acumen. And at that time we have two for the team.

Q. Who was Mr. Mitchell's coach that was assigned?

A. Velma Gina Jones.

Q. And what did she do for him?

A. She -- she was his coach. And part of her responsibility was daily to -- to work with our ISRs that needed additional help and also our folks that maybe needed help with strategy to sell. They also cover the supervisors when they are out of the office just to ensure that everybody is being taken care of.

Q. Did Mr. Mitchell ever receive any accolades for his work as an ISR?

A. He did. Yes. When he took over the patch, I believe in April or May.

Q. Of 2012?

A. Of 2012. Ellen Coleman was the ISR that had the territory prior. So the way that we reward is from previous months. So, you know, what we want to do is give our new ISRs at least some additional, you know, motivation that we rewarded him for the work because they own the territory; right? So they're new. So you know what? They get the accolades and also if there's any, you know, performance issues. And that territory was performing very well.

Q. Okay. Prior to becoming an ISR, did Mr. Mitchell receive training?

A. Yes, he did.

Q. Tell me about that. Is there a particular group they go into? How does that work?

A. Well, each -- every time we have new ISRs -- and part of our role at UPS inside sales is to ensure that they get ready for positions out in the field or move -- you know, move forward in the company. So part of our role is to make sure that four weeks they go through training. I think at that time it was six, six weeks of training. And then they nest in the -- and we call it nesting. Just, you know, before we put you out in the territory, once you get comfortable with the phones, some small sales and not as -- not as detailed as having a patch assigned. So he was put in the associate ISR group.

Q. Is that the nest?

A. That's the nesting. It's called the associate ISR group. And then once a territory is open and Ellen had gotten the promotion, he replaced Ellen. And while Ellen was there we had him -- had her spend a little time introducing him to customers.

Q. Now, that nesting area or the associate's group you just described --

A. Uh-huh.
Q. -- is that a temporary or a permanent?
A. It's temporary. Very temporary. It's not a position.
Q. Fair enough. At some point did Mr. Mitchell ask to be transferred out of an ISR position?
A. He did. He did. But there was -- there wasn't a -- there wasn't a position for him to go to.
Q. What position did he ask to go to?
A. The associate ISR group.
Q. Okay. Is that because that's a temporary group?
A. Correct. And it's a lighter -- it's a lighter load.
Q. Did he also request to go to security?
A. He did. One of the things that -- you can't move forward to another job unless you're performing at your current job. And at that particular time he was not performing and so he could not go. And also there wasn't a -- there wasn't a position. He wanted to go in security but there wasn't a position available.
Q. Fair enough. Did you ever discuss with Mr. Mitchell about his job performance and/or job

military?

A. Well, he went out on disability for a while and then he came back and he did write a letter to my sup which it brought it to my attention. And then we met because I wanted to make sure he gets, you know, further assistance. And so we -- we met again with myself and Reggie in the room and also Michael Battista, his supervisor. He mentioned that in -- he was in the services, armed services and he had gotten blown up by an IED explosive device. And I was like, "Oh, my goodness," you know. You know, so I wanted to make sure we got him, you know, some help. And then Reggie worked with him again specifically because he was just saying he had some motor skill issues. And he then -- so Reggie worked with him and got him the help and then he went back out on disability.

Q. Did Mr. Mitchell in any of your dealings with him tell you that he was having a problem with any of his supervisors, his coach or co-employees?

A. Not once.

Q. If an employee comes to you and tells you that they have a problem with a coach, a supervisor, a plant manager, what is the process that is followed?

difference. So we are a sales-related piece of the business, so we try to reach out to our customers and account executives.

Q. How was he reaching out to customers and account executives?

A. He -- he had a great relationship with his account executive and the other account executive, not a great relationship. He asked for us to give him some assistance because some of his customers were concerned at the time. So it's a lot of things happening, you know. So that's one of the reason why we had Gina kind of work a little bit closer with him regarding his acumen.

Q. Fair enough. Were you at the luncheon that occurred in June 2013?

A. No, I was not. I saw the group come in after lunch but I was not at the lunch.

Q. Did you speak to them after they came in from lunch?

A. No, I did not. They gave me -- it was clearly something was wrong and they -- they -- because I was on my way somewhere, so... And I said, "You guys okay?" And so then they went to talk with Reggie.

Q. Okay. Because I think it's important for

the Commissioner to hear this from you. Can you tell him how your understanding of the events of that luncheon impacted you?

A. Sorry.

Q. Take your time.

A. I didn't understand. I didn't understand because all we were just trying to do was help him. And -- and so -- sorry. Let me compose myself. One of the things that we do, we have, you know, security processes in place. So every year we have a security video that everybody reviews to ensure that we keep a safe environment.

And so, you know, just listening to some of the comments that Ray Mitchell made, it was concerning and it was -- it was horrifying quite frankly, because I had no idea that he felt the way, you know, that he did. And I thought we were -- you know, we just trying to, you know, help him. And you know, to -- I mean, he -- he landed on a landmine. You know, I meant that was -- I mean, anybody that went through that, we want to make sure that we're providing them, you know, support and help. So I just -- you know, even just to this day I still -- you know, it's hard because my life changed.

Q. When did you first learn that Mr. Mitchell

TRANSCRIPT OF DEPOSITION OF REGINALD OWENS

(Excerpts)

October 15, 2015

SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
W.C.C. FILE NO.: 1322347

Courtney Ray Mitchell

Employee/Claimant,

vs.

United Parcel Service,

Employer,

and

Liberty Mutual Insurance Company,

Carrier/Defendants.

DEPOSITION OF REGINALD OWENS

DATE TAKEN: Thursday, October 15, 2015

TIME BEGAN: 1:30 p.m.

TIME ENDED: 2:25 p.m.

LOCATION: McAngus Goudelock & Courie, LLC
55 East Camperdown Way, Suite 300
Greenville, South Carolina 29601

REPORTED BY: Lisa Garson, Court Reporter
EVERYWORD, INC.
P.O. Box 1459
Columbia, South Carolina 29202
803-212-0012

A No.
Q Did Mr. Mitchell confide in you about his issues with the performance?
A Yes.
Q What did he say?
A He said he wanted to perform better, and that he liked working for UPS.
Q How many times did he ask for a change of position?
A Once.
Q Where did he want to get changed to?
A He wanted to go to the growth group.
Q Why did he want to do that?
A What he told me was, that he -- when he was in the military, in Afghanistan, that he stepped on a -- I don't know what you call them, IDU, (SIC), or landmine, of some sort; and he was losing feeling in his legs and in his hands.
Q And he thought the growth group would be easier for him to be successful? I mean, why? Is it less stressful from a physical standpoint?
A It was the same job that you perform where you're still typing on a keyboard, so it was no different than what he was normally doing.
Q If you're in the growth group, do you

have goals that you have to meet?

A Yes.

Q Are those goals any less stringent than goals of an inside sales person?

A They're the same -- I mean, they're different goals.

Q Is it possible that he could have had a perception that it was easier than the growth group?

A I don't know that.

Q What are your thoughts about that? You haven't done that position, I guess.

A No. I have not.

Q Same amount of typing, and everything?

A Yeah.

Q Did he ask to be changed to security?

A He had asked about a security job.

Q Did he ask -- all right. So he asked if one was available.

A He had told me, since he was in the military, and he was military police, that he would like to go to security because he felt he had the background.

Q Can you tell me, roughly, what the difference is pay-wise.

A I don't know that. I can't tell you off the top of my head.

Q You don't know that as an HR person?

A No. That's a different department.

Q Do you think a security person makes less than a sales person?

A No. It's a full-time supervisor job.

Q In security?

A The one he wanted; you know, when he said he wanted a full-time supervisor job.

Q Did you have any discussions with Sharon, or Gina, about Mr. Mitchell's inability to perform -- performance issues?

A Sharon came to me about his performance issues, in regards to when he wanted to apply for a -- it was a full-time driver delivery supervisor job.

Q Well, what did that discussion address?

A It was just that he wasn't meeting the qualifications because of his QPR score; he was, significant improvement needed, and you have to be proficient in the job that you perform, or be fully acceptable in your overall evaluation.

Q So he was struggling, I guess, and wanted to change positions. How long did you let him go?

Like, hang themselves? I mean, they just keep on going until they're done?

In other words, you're not going to move them until they get fired; you'll not move them from their position because the quality of their work is not sufficient, so you keep them in that position; is that right?

A No. You train them to be proficient in that job.

Q Did you know of Mr. Mitchell's health issues? Did you attempt to accommodate him, in any way?

A The only thing Ray had told, in regards to his health issues, was about the stepping on the landmine and the IDU.

Q Did you attempt to accommodate him, somehow?

A I had told him that -- because, at one point, he had told me he was going to lose feeling in his legs and his hands; and I told him that he needs to apply for an ADA accommodation; and I sent him the necessary paperwork for that.

MR. SMITH: I'll mark Plaintiff's Exhibit 1.

(Owens Exhibit 1, E-mails, marked for

TRANSCRIPT OF DEPOSITION OF SHARON MAYES

October 15, 2015

SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
W.C.C. FILE NO.: 1322347

Courtney Ray Mitchell

Employee/Claimant,

vs.

United Parcel Service,

Employer,

and

Liberty Mutual Insurance Company,

Carrier/Defendants.

DEPOSITION OF SHARON R. MAYES

DATE TAKEN: Thursday, October 15, 2015

TIME BEGAN: 12:35 p.m.

TIME ENDED: 1:10 p.m.

LOCATION: McAngus Goudelock & Courie, LLC
55 East Camperdown Way, Suite 300
Greenville, South Carolina 29601

REPORTED BY: Lisa Garson, Court Reporter
EVERYWORD, INC.
P.O. Box 1459
Columbia, South Carolina 29202
803-212-0012

Coleman. She was someone who was promoted; she did quite well; and she had set the -- as far as reaching all of her numbers across the board, she was able to do it.

So what we do is, when we have an open territory, we just take the next person that's ready to go; and Ray Mitchell took that position.

Q How did he do performance wise?

A In the -- what we do is -- every six -- when a new person comes in, we have a six-month evaluation, and a one-year evaluation. At his six-month evaluation, he was below expectations.

Q If I'm not mistaken -- correct me if I'm wrong -- he was, like, salesman of the month, for three months in a row.

A Oh, the recognition?

Q Yes, I think.

A It was, I think, for July and August; but it wasn't him, it was the territory; it was what Ellen Coleman -- but we still did the right thing because he owns everything when he takes a new territory; so we wanted to keep our team motivated; so we did give him some of the recognition because that territory was performing.

Q When did you first have to talk to him

your attention, issues that he had with disability?

A Not from a disability standpoint.

Q From what standpoint?

A He had requested to go to an associate ISR position; and that is an A position that is available. It's not a position -- it's only a position when you come from training to go to a territory.

So he came to me requesting to go into that position. He said that he had -- at that particular time, he said he had medical issues; he had been blown up by an IED in Afghanistan; and he was having, at that particular time, some medical issues.

So I engaged Reggie, our HR manager; and at that point, he went on disability, at that point.

Q Did you ever have a discussion with him about whatever issues he may have had -- health or mental?

A No. I was unaware of any mental -- he never said that he could not do the UPS job. He came to me, wanting to go to the associate group, because of the current medical issues that he stated. He actually wrote a letter, outlining

those issues; so that's why he ended up going on disability. We tried to help him.

Q Did you hear anything prior -- or anything after -- relating to his mental health?

A I don't understand your question. As I said earlier, no; I did not know of any mental issues. After the incident, and then when he sent the information to Gina, there was some medical issues that we identified from court, while testifying; but that's the only thing that I ever knew.

Q What did you learn?

A Whatever is in the court documents from the last trial.

Q So he did have a discussion with you about moving jobs, and you were the one that told him that he was unable to do so.

A He had a discussion with me, and because he wasn't meeting the minimum expectations, he was unable to move to a position. The security job -- there was no security position available; so there was no job available in security.

Q So the position that he had, he said that he could not perform.

A He never said that he could not perform

the current job; he never said that, at all.

Q So he was doing fine; he didn't have any issues.

A I don't understand.

Q I don't either. So he wanted to change position, why? Did he tell you why -- to go to the growth place?

A As I mentioned earlier, he had outlined, he had some medical issues, at that time; and he wanted to go to the associate group. He never said that he couldn't perform his current.

Q So he wanted to move because of health issues, right? Is that what you said? That's the reason -- he had health issues.

A That's the reason he outlined in that document.

Q And he wasn't moved, right?

A There was an inquisition; we didn't have a position for him to move to.

Q Were you aware of any complaints against Mr. Mitchell?

A No.

Q Other than the sheer numbers, were you aware of any issues that he may have been having with his position in inside sales?

TRANSCRIPT OF DEPOSITION OF VELMA GINA JONES

April 13, 2018

SOUTH CAROLINA WORKERS' COMPENSATION

W.C.C. FILE NO: 1322347

EMPLOYEE/CLAIMANT: COURTNEY RAY MITCHELL

EMPLOYER: UNITED PARCEL SERVICE

CARRIER: LIBERTY MUTUAL

DEPOSITION OF VELMA GINA JONES

Taken on Behalf of the Employer/Carrier

DATE TAKEN: April 13, 2018

TIME: 2:40 p.m. - 3:50 p.m.

PLACE: Veritext Legal Solutions
One Tampa City Center
201 North Franklin Street
Suite 1950
Tampa, Florida 33602

Examination of the witness taken before:
Kathy L. Kelley
Florida Professional Reporter

Job No. CS2862273

A. I am an account executive.
Q. And what does that mean? What are your duties now?
A. I -- I have a territory that I manage, a book of business for customers that I manage here out of Brooksville, Florida.
Q. Okay. And you managing sales?
A. Yes, sir. It's a sales role.
Q. Fair enough.
Now, in August of 2012 to June of 2013, were you in the same position?
A. No, I was an inside sales coach in Greenville, South Carolina.
Q. Now, tell me, if you will, what is an inside sales coach?
A. Basically a team lead. I onboarded new inside sales representatives to help get them up to speed, help to train them, work with them on any places or areas that we needed to focus on to hit elements that were part of the requirements of the job.
Q. Were you a supervisor?
A. No, sir.
Q. Did you have any role in hiring, firing, discipline, anything like that?
A. No, sir.

Q. So what exactly did you do as a coach?
A. I worked with my sales team, helped them improve upon calls to push sales through. The main part of the job was to bring in revenue for UPS, convert customers, onboard them into the system, get them running and going and anything in between.
So any of my sales reps that was having issues or trouble or asked for help or needed assistance, that's what I would do. I would work with them, strategize with them, and try to get them to -- to do the requirements that were written.
Q. And I can't help but hear the word "them" in the plural form. So I want to make sure I understand something.
As a coach in Greenville in August of 2012, say June or so of 2013, did you have more than one inside sales rep that you would coach?
A. Yes, sir, I had multiple.
Q. Did you coach Mr. Courtney Mitchell?
A. Yes, sir.
Q. Okay. Was he under your tutelage in that same time frame?
A. Yes. He was one of my inside sales reps.
Q. Okay. And how often would you meet with Mr. Mitchell to coach?

A. There is no set schedule to coaching. Generally those that were struggling, I would work with more, obviously, than those that weren't. You have a range of tenure there as it were.

You could have someone who had been doing the job for four years versus somebody that had been doing the job for two months, so generally you would see me more with those new coming in, but average once a week, sometimes twice a week. Sometimes, you know, once things get a little settled or they're more comfortable, it might be once a month. It just depended on the person and what they wanted from me.

Q. So you would meet with all ISRs under your coaching tutelage?

A. Yes.

Q. Even ones that had been there for a long time?

A. Yes. Correct.

Q. Okay. All right. Can you describe a typical coaching session with Mr. Mitchell?

A. Sure. We would pre-call. So part of the pre-call would be planning, looking at a customer's numbers or statistics. There's a variety of systems that we would navigate, so we would go through it: What are you trying to find out on this call, what are we trying to accomplish with this call, do you know

think you can do well, where can we improve on that, what do you think you're not doing well, and just continue to work with them.

Q. When you talk to them in these coaching sessions -- and let's talk specific to Mr. Mitchell now and then we'll talk in general.

But specific to Mr. Mitchell, if you tell him that he's not meeting a goal or he's not doing something to where you thought he should be doing it or UPS thought he should be doing it, did you pick on him?

A. No, sir.

Q. What did you do?

A. In order to improve we have to realize where we're not doing well, so I mean, even in my own personal development I -- no one is perfect at everything, there is always room for improvement. So once we discussed where there is room for improvement and we can set a new goal, something that you feel is achievable, and go from there.

Q. When you had these meetings with Mr. Mitchell, how did he typically respond?

A. He was always very, very appreciative of the coaching, and he's affirmative, he is agreeable. He -- anything that we put as a target or a goal was something that we discussed together and that we both agreed it

would be good. So I was -- I didn't want to set an arbitrary goal for him to meet. I wanted to have the discussions with him of what he thought he could achieve. So they were -- usually concluded very well, happy, positive and moving up, moving forward, ready to implement what we discussed.

Q. Did you do these same type of coaching sessions with other ISRs?

A. Yes.

Q. Okay. Was there -- well, scratch that.

Are there other coaches available for ISRs?

A. Sure.

Q. Did Mr. Mitchell have the opportunity to work with other coaches in addition to you?

A. Yes.

Q. As you guys continued to coach Mr. Mitchell, did he show any progress?

A. Very little to minimal.

Q. What was your relationship like with Mr. Mitchell?

A. I would say -- I mean, business relationship we were -- we were friendly. We worked together every day, eight hours a day, so it was a very cordial relationship. We -- we were teammates.

Q. Let's talk a little bit about that. I'm going

to go off topic a second.

You said eight hours a day. What were your normal shifts as an ISR, or what were the normal shifts for Mr. Mitchell as an ISR?

A. 8:00 to 5:00, Monday through Friday, and you had two 15 minute breaks and an hour for lunch.

Q. Okay. Can you describe the work station for an ISR?

A. Sure. They were called -- we called them pods. So they were criss-crossed, and there were four -- four reps to a pod. And I sat at a pod, so did the supervisor.

There was no special seating or anything, all within two, three feet to each other, and the pods were fairly ergonomical. You could raise and lower them. You could stand or sit. You could adjust the hand rests where the keyboard was to make it more comfortable to you in the environment. It was fairly comfortable.

Q. Did you and Mr. -- go ahead. I'm sorry.

A. It was fairly comfortable for the -- I mean, you could make it the way you wanted it to be to be more comfortable.

Q. Could you walk around while you worked?

A. Sure. You could walk around.

Q. Okay. Did you guys, you and Mr. Mitchell, talk

about any personal issues, like how are you doing, this is what is going on in my family, what's going on in yours?

A. We did. All of us did. You spend that type of time everyday with people, you tend to get into the personal relationships and talk about life and things like that. So yeah, we -- I would say with Ray, we did that as well. I did that with pretty much all of my team.

Q. Was there ever times during his tenure with UPS where Mr. Mitchell went out of work on disability?

A. I'm aware of the disability leave, yes.

Q. Okay. Did he ever share with you the reasons he was out?

A. No.

Q. Okay. Did he ever tell you about any problems with his hands or back, or any problems that he thought were attributable to his work conditions or his work environment?

A. I don't -- his work environment, no, I don't recall anything specific.

Q. Okay. Did he ever tell you about -- again, just to be more clear, did he ever tell you about any hand or back problems?

A. Not that I can recall, no, sir.

Q. Did he ever tell you about any service in the military?
A. Yes, he did.
Q. Did he ever tell you that he had any injuries or problems as a result of his service?
A. He did. He said that he was blown up in Afghanistan, and that he had resulting injuries from that.
Q. Did he describe those injuries to you?
A. Not that I can recall in detail, no, sir. I mean --
Q. Fair enough. And I'm not asking you to speculate.
Did you ever have occasion to meet Mr. Mitchell outside of work?
A. Yes. We had group lunches together, and I attended a barbecue at his mother's house.
Q. When you attended the barbecue at his mother's house, did you go alone?
A. I went with my son. He was two years old at the time, I believe.
Q. So you took your son over to his house?
A. Yes.
Q. And at that time, was Mr. Mitchell working or was he out on disability?

A. He was out on disability at the time, I think.
Q. You mentioned earlier that there are several coaches out there available for the ISRs; is that correct?
A. Yes. There are multiple.
Q. Are there also multiple supervisors?
A. Yes. I mean, there's eight to ten supervisors, and then there's managers. I mean, there's --
Q. If --
A. There's a whole array of people that you could reach out to for help.
Q. If you were an ISR or an ISR manager, are there other people that you can reach out to if you're not happy with a coworker, coach, supervisor?
A. Absolutely. There is management. There's human resources. There was a director. It's pretty much an open-door policy. You could go and speak to whoever, whenever you needed to.
Q. You mentioned earlier that y'all had some work lunches. Did you go to lunch with Mr. Mitchell in June of 2013, specifically June 21, 2013?
A. Yes, sir.
Q. Okay. Was that with other coemployees?
A. It was. There was several of us that went. There was three other -- three other ISRs and myself

went, and we met Ray there, Mr. Mitchell.

Q. You met Ray there. Was Ray not working at the time?

A. No, he was not.

Q. Was he on disability?

A. To my knowledge he was, yes.

Q. Okay. Did you provide a statement to UPS and/or the police as it pertains to the events of that June 21, 2013 luncheon?

A. Yes, sir, I did.

Q. Okay. I'm not going to go into much of that lunch then, ma'am, because I know that's a sore subject. But I would like to ask you this, after June 21, 2013, after that luncheon, did you speak with Mr. Mitchell again?

A. No, I did not.

Q. After that luncheon, June 21, 2013, did you receive any correspondence or communication from Mr. Mitchell?

A. Yes, I received text messages and a package from him.

Q. Did you write about that package and how it made you feel and provide testimony about that package and how it made you feel as it pertains to his criminal trial?

APPELLANT'S NOTICE OF APPEAL

August 9, 2019

905600

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS COMPENSATION COMMISSION

T. Scott Beck, Commissioner

RECEIVED
AUG 14 2019
SC Court of Appeals

WCC File No.: 1322347

Courtney Ray Mitchell,

Appellant,

v.

United Parcel Service and
Liberty Corporation,

Respondents.

NOTICE OF APPEAL

Appellant Courtney Ray Mitchell appeals the decision of Honorable T. Scott Beck, who issued his Orders filed on July 15, 2019, respectively. Appellant received a copy of this decision on or about July 17, 2019.

August 9, 2019

Donald L. Smith, (SC Bar#6699)
122 N. Main Street
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Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com
Attorney for Appellant

Other Counsel of Record:

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Myrtle Beach SC 29578
shayne.williams@mgclaw.com
843-848-6018

FORM 7
PROOF OF SERVICE
FILING OF NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS COMPENSATION COMMISSION

T. Scott Beck, Commissioner

RECEIVED
AUG 14 2019
SC Court of Appeals

WCC File No.: 1322347

Courtney Ray Mitchell,

Appellant,

v.

United Parcel Service and
Liberty Insurance Corporation,

Respondents.

PROOF OF SERVICE

I certify that I have served a copy of Appellant's Notice of Appeal, upon The T. Scott Beck, Commissioner of South Carolina Workers' Compensation Commission, at PO 1715, 1333 Main St, Columbia, SC, 29202-1715, and Respondents United Parcel Service and Liberty Insurance Corporation, by and through their counsel of record, O. Shayne Williams, Esquire, McAngus Goudelock & Courie, LLC, at PO Box 1349, Mrytle Beach, SC 29578, by depositing copies of it in the United States Mail, postage prepaid, on August 9, 2019.

Donald L. Smith, (SC Bar#6699)
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com
Attorney for Appellant

August 9, 2019

FORM 8
LETTER TO THE APPELLATE COURT CLERK
FILING NOTICE OF APPEAL

August 9, 2019

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
Post Office Box 11629
Columbia South Carolina 29211

RE: Courtney Ray Mitchell v. United Parcel Service and Liberty Insurance Corporation
WCC File No.: 1322347

Dear Ms. Kitchings:

Please find enclosed the following materials:

1) Notice of Appeal;

2) A copy of appealed SCWCC Full Commission Order, dated July 15, 2019;

3) A check amounting to Two Hundred Fifty Dollars ($250.00) for filing fee; and,

4) Proof of Service for same.

I am respectfully submitting these materials to the Honorable Court for consideration.

Sincerely,

Donald L. Smith, SC Bar#6699
Attorney for Appellant
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com

cc: Hon. T. Scott Beck, Commissioner of South Carolina Workers' Compensation Commission
O. Shayne Williams, Esquire

RECEIVED
AUG 14 2019
SC Court of Appeals

AMENDED
NOTICE OF APPEAL
August 15, 2019

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS COMPENSATION COMMISSION

T. Scott Beck, Commissioner

WCC File No.: 1322347

RECEIVED
AUG 19 2019
SC Court of Appeals

Courtney Ray Mitchell,
Appellant,

v.

United Parcel Service and
Liberty Corporation,
Respondents.

AMENDED NOTICE OF APPEAL

Appellant Courtney Ray Mitchell appeals the decision of the Honorable T. Scott Beck, who issued his Order filed on May 23, 2019, and the Full Commission Order, filed on July 15, 2019. Appellant received a copy of this decision on or about July 17, 2019.

August 15, 2019

Donald L. Smith, (SC Bar#6699)
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Other Counsel of Record:

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843-848-6018

South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723

WCC File #: 1322347

Date of Injury: 06/21/2013

ADMINISTRATIVE ORDER

Courtney Mitchell v. United Parcel Service Inc.
WCC File No: 1322347

The Request for Commission Review in the above captioned case is dismissed. The appellant brief was not timely filed pursuant to R.67-705 H(3). Brief was due by May 12, 2019 and no extension was requested.

Amy A. Bracy
Judicial Director

Date: May 23, 2019

CERTIFICATE OF SERVICE

I hereby certify on May 23, 2019, I served this document on the parties listed below by electronic mail or depositing a copy hereof, postage prepaid, in the United States mail and addressed as follows:

Donald L. Smith
Attorney At Law
122 N. Main Street
Anderson, SC 29621

United Parcel Service Inc.
55 Glenlake Pkwy NE
ATLANTA, GA 30328

O Shayne Williams
McAngus Goudelock & Courie, LLC
PO Box 1349
Myrtle Beach, SC 29578

By: Eugenia C. Hollmon, Judicial Department

RECEIVED
AUG 19 2019
SC Court of Appeals

FORM 8
LETTER TO THE APPELLATE COURT CLERK
FILING MOTION FOR LEAVE TO FILE AMENDED NOTICE OF APPEAL
AND AMENDED NOTICE OF APPEAL

August 15, 2019

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
Post Office Box 11629
Columbia South Carolina 29211

RECEIVED
AUG 19 2019
SC Court of Appeals

RE: Courtney Ray Mitchell v. United Parcel Service and Liberty Insurance Corporation
WCC File No.: 1322347

Dear Ms. Kitchings:

Please find enclosed the following materials:

1) An original and six (6) copies of Appellant's Motion for Leave to File Amended Notice of Appeal;
2) Amended Notice of Appeal;
3) A copy of appealed Commissioner T. Scott Beck Order, dated May 23, 2019;
4) A copy of appealed SCWCC Full Commission Order, dated July 15, 2019;
5) A check amounting to Fifty Dollars ($50.00) for motion fee; and,
6) Proof of Service for same.

I am respectfully submitting these materials to the Honorable Court for consideration.

Sincerely,

Donald L. Smith, SC Bar#6699
Attorney for Appellant
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com

cc: Ms. Amy Bracy, Director, South Carolina Workers' Compensation Commission
Hon. T. Scott Beck, Commissioner of South Carolina Workers' Compensation Commission
O. Shayne Williams, Esquire

CLAIMANT/ APPELLANT'S SELECTED APAs

Review Print Out

Employee MITCHELL, COURTNEY

Submitted By: JONES, VELMA ***Date:*** 8/20/2012 ***Follow Up Date:*** 9/6/2012

Topic: Focused Coaching

SubTopic: Call time, producing, bids

Meeting Notes

Recommending Ray to go onto focus coaching for call time, territory management, and bid activity. Being the numbers in the territory he inheritited, Ray has accepted 10 bids since the first of June that are running an average of $10.00 in growth His total talk time for August to date is 9.3 hours (CMS) which is averaging around .62 hours per day. We have discussed this twice with Ray, and no improvements to the number of calls he is making. He entered into the territory on May (with several weeks of sit with, with Ellen Coleman to acclimate him to the territory).

Commitment *(The above Employee's written submission of their Understanding and Commitment RE: the topic discussed in Meeting Notes.)*

Ray states he is committed to making all the goals and plans, that he has worked very hard to get here and does not want to jeopardize his work.

Next Steps

Focus Coaching, 90 days to show improvement, or will move to a critical coaching stage.

Comments

At this time I do not see the Skills reflected in Ray to be able to maintain the rigors of an ISR position.

Employee: MITCHELL, COURTNEY *Date:*

Specialist: _____ *Date:* _____

Coach: _____ *Date:* _____

Supervisor: _____ *Date:* _____

Manager: _____ *Date:* _____

of the team; you know, let him know that there's specialists, coaches, myself, peers around him to answer questions and provide assistance.

Q Were you part of the group that hired him?

A No.

Q So when you had that first conversation, what was your expectation? What did you think of him, at that point? Did you have a belief?

A No. I don't make jump conclusions, about anybody, when I first meet them.

Q For this discussion, we'll say that when he got there, he was at baseline, all right? How would you say that he progressed from there, in a professional manner? Did he go up, or down?

A I would say, down. He struggled with being on the phone; talking effectively to the customers; understanding the products, and the skill set, and the acumen.

He struggled with the systems; just overall, was not comfortable with the job, and the expectations, themselves.

Q Did he recognize that?

A I think so.

Q Did he tell you that he wasn't capable of

doing the job?

A I don't think he specifically -- I don't recall if he, specifically, told me he wasn't capable of doing the job.

Q Did he tell you that the stress was too great, and he wished to be moved to another position?

A He asked to move to another position, based on some medical issues he was having.

Q What were they?

A He explained that he was -- I think, at one point, he said that he thought he had MS; and that he was losing feeling in his hands and legs, if I remember correctly.

Q Did he show signs of stress with this job?

A I don't think any more than any other person; because, I think, everybody gets stressed at work, for various reasons.

Q How did the stress come out?

A To my knowledge, I would say -- maybe he would say -- if he was struggling with something, if he needed help, can you help me with this.

Q How often did you work with him, to make him a better salesman?

But I never told him he couldn't do the job, and he never said he couldn't, specifically, do the job.

Q What was your position on him going on disability?

A That's a direction employees do, if they need. That's why our organization offers that service, to ensure that people can do whatever they can to get healthy, and well, and that's why we offer it.

So we always suggest that, as an option, if need be, to ensure that we're doing everything we can to help an individual.

Q And as a supervisor, what was Mr. Mitchell on disability for?

A Whatever medical issues he had, at the time. I don't know what they were; we don't get into specifics, a lot of times, with individuals, or get overly personal with them. We just say, if you have trouble, or have medical issues, we offer this option for you to utilize, and send them in that direction. There's a specific department we refer them to.

Q So as his supervisor, you didn't have knowledge of his issues.

A He just mentioned that he had to go to doctors; and like I said, he had mentioned that he, potentially, had MS, from one of his doctor visits, and was having the tingling in his hands, and the loss of feeling in his leg; and instructed, you know, that might be an option for him, either short-, or long-term, to try to get yourself well; because at UPS, we offer that option to get yourself well.

Q Following the lunch, how often did you correspond with Mr. Mitchell?

A I did not.

Q Not at all?

A He sent me a couple texts; I did not reply.

MR. SMITH: Mark this as Plaintiff's Exhibit 2, please.

(Battista Exhibit 2, June 24, 2013 E-mail, marked for identification.)

BY MR. SMITH:

Q Are these the texts you received?

A Yes.

Q What is your interpretation of them?

A The first one, I guess -- let's see. To me, he was upset with Dwight, for some reason; and

SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
W.C.C. FILE NO.: 1322347

Courtney Ray Mitchell

Employee/Claimant,

vs.

United Parcel Service,

Employer,

and

Liberty Mutual Insurance Company,

Carrier/Defendants.

DEPOSITION OF SCOTT BROWN

DATE TAKEN: Thursday, October 15, 2015

TIME BEGAN: 2:50 p.m.

TIME ENDED: 3:00 p.m.

LOCATION: McAngus Goudelock & Courie, LLC
55 East Camperdown Way, Suite 300
Greenville, South Carolina 29601

REPORTED BY: Lisa Garson, Court Reporter
EVERYWORD, INC.
P.O. Box 1459
Columbia, South Carolina 29202
803-212-0012

APPEARANCES:

LAW OFFICE OF DONALD L. SMITH
BY: DONALD L. SMITH, ESQUIRE
122 North Main Street
Anderson, South Carolina 29621
864.642.9284
attorneydonaldsmith@gmail.com
Representing the Claimant

MCANGUS GOUDELOCK & COURIE, LLC
BY: O. SHAYNE WILLIAMS, ESQUIRE
55 E. Camperdown Way, Suite 300
Greenville, South Carolina 29601
864.239.4000
shayne.williams@mgclaw.com
Representing the Defendants

ALSO PRESENT:

(None.)

I N D E X

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E X H I B I T S

(None marked)

(It is hereby stipulated and agreed by and between counsel for the respective parties that this deposition is being taken in accordance with the South Carolina Workers' Compensation Commission and the Administrative Procedures Act; and that the deponent does not waive reading and signing of this deposition transcript.)

- - -

SCOTT BROWN, after having been first duly sworn, was examined and testified as follows:

- - -

EXAMINATION

- - -

BY MR. SMITH:

Q Mr. Brown, my name is Don Smith. I represent Mr. Mitchell in a workers' compensation claim against UPS; and pursuant to that, I'm taking your deposition today.

If I ask you a question that you don't understand, please ask me to rephrase it; if I say something that you can't hear, ask me to restate it; if you answer my question, I'll believe that

you understood what I was asking, and answered appropriately.

Please verbalize your answers, yes or no; no shakes of the head. If you need a break, we'll let you take one.

State your name for the record, please.

A My name is Scott Brown.

Q Where do you live, Scott?

A Right now, we just moved to a new place; it is, 105 Lucille Drive, in Gray Court; but at the time, I was at 7207 Cedardon Circle.

Q Who do you live there with?

A My wife.

Q How long have you been married?

A Thirty-four years.

Q Where'd you get your education?

A In Wisconsin.

Q Do you have a college degree?

A No. I do not.

Q What education do you have?

A High school and some LTC -- it's a technical college.

Q Do you have any certifications, or licenses?

A No. I do not.

Q Where do you work?
A I work at UPS, for inside sales.
Q How long have you been in that position?
A Five years.
Q Is that the length of time you've been with UPS?
A Yes.
Q What are your responsibilities?
A Overseeing numerous accounts with, you know, trying to get business.
Q Where did you work prior to UPS?
A I was an outside sales rep for various printing companies.
Q How long did you do that?
A About 34 years.
Q What can you tell me about the lunch date, in this particular matter?
A It was very uncomfortable.
Q Can you tell me, in your words, what happened.
A From start to finish?
Q Yes, sir.
A Okay. We came in, as a group, and Ray -- or Courtney -- was already at the table with a cup of coffee; and we came in. And the first thing he

says to me is, Hey, Mr. Scott, I got a new toy; I said, What's that, Ray? He said, It's a high-powered military sniper rifle with armor piercing bullets. I said, Why do you need that, Ray?

And he told me that it's a new business that he and his wife was doing; and I said, What is that? And he said, repo-ing; and I said, Cars? He said, Cars and people. And from there, we sat down, and he was getting -- I've never seen him like this before.

And, yeah, that's pretty much -- it was just -- I mean, I can go on and on, if you want me to.

Q What was your relationship like?

A It was a coworker.

Q Did you ever see him outside of work?

A No.

Q Did you ever talk to him outside of work?

A No.

Q Did you know anything about his history?

A Not at all; only from what he told me.

Q What did he tell you?

A That he had a military background, and that was it, pretty much. I didn't know him that

well, outside of work.

Q Did you have a desk adjacent to his, at any time?

A Yes.

Q What did you observe?

A He got frustrated; I tried to help him.

Q What were the characteristics of his frustration?

A Just huffing and puffing; sometimes he'll just walk away from his desk.

Q Would you say, anger, or sadness; any terms like that?

A Not anger, so much; just frustration.

Q Did it happen often?

A Not really often. I mean, how often is often? You know, just a couple times a week, maybe.

Q It's all relative, right?

A We all got frustrated.

Q Did he get more frustrated than anyone else?

A No. He, maybe, showed it differently; but everybody is frustrated when they can't meet their goals.

Q Did you notice any difference in

Mr. Mitchell's behavior, prior to that lunch?

A No.

Q Prior to that lunch, how would you have described him?

A Ray was -- he just looked like he got lost, trying to comprehend what he's doing at his desk; and he, like I said, got frustrated because he just took the simplest task, and he just, like, couldn't comprehend.

Q Did he ask you for help?

A No. He did not, but I offered it.

Q How would you say his focus was, at that lunch?

A His focus? He had a rage in his eyes, and one that I've never seen before; and he looked totally, like I said, raged; and he kept a conversation with four of us, at the same time.

Like, he was talking one-on-one to each us, carrying it on. I couldn't keep up with all the conversations that were going on.

Q Did anybody tell you anything about his history?

A Not at all.

Q Not even after the event?

A Not at all. Like, what do you mean, his

history?

Q Any problems he may have had.

A Just what I read in the news, or, you know, he was arrested again, a second time. But we really didn't discuss Ray, too much; too busy working.

Q So no discussion?

A Not that I can recall.

Q What was said in that meeting, right after lunch?

A The meeting with all of us?

Q Yes.

A We all felt very uneasy, and we figured, he needs help; so we decided, we have to tell somebody; so we went right into Reggie's office, and we explained what happened about the lunch; that Ray might do something that he's gonna regret.

Our intention was to help Ray, and it's -- it didn't get him help. I mean -- and I would think, with my opinion, I think it was more on Ray's end than UPS's; that UPS tried to help Ray, and Ray fought them.

Q How did they try to help?

A Well, during his time at UPS, he's had many people sit with him, helping him with his job;

but after that luncheon, they tried to approach him, from what I hear; and a couple people just told me what he said to them.

Q Who tried to approach him?

A I really don't know.

Q I thought you said, a couple people tried to approach him.

A No. A couple people told me.

Q What did they tell you?

A They just said, we went out -- that UPS went out to his house and tried to talk to him.

Q What were they gonna tell him?

A I don't know; I wasn't part of that.

Q Any question, to you, whether Courtney was in the right frame of mind, or his normal state of mind?

A At what time?

Q On that lunch.

A No. He was -- that's what we were afraid of; he wasn't.

Q What did he say when he left?

A He mumbled under his breath, I love you guys, but then he just got up; and that was after he was walking out. I don't think anyone else heard him. I was watching him, as he walked out.

Q But you heard him, though.
A I did hear.
Q Are you aware of him wanting to move to another position?
A He was talking about going to corporate security.
Q Why is that; do you know?
A In his mind, he was a better fit for that.
Q Was he struggling with his sales?
A He struggled with his sales, and when he got help with them, he brought his numbers up, some; but like I said, he never really concentrated, too much, to keep the numbers up; but that's not me, that's what I'm observing.

MR. SMITH: Yes, sir. I have nothing further.

MR. WILLIAMS: I have no questions.

MR. SMITH: Thank you for your time.

- - -

(The deposition concluded at 3:00 p.m.)

- - -

(Witness excused.)

- - -

SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
W.C.C. FILE NO.: 1322347

Courtney Ray Mitchell

Employee/Claimant,

vs.

United Parcel Service,

Employer,

and

Liberty Mutual Insurance Company,

Carrier/Defendants.

DEPOSITION OF DONALD LOUIS CANADY

DATE TAKEN: Thursday, October 15, 2015

TIME BEGAN: 11:55 a.m.

TIME ENDED: 12:25 p.m.

LOCATION: McAngus Goudelock & Courie, LLC
55 East Camperdown Way, Suite 300
Greenville, South Carolina 29601

REPORTED BY: Lisa Garson, Court Reporter
EVERYWORD, INC.
P.O. Box 1459
Columbia, South Carolina 29202
803-212-0012

APPEARANCES:

LAW OFFICE OF DONALD L. SMITH
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Representing the Claimant

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shayne.williams@mgclaw.com
Representing the Defendants

ALSO PRESENT:

(None.)

I N D E X

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E X H I B I T S

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(It is hereby stipulated and agreed by and between counsel for the respective parties that this deposition is being taken in accordance with the South Carolina Workers' Compensation Commission and the Administrative Procedures Act; and that the deponent does not waive reading and signing of this deposition transcript.)

- - -

DONALD LOUIS CANADY, after having been first duly sworn, was examined and testified as follows:

- - -

EXAMINATION

- - -

BY MR. SMITH:

Q Mr. Canady, my name is Don Smith; and we're taking your deposition pursuant to a workers' compensation claim that Courtney Mitchell has made against UPS; and I'm gonna ask you questions regarding your knowledge of events, your knowledge of Courtney, your history with UPS, and so forth.

I tend to mumble, or speak too fast. If I do so, please ask me to restate the question. If

I say something that's confusing, please ask me to rephrase it. If you answer it, that means, to me, that you understood what I was asking you, and you answered it appropriately. Okay?

A Okay.

Q You have to verbalize your answers, rather than headshakes, or nods, what have you, so she can write down what we're saying. Okay?

A Understood.

Q Could you state your name for the record, please.

A Donald Louis Canady.

Q Where do you live, Mr. Canady?

A In Aiken, South Carolina.

Q Your address?

A 53 Flat Trail Court, Aiken, South Carolina, 29803.

Q How long have you been there?

A Approximately, 12 years.

Q Who lives there with you?

A My wife, my daughter, my son.

Q What is your educational background?

A I attended USC, Aiken -- excuse me, let me back up. I graduated from South Aiken High School in 1982; I attended USC, Aiken, in 1983,

1984, and 1985.

Q And what was the result of that attendance?

A I did not graduate.

Q Have you pursued certifications, or licenses, or anything of that nature?

A Only through UPS.

Q Through UPS, what have you garnered?

A Nothing specifically garnered, just a lot of internal studying through UPS; they have an online university.

Q Do they give you any completion certificates, or anything?

A Just for completion of the different courses.

Q Is there a topic that they're centered on, or focused on?

A Just management skills, in general.

Q What position do you maintain?

A I'm the security manager.

Q For who?

A For UPS, for the South Carolina area of the South Atlantic District.

Q How long have you been in this position?

A Since 2000.

Q Is there a position that you can move up to?

A There is.

Q What would that be?

A The division manager over security.

Q Who is currently in that position?

A Brian Westbrook.

Q Where is he located?

A Atlanta.

Q Who's underneath the division manager, all the east coast?

A No. The South Atlantic District would consist of: South Carolina, North Carolina, and Georgia.

Q What positions did you maintain, prior to this position?

A I started my career with UPS, in 1986, as a delivery driver; I was promoted, in February of 1991, to what was then called, loss prevention. I'm not sure of the year, but I spent some time in claims, for UPS; in 1996, I was in the hub, for UPS, in Columbia; in 1998, I became a supervisor in the Aiken, South Carolina, facility; in 2000, I was promoted to the manager of the Aiken, South Carolina, facility; subsequently, in 2000, I had a

lateral rotation into security, where I've remained.

Q What are your responsibilities?

A To protect the assets and the reputation of UPS.

Q How do you go about doing that?

A I'm responsible for the physical security. My area of responsibility is -- well, is any theft related to my area of responsibilities.

My primary job is the reduction of claims.

Q Does claim reduction keep you busy?

A Yes, it does.

Q What all is encompassed in the claims that we're talking about?

A Any package that's shipped through UPS -- whether it's the origin or the destination -- coming into my area of responsibility, if there's any type of claim, whatsoever -- whether it be a damage, a no-record, a fallout -- any type of claim, itself, is what I'm responsible for; every aspect of it.

Q So claims relating to the picture that was smashed when it got to me; that's a claim, maybe, right? The actual things that you're

shipping.

A Actual things that were shipped, correct.

Q Does it go beyond that -- a car accident?

A No.

Q Does it deal with workers' comp?

A No.

Q How did you become acquainted with Courtney Mitchell's story?

A I received a call from someone at the inside sales center, I believe, on the day that the luncheon took place.

Q Were you ever in the military?

A No.

Q Do you believe attention to detail is one of your strong suits?

A It is.

Q Who did you receive that call from?

A I'm not certain.

Q Who's your liaison? Who do you talk to in Greenville?

A Prior to that date, I didn't have a liaison.

Q So you talked to the manager, a supervisor, a worker?

A I didn't talk to anybody, prior to that

day, as far as I know.

Q But on that day, who had the responsibility to call you?

A I'm not certain; I would only be speculating.

Q Could it have been Reggie Owens?

A Could have been Reggie Owens.

Q Whoever you spoke to, what was your understanding from the conversation?

A That there was a luncheon that took place off the premises, from UPS, with Courtney Ray Mitchell, and, I believe, four other employees; during the process of the luncheon, there were things that were mentioned that were disturbing to the employees; and those things were conveyed to me.

Q Do you know if you spoke to someone that had been there? If it was Reggie, he just heard what they said, right?

A I don't recall if I talked to anybody that had been there, or not, at that point.

Q Did you afterwards?

A Yes, I did.

Q Did you talk to each individual?

A I'm not certain.

Q Do you have a Courtney Mitchell file?
A I do not have a file, no. I, personally, do not have a file; there may be a file.
Q Did you take contemporaneous notes?
A Yes.
Q Where would those be?
A I have no idea where the notes are from when this took place, over two years ago.
Q Yes, sir. Did you give them to somebody? Or do they have a file, or something kind of like a file?
A Honestly, I don't know. I haven't gone to go look for them.
Q What do you recall, at this juncture? The conversations that you had with whomever -- who did you interview?
A I'm not certain who I talked with. I'm sure that I talked to some, or all, of them, at some point. I'm not certain which ones I talked to, sir.
Q How often does something like this happen?
A Not very often.
Q Can you think of another incident, similar to this?

A There are incidents, yes, where threats have been made against management employees; yes, sir.

Q When you say, threat, what's your understanding of a threat?

A A threat would be -- whether it be a veiled threat, or direct threat -- would be a threat that would involve someone becoming injured, in one way, shape, or form.

Q And that happened here?

A Yes, sir.

Q Could you explain your understanding of the threat in this situation.

A Upper management is gonna be carried out in a box, is a threat; combined with, I have bought a rifle, I've bought the best rifle, I've bought a sniper rifle; combined with, I have bullets that are armor piercing; combined with upper management to be carried out in a box.

Q Was that all of what was said?

A I'm certain that's not all that was said, no; that's just what I recall from the top of my head.

Q Do you recall that, after the carried out in a box statement, he stated that he didn't mean

that; he meant his stuff carried out in a box?
A Correct.
Q But you're discounting that, right?
A That was after the statement was already made, sir.
Q What did you do with regard to this incident?
A I contacted the local supervisor that's responsible for that area, that works for me.
Q Who is that?
A Matt Colbertine. I contacted my boss.
Q Who's that?
A It was Greg Barber, at the time. And I contacted law enforcement in Anderson County.
Q Why did you call Anderson County?
A That's the county he lived in; he wasn't at work.
Q What did you tell Anderson County?
A I reviewed my knowledge of the conversation that had taken place at lunch, with the officer, and asked him to make a face-to-face visit with the individual, to determine if the threat was credible, or not.
Q So you asked Anderson County to do a home visit?

A I did. A knock and talk.

Q What all was part of your request? Did you make it anything, other than go see him?

A That was it. To, please, make a face-to-face visit, to determine if this threat is a viable threat, or not.

Q Do you believe that, I'd like to see him go out in a box, that's a threat?

A Yes, sir.

Q If he'd like to see it -- I mean, what was he threatening to do?

A The veiled threat came from, I have armor-piercing bullets; I've bought rifles; I have a stash of guns; I've now bought the gun of all guns, a sniper rifle. And the next comment that I was told was made, upper management will be carried out in a box; in conjunction with all that, that is considered a threat; that's why we went to law enforcement and asked law enforcement to pay a visit, to determine whether or not that was a viable threat.

Was it taken out of context? Is it a viable threat? We don't know. I had not spoken to the employee; I was asking law enforcement to do that.

Q Had you ever spoken to him?
A Who?
Q Courtney Mitchell.
A Negative.
Q Did you ever?
A I did, at some point, yes; that evening, I believe.
Q How did that transpire?
A I'm not certain. I think Courtney called me after the police left -- I believe. It was a very short, very brief conversation. He said he was upset; that the police coming to his house, upset his child, and, I believe, his mother; ended conversation, and he hung up.

I tried to speak to him; he would not reciprocate in our conversation, whatsoever; he hung up on me; which also led me to believe that there could be an issue here. He wasn't willing to talk about it, or converse about it, in any way, shape, or form. He made it very clear that he was in charge.

Q What do you know about his work performance?
A Absolutely nothing.
Q What do you understand as to his request

to change positions, or anything like that?
A I don't know that I know anything about it, prior to this incident; I've heard things.
Q What have you heard?
A I heard, at one point, he was looking for a position in security, somewhere, after all this took place; or asked to be considered for a job in security.
Q What else have you heard, since that time?
A In regards to?
Q Mr. Mitchell.
A Everything I've ever heard?
Q Sure.
A I'm not as -- I'm not comfortable stating everything I've ever heard because this was over two years ago; and it's not as clear to me, exactly what took place, two years ago.
Q Yes, sir.
A I'm not sure that I'll get the sequence of events, or the information, exactly, correct.
Q All right. I'd just like to hear what you do recall.
A There was some -- there was a phone call from Courtney Ray, to -- okay. Let's go back to

the night that all this transpired.

Actually, that's all I knew, up to the night this transpired. That night, the officer called me back, and said, Look, I don't think this is a viable threat; I went and talked to the guy; I had a face-to-face visit with him.

He seemed to think that things were taken out of context; that he didn't mean any of it; he was very sorry. Then I received a phone call on Monday, from the same detective, that said, Look, you need to take all precautionary measures to take care of your employees, immediately; this is a viable threat; this person is dangerous, and we're calling to alert you, right now, that this is a viable threat.

He informed me that Courtney Ray Mitchell had come to the police department, and told them that his wife had barricaded herself inside their home, with their son; and that he was worried for his son's welfare. The police went to the house, to do a welfare check, and found absolutely no evidence that anybody had barricaded anything, or that a child was in any danger, whatsoever.

They felt so concerned about Mr. Mitchell, at the time, that they made a

suggestion that he get psychiatric help, psychiatric evaluation, voluntarily go to the hospital. He said that he had voluntarily gone to the hospital, but, subsequently, disappeared; that he had gone back to Anderson County and complained about the way they handled the situation, and his son's welfare; that he was so disturbed that he, subsequently, drove to Columbia and drove to SLED and complained how Anderson County was handling the situation, and was sent home from Columbia by SLED; that he felt that he was a viable threat, and we should do everything that we needed to, to take precautionary measures for our employees.

Q So he's considered a threat, despite the fact that he's going to the proper channels, driving to Columbia to tell somebody something.

A Sir, I'm answering what the detective told me; I can't speak for his judgment.

Q So he said the things you discussed were the reasons that he was a viable threat.

A Correct.

Q What did you do, based on that?

A I called my boss; we reviewed it; we called local law enforcement, and arranged to have off-duty officers, around the clock, as long as our

facility was open. We escorted certain people from the building to their car, each day; we staffed the facility with somebody from UPS security around the clock, each day, for long periods of time.

Q Did you go to Greenville?

A I did.

Q What did you do when you got here?

A I talked to some of the individuals that were involved in the case. I don't remember if I talked to all of them, or not; there was some conversation with some of them. The supervisor that worked for me, was here, as well; I reviewed the information with Ken Baca and Reggie and Sharon, I believe, is her name.

Then there was an incident, later, where someone was sent a box of items. One of the things in the box of items was the concealed weapon permit -- expired concealed weapon permit from this individual, along with other items; there were phone calls that were made by Courtney Ray Mitchell on the night in question; from what I remember, there may have been a trespass notice written to someone, that he's not allowed back on the property -- I'm not sure which person that was, whether it was Battista, or who.

That's, pretty much, my involvement with it.

Q So they sent a couple trespass notices?

A I believe so.

Q What was your involvement with the law enforcement?

A Setting up the schedules, so they could show up and be there on time; and make sure they were paid appropriately; providing them with a picture of Courtney Ray Mitchell, to make sure that they knew who he was.

Q Did you help them with breach of peace?

A I'm not a law enforcement officer; no, sir.

Q Did you make any suggestions?

A Not that I recall.

Q How long were you up here, before you went back to Columbia?

A I don't remember.

Q Your notes will have who you spoke to, and what they said, right?

A Probably not. There would be some notes, but I think most my stuff was probably discarded; there was probably e-mails with a generic overview of the case.

Q With regard to Mr. Mitchell's mental makeup, did you speak to anybody regarding that?

A I spoke to the detective who told me he was unstable and should be considered a threat; I conveyed that to Ken Baca, to Reggie, and to my boss, Jim Grover.

Q The detective's name?

A Cochran, I believe.

Q From your discussions with Greenville, were you aware of any stressors, or anything like that, that Mr. Mitchell may have had?

A I'm not sure what you're asking for, sir.

Q Did someone give you a description of Mr. Mitchell -- their thoughts -- so you understood what you were dealing with?

A No, sir.

Q No one described Courtney Mitchell.

A Not that I recall. Describe him in what manner?

Q Describe his demeanor.

A Not that I recall, other than the employees that we talked to, described his demeanor.

Q Yes, sir. What did they say?

A I'm trying to think back two years;

please bear with me, it's been a while. They said that his actions, as well as his appearance, alarmed them, greatly; that they were concerned because of his behavior at lunch.

Q On that day, was he acting consistently with the way he normally acted?

A I believe they said, He seemed agitated. They were more concerned with -- maybe there was some vocalization, by him, to use some curse words to describe someone, calling them different names; as well as, they were concerned for their boss; as well as, all management; greatly concerned for their safety because of the comment about being carried out in a box.

Q Did you discuss with them, his performance?

A No, sir.

Q Did they give you any reason why he would be like this?

A Someone mentioned that they thought, because of items he said, that he may have been suffering from PTSD.

Q Do you remember who said that?

A I do not.

Q So the character sketch that you gave the

police about him, is what?

A I didn't give them a character sketch. I related the facts of evidence: This was what took place; this was what was said; please go forward, and see if it's a viable threat.

Q Are you responsible for background checks?

A No, sir.

Q Who is?

A Human resource.

Q How often do you do those on an individual?

A Next to never. They're done by human resources.

Q Do you know of any disciplinary action taken against Mr. Mitchell?

A I do not.

Q Do you know of any complaints that were made against him?

A I'm not certain; I don't recall.

Q Were you aware of his health, or mental issues, at any point?

A Only after this incident began.

Q What did you learn?

A I learned that the information that I was

provided by the police; that they felt he was a threat to our employees.

Q Who was responsible for his termination?

A I'm not sure.

Q If he had asked to be moved for stress -- whatever reason -- would you be aware of that?

A No, sir.

Q Did you have a discussion with him, other than him calling you to tell that you his family wasn't pleased, or he wasn't pleased that his family was bothered?

A I don't remember; I may have, but I don't think so.

Q Did he make any threats toward you?

A Not that I recall.

MR. SMITH: Make this exhibit 1, please.

(Canady Exhibit 1, Handwritten Notes, marked for identification.)

BY MR. SMITH:

Q I'm showing you what has been marked as Plaintiff's Exhibit 1. Can you tell me what this is.

A I have no idea. They're notes with my name written on them, misspelled; improperly diagnosed as a security officer.

Q Okay. Who's Fuller?
A I have no idea.
Q To your knowledge, was Mr. Mitchell ever an issue prior to this, prior to the lunch?
A Can you please clarify.
Q Did you know about Courtney Mitchell, prior to this lunch?
A No, sir.
Q Did anybody tell you of any psychological issues that he may have had previously, or during this event?
A During this event, someone mentioned that, maybe, he had some PTSD from an injury he sustained -- an alleged injury he sustained during an IED explosion in Afghanistan, as these notes say; I don't remember it, though.
Q When you say, alleged, have you learned anything further, since that time?
A Everything is alleged, until I know for certain.
Q Well, what have you learned, since then?
A I don't have any knowledge, at this point.
Q Why do you use that term, alleged?
A Everything is alleged, until I understand

that it actually happened.

MR. SMITH: I have nothing further.

MR. WILLIAMS: No questions.

MR. SMITH: Thank you for your time, sir.

- - -

(The deposition concluded at 12:25 p.m.)

- - -

(Witness excused.)

- - -

SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
W.C.C. FILE NO.: 1322347

Courtney Ray Mitchell

Employee/Claimant,

vs.

United Parcel Service,

Employer,

and

Liberty Mutual Insurance Company,

Carrier/Defendants.

DEPOSITION OF DWIGHT INMAN

DATE TAKEN: Thursday, October 15, 2015

TIME BEGAN: 2:30 p.m.

TIME ENDED: 2:42 p.m.

LOCATION: McAngus Goudelock & Courie, LLC
55 East Camperdown Way, Suite 300
Greenville, South Carolina 29601

REPORTED BY: Lisa Garson, Court Reporter
EVERYWORD, INC.
P.O. Box 1459
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ALSO PRESENT:

(None.)

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(It is hereby stipulated and agreed by and between counsel for the respective parties that this deposition is being taken in accordance with the South Carolina Workers' Compensation Commission and the Administrative Procedures Act; and that the deponent does not waive reading and signing of this deposition transcript.)

- - -

DWIGHT INMAN, after having been first duly sworn, was examined and testified as follows:

- - -

EXAMINATION

- - -

BY MR. SMITH:

Q Mr. Inman, my name is Don Smith. I represent Mr. Mitchell for a workers' compensation claim that he's brought against UPS.

With that in mind, we're taking a deposition to further that case, I guess. I'll be asking questions regarding your relationship to Mr. Mitchell, UPS; and getting some background on you, so I have a better understanding of you, as an

individual.

I'll be asking questions, somewhat, rapidly; and if they're too rapidly, so as to make it so you can't understand it, or can't hear it, ask me to restate it; I'll be happy to do that. If I ask a confusing question, which I'm known to do, please ask me to ask it a different way; because if you answer it, I'll think you understood whatever I asked; so if you could just do that, we'll be in good shape.

You have to verbalize all your answers because of the fact that she is recording what we are saying; so that way, she can prepare a transcript of the testimony.

Could you tell us your name, please.

A Dwight Inman.

Q Where do you live?

A 4 Newport Drive, Travelers Rest, South Carolina.

Q How long have you lived there?

A Since January. I bought the house, the end of January.

Q Where did you live prior to that?

A Plantations at Haywood, which is an apartment complex off Haywood Road.

Q Where did you get your education?
A I'm sorry?
Q Where did you get your education?
A Oh. Augusta State University.
Q What was your undergrad degree in?
A Business administration.
Q Where do you currently work?
A UPS.
Q How long have you been there?
A Five years in February.
Q What's your position?
A I'm an ISR; inside sales representative.
Q Has that been your position the whole time?
A Yes.
Q What is your patch of land, if you will?
A I handle the Virginia area; and I have the 81 corridor from Buena Vista to Harrisonburg; and then I've got the Charlottesville area.
Q Where did you work prior to UPS?
A I was unemployed.
Q Well, where was the last time?
A Prior to that, I worked at State Farm.
Q What did you do there?
A Insurance sales; worked for an agent.

Q Do you remember when Mr. Mitchell started with UPS?

A No. I don't remember, exactly, when he started because I can't remember if he was already with the team when I joined it, or not.

Q What would you say your relationship was with him?

A Coworker.

Q Did you talk outside of work?

A Just -- we'd go to lunch, every now and then.

Q What did you talk about?

A I don't recall all of it, but just what's written down there, I mean.

Q When you went to lunch, what did you talk about? Hunting?

A Yeah. I mean, he would talk about hunting; and I know he mentioned his brother had been in the NFL; and he was on a farm; just stuff like that.

Q So he talked about hunting and guns and stuff?

A Yeah. He mentioned hunting and guns.

Q What do you recall from those conversations? Anything of note?

A No. Nothing really of note. I mean, he's just a coworker; didn't really stand out, so...

Q What was his work performance like?

A I can't speak to that because I don't know. I didn't have any interaction with him; I tried to help him a couple times; he asked me a couple questions; and that's it.

Q So he was concerned about his work performance?

A I mean, I don't know if he was concerned. He was just like everybody else that's new. If you don't understand something, you ask a question.

Q Was his desk close to yours, ever?

A Yes. He sat right next to me; not the whole time, but, I know, at one point.

Q What were your observations?

A What do you mean?

Q Did you see anything out of the ordinary?

A No.

Q How were his emotions?

A Just like anyone else; just sat there and did his job, as far as I know.

Q You were at that lunch?

A Yes. I was at the lunch.

Q Please tell me about it, in your words.

A I mean, it's written down. I can go over the statement; it's a pretty lengthy statement, so, I mean, I can tell you what I remember.

If it matches up, it matches up; because I'm, kind of, doing it from memory, and that was, what, two-years ago.

We went to lunch at the Olympian; he was already waiting on us when we got there; he seemed a little agitated, or irritated; and I sat -- if I remember correctly, he was at this end of the table, kind of like where you are; and I was sitting over where that gentleman is; and there were a couple people in between us.

But he just seemed irritated; and he was talking with several people at the same time, making statements about management; making statements about friends he had known in, I guess, the Army, or wherever, in his past; making statements about, I guess, some altercation he had outside of -- I think it was a Five Guys.

And then he just got up and left, like, very abruptly; got up and left. I think he only had a coffee, if I remember correctly; so we just, kind of, thought it was strange.

Q Was he making any sense?
A Not a lot, in my opinion.
Q Was he having one conversation?
A No. Like I said, it seemed to me, he was, kind of, carrying on conversations with all of us; little conversations here and there, which I think I mentioned.
Q Could you draw a table -- the table that you were sitting at -- and where you guys were sitting.
A And this is to memory. I just know that -- I know Ray was here -- this was Ray. And I'm pretty sure I was here; and I think Gina was here; and I can't remember where Scott and Leonard were. I know one of them -- I can't remember if it was Scott or Leonard -- were directly across from me, so...
Q Based on what you heard coming from Mr. Mitchell, what were your thoughts?
A What were my thoughts?
Q What were your thoughts.
A What were my thoughts? My thoughts were that we need to tell somebody that he had made these statements; and that we wanted him to get help.

Q Help for what?
A Well, obviously, he was disturbed. I mean, I don't know for what; he just seemed disturbed, at that luncheon.
Q Had you ever seen anything like it?
A No. That's why we were all, kind of, taken back; because it was like he was a different person at that lunch.
Q Were you aware that he had asked to be moved, in the company?
A Yes.
Q What positions did he ask to be moved to?
A The only thing I ever heard him mention was, I think, security.
Q Do you know if he had the opportunity to talk to somebody about that? Or was that just an aside?
A It was just, I knew he was interested in it. I don't know if he talked to anybody about it, or not.
Q Did he tell you about his struggles at work?
A No.
Q He didn't tell you that he was having trouble with the calls, and so forth?

A No. We didn't have that kind of relationship.

Q Did he ask you for help?

A No. I mean, he asked me for help, like, how do I enter this into the computer; but not like, I don't know what I'm doing.

I mean, like I said, everybody needs help figuring out the systems, and things like that; those are the general questions that he asked me. Hey, where I do look this up, or where do I look that up?

Q With regard to the other workers, did he ask more questions or less questions, than other people?

A Compared to me, he probably asked less, because I asked a lot; but he seemed to ask about the same as everybody else. I mean, people ask a lot of questions when they go on the floor, so...

Q How many questions did you ask him?

A I didn't really ask him any questions.

Q Why not? You just said you had difficulty.

A No. When I first got on the floor, I had difficulty. When he got there, I'd been with the company for a while, so...

Q So you were before him.
A Oh, yeah. I started in 2011.
Q Did you ever see anything like that lunch -- anything at all -- by Mr. Mitchell?
A No.
Q Do you recall what your testimony was in -- hold on one second, please.
How did Mr. Mitchell exit the restaurant?
A Just paid for his cup of coffee and got up and left.
Q Did he say goodbye?
A Not that I recall. I know he was going to do something to his truck. He might have mentioned, hey, headed out to do something to my truck; because I know he was getting accessories to put on his truck; so, to the best of my knowledge, he exited, saying, hey, I'm going to get something done to my truck.
Q Other than the names, and whatever, at that lunch, had he ever been negative to you, in any way?
A Yeah. I don't know if he really cared for me that much, but, so...
Q What would give you that thought?
A I just -- some of the stuff -- well, I

guess I take that back because it was really the stuff that he said at the lunch that made me think he was negative; calling me a taxi driver, and the things he said at the lunch.

Q So prior to that?

A No.

Q Did he come within arm's length of you that day?

A I'm sure he did. I'm sure I probably shook his hand.

Q Did he call at your house?

A Yes.

Q What did he say?

A He asked me why I called the cops on him; and I tried to tell him that I didn't call the cops on him; and he told me that, yes, you did.

The cops came to my door; they scared my wife; they scared my little boy; and I was no longer allowed on his property; I would be receiving a letter from his lawyer.

Q And did you receive something from him?

A Yes.

Q What was that?

A It was a letter that came to the office.

Q What was it?

A I think it was --
Q Trespass notice?
A Yeah. Trespass notice.
Q Did he attempt to call you, at any time, after that?
A Not that I know of.
Q Did he tell you he was going to Atlanta?
A He mentioned going to Atlanta with a file.
Q A file? What's your understanding of that?
A I didn't know what he meant. He just said, I'm going to Atlanta with a file, watch the news.
Q But not coming to anybody's place and hurting them, right?
A No. He didn't verbally say that.
Q Scott Brown asked him about his gun, didn't he?
A I believe so. One of us did; it was probably Scott.
Q And Gina Jones talked about her pistol. Did she have a Glock?
A I don't recall.
Q Was Courtney a different person that day?

A In my opinion, he was a different person.

MR. SMITH: I have nothing further.

MR. WILLIAMS: You're done. Thank you, sir.

COURT REPORTER: Did you want to mark this as an exhibit?

MR. SMITH: Yeah.

MR. WILLIAMS: No objection.

(Inman Exhibit 1, Diagram, marked for identification.)

- - -

(The deposition concluded at 2:42 p.m.)

- - -

(Witness excused.)

- - -

SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
W.C.C. FILE NO.: 1322347

Courtney Ray Mitchell

Employee/Claimant,

vs.

United Parcel Service,

Employer,

and

Liberty Mutual Insurance Company,

Carrier/Defendants.

DEPOSITION OF MICHAEL LEONARD

DATE TAKEN: Thursday, October 15, 2015

TIME BEGAN: 9:45 a.m.

TIME ENDED: 10:55 a.m.

LOCATION: McAngus Goudelock & Courie, LLC
55 East Camperdown Way, Suite 300
Greenville, South Carolina 29601

REPORTED BY: Lisa Garson, Court Reporter
EVERYWORD, INC.
P.O. Box 1459
Columbia, South Carolina 29202
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APPEARANCES:

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ALSO PRESENT:

(None.)

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(It is hereby stipulated and agreed by and between counsel for the respective parties that this deposition is being taken in accordance with the South Carolina Workers' Compensation Commission and the Administrative Procedures Act; and that the deponent does not waive reading and signing of this deposition transcript.)

- - -

MICHAEL LEONARD, after having been first duly sworn, was examined and testified as follows:

- - -

EXAMINATION

- - -

BY MR. SMITH:

Q Mr. Leonard, my name is Don Smith, as you know; and we're here today on a workers' compensation claim brought by Courtney Mitchell, versus UPS; and the purpose of this event is to find out a little bit more about Mr. Mitchell's work at UPS, as well as, your understanding of events, and participation in same.

I would ask, when you answer my

questions, that you do it verbally; so that way, the court reporter can make a record. If you don't understand what I'm asking you, please ask me to rephrase; because if you answer me, I will think that you understood what I was asking you; and I have a tendency to mumble, so if you don't hear me, or what have you, please ask me to restate the question. If you need a break, please ask me; and we'll, of course, stop.

Could you state your name for the record, please.

A It's Michael Leonard.

Q And Mr. Leonard, when were you born?

A April 14, 1962.

Q Where do you currently reside?

A Charlotte through the week, and Spartanburg on the weekends.

Q Do you have a residence in both places? Do you have a house in both places? Where do you get mail?

A Both locations.

Q All right. Tell me your educational background.

A I have a bachelor's in political science, and I'm currently working on a master's in business

administration.

Q Where'd you go to school?

A I went to UNC, Charlotte; the masters in business will be from Florida Institute of Technology.

Q Who are you currently employed with?

A UPS; United Parcel Service.

Q How long have you been with them?

A Six years in October.

Q What was the year of your birth, again?

A 1962.

Q What are your responsibilities with UPS?

A When I first worked there, I was an inside sales rep; currently, I'm an account executive, on the outside, in business development.

Q How many positions did you move up in the ladder, if you will, to get to where you are now?

A One.

Q So you just went from inside sales to account rep.

A Correct.

Q And that's outside sales.

A Correct.

Q When did that transition take place?

A February of this year, 2015.

Q Where did you work, immediately prior to UPS?

A I worked for a company called, The Cellular Store, Carmichael Wireless.

Q How long were you with them?

A I think it was 18 months. It was, kind of, a contract position with a gentleman that owned that business.

Q Prior to that?

A Follett Higher Education Group.

Q How do you spell that?

A F-O-L-L-E-T-T.

Q And what were your responsibilities there?

A I was a store director with them.

Q What were your responsibilities?

A Ran a university book store.

Q Were you there a lengthy time?

A Five years.

Q And immediately prior to that?

A Harris Teeter.

Q How long were you with Harris Teeter?

A Twelve years.

Q Why did you leave Harris Teeter?

A I was living in Atlanta, and they were

pulling out of Atlanta and South Carolina, in the Upstate; and I had an opportunity to go work for Follet Education, at Georgia State University.

Q And you left Follett, why?

A Moved back up to help take care of ailing parents, on both sides of the family.

Q And the Carmichael job, was that up in the Upstate, here?

A Correct.

Q And you left for UPS, why?

A For the benefits. I was paying for benefits, out of pocket, because it was, kind of, a contractual position; it didn't offer benefits.

Q So you started with UPS when?

A Probably six years -- 2009.

Q What were your responsibilities, as inside sales?

A We had an account base that was assigned to us, and we were required to make calls each day. At the time, we were asked to make at least 15, to 20 calls a day, to discover new volume; what we called penetration and conversion opportunities within those customers.

Q What was your area for calling?

A Let me think. When I first started with

them, I had the Georgia area.

Q So was it all of Georgia?

A Not all of Georgia, I had Atlanta. I'm trying to think. It was Atlanta, and then Macon, and that area. It was set up with specific zip codes in a geographical area, but Atlanta would be the primary.

Q Did you stay in Georgia the whole time?

A No, sir. They restructured the sales groups; and when we restructured, I went into Virginia.

Q Is that the whole state of Virginia, or close to DC?

A Richmond. And then the surrounding area, like Powhatan.

Q Williamsburg?

A Didn't go over to Williamsburg.

Q With regard to your employment with UPS, is Virginia the last area that you had, prior to taking the step up in position?

A No, sir.

Q Where were you at next?

A I had Pennsylvania.

Q What part of Pennsylvania?

A Reading and Lancaster.

Q Harrisburg?
A Yes, sir.
Q When did you have that area?
A Up until I moved to the position in February.
Q How did you do in Harrisburg?
A I did all right.
Q How long were you in Pennsylvania?
A If I remember correct, it was about a year-and-a-half, give or take.
Q UPS wants you to reach a certain percentage; is that right? A certain goal, or what have you.
A Correct.
Q What is that goal?
A For inside sales?
Q Yes, sir.
A It would be, that you need to be, at least, 100 percent on, what we call, bid growth; and also, you had to meet a standard for your, what we call, CV VAT, but, I guess, revenue; and it's a cumulative, validated sales total, is what it comes out to.
So you had three criteria under that, that you had to meet, at 100 percent; that would

be: Ground, air, and hundredweight.

Q Did you say, hundredweight?

A Hundredweight. Those are three of the services that we offer through the small package system.

Q Hundred-percent bid growth, what does that entail?

A That would be when you're talking to your customers, and you're figuring out whether they have additional revenue, or penetration opportunities, you would structure a new pricing agreement, or discounts, if you will, for that customer; and based on the volume where they were when you put that bid in place, and the new volume that came in, under that new contract -- would create that new percentage, in terms of growth.

Q How were you doing, on average, during that year-and-a-half?

A Met the goals in those areas. On bid growth, it was -- I don't remember, specifically, I'm sorry; but it was over 100 percent.

Q And that was your average, over that time. What did you start off with? Was it a tough place?

A It was mid-90s, when I took over.

Q So a year-and-a-half prior to the beginning of this year; is that right? Latter part of 2013?

A Yes, sir.

Q The last month you had it, what was the bid growth?

A I don't remember, specifically, I'm sorry. It was over 100, though. I would not have been able to move to the A position, without it being above 100.

Q Do you remember when Courtney Mitchell began working at UPS?

A I don't remember the specific year, no.

Q What was his position, in relation to yours?

A Same, similar position; inside sales rep.

Q During that time that you were inside sales rep, did your desk, or space, remain the same the entire time?

A No, sir. They moved the configuration around, every once in a while; just to change things up, and give you a different perspective, or view, I guess.

Q 2012, where were you?

A 2012, we were in the old building. I

think we were on the sixth floor of the Fluor Daniels building.

Q Where are you now?

A I'm in Statesville, and Salisbury, North Carolina.

MR. SMITH: Can we go off the record, a second.

(Discussion off the record.)

BY MR. SMITH:

Q Courtney Mitchell started in 2012, about?

A Probably.

Q Where was his area; meaning, where he sat, compared to yours?

A I don't remember, at the time.

Q When he first got there, was he friends -- fast friends with anyone? Who did he hangout with the most?

A Not that I can recollect, no.

Q When did you talk to him?

A I would stay late, sometimes, and he would be there late; and we would talk, sometimes, in the evenings; but as far as a specific time, I don't remember.

Q Do you recall his abilities, or skills, or anything relating to the job?

A He struggled with the job; he did not appear to be very computer savvy; was reluctant to get on the phone.

Q Did you, at any time, provide counseling, or help him in any way?

A I would make suggestions to help him target customers to call.

Q Where was he at immediately prior to his departure? And I'm talking about the sales area.

A He was on disability when he left.

Q The last place that he was selling to?

A I don't know his area; I don't remember.

Q Could it have been Harrisburg?

A If it was, I didn't see any notes in our teams, which is our customer relations management system that had his name on it.

Q Who was selling there, immediately prior to you?

A Harrisburg -- I don't remember. I'm sorry.

Q Do you remember Mr. Mitchell being written up, or anything of that nature?

A No, sir.

Q Did you ever have the opportunity to have a desk located immediately next to him?

A I recall, at one time, I think we were adjacent to one another.

Q Where was your sales area, at that time?

A It would have been the Virginia area.

Q Do you have a salesman of the month, or anything like that?

A No, sir.

Q Do you have any awards, or certificates, that are given to someone who has, either, surpassed their goals, to a certain extent, or had the best sales, or anything like that?

A They would do recognition on Fridays.

Q And what's involved with recognition?

A We do, what we call, a pre-call meeting, PCM; and on Fridays, they would recognize people that had brought in a lot of volume, either on 100 weight or ground or international.

We had, like, a little contest; and people that would have, you know, the largest increase from the previous week, would be recognized.

Q And that was on a weekly basis.

A Yes, sir.

Q Do you recall if Courtney ever went in that, or succeeded in that?

A Not that I recall, no.
Q Did you have anything on a monthly basis?
A There would be contests for time off, you know, a day off; or, you know, X number of hours off. On a monthly basis, they would run a contest for the month, and you had to have, you know, a certain goal to be met, to be part of that.
Q But there was nothing given for employee of the month, or salesman of the month, or something to that extent.
A No, sir.
Q What is your assessment of Courtney Mitchell?
A I'm not sure what you're asking.
Q If you were to describe him, how would you describe him?
A A disturbed individual; there was a lot of angst and anger.
Q Can you give me an example of what we're talking about.
A This is put in the perspective that, when we first became acquaintances on the team, that he was an Iraq and Afghanistan Veteran; and understanding, as a civilian, that we could not, probably, comprehend some of the things that he

saw, and that he alleged he experienced -- because I don't know if he was actually a veteran or not.

Based on the comments, you could tell that he was deeply troubled by things that, allegedly, occurred when he was overseas.

Q Yes, sir. What do you know, now? You're prefacing your statements, so what is your understanding now?

A I have no clarification whether he has been, or was not, in the service. My interactions with him, originally, were predicated on him being a war veteran.

Q Since that time, you've learned what?

A Nothing, one way or the other.

Q So what you're saying, then, is, the only information that you have, is that, he was a veteran, according to him; you don't have anything else.

A No, sir. I do not.

Q I guess I don't understand.

A Well, maybe I should not use the word, alleged. That may not have been a good word choice, on my part.

Q But you'd agree with me, since you used that term, that means you have a question about

that.

A Personally, I do. Yes, sir.

Q And you base that on what?

A Just on my own feeling. I have nothing concrete to base it on.

Q Did you have any discussions about Mr. Mitchell with other fellow employees?

A Not anything other than what happened that particular day at lunch, no.

Q Never talked about him, beforehand?

A No, sir.

Q What knowledge did you have of any issues that he may have had, prior to the lunch?

A As far as, what type of issues?

Q Anything that might have been watercooler talk, or something of that nature; scuttle-butt, I guess.

A I have no knowledge, prior to that.

Q No discussions, at all?

A No, sir.

Q Did you have a name for him? Do you have any nicknames?

A Other than -- I can't think of how it was worded, but we watched a shooter video, and everybody -- because Ray had become increasingly

agitated at work. I can't remember what it was, but there was a nickname.

I'm sorry. I can't remember, specifically, what it was.

Q Shots fired?

A Yeah. Thank you.

Q How was that -- I mean, do you know who started that? I mean, who created that?

A I think it was just association from that video because I think it was the title of that video; but putting that in perspective -- I know this is, probably, not relevant -- but thinking that he was suffering some type of trauma, or stress, from being a veteran.

I think, at that time, you know, we could see that something was going on with Ray, or felt like something was going on; I don't know. Bottom line of that was -- or that thought is -- we felt like Ray needed to seek some kind of help, but we didn't know how to approach it.

Q Did he ever talk to you about his difficulties with the position?

A He just said he had a hard time making the calls; he didn't like it; and he had a hard time working the different programs we had to use,

to do our job.

Q His difficulties, did they become increasingly obvious with the passage of time?

I mean, could you see a direct increase in his angst, on a month-to-month basis?

A That would be fair to say, but that was across the board for everybody. Like I said, you have goals you have to meet; and if you're not hitting those goals on a monthly basis, you'll have a hard time meeting your year-end goal.

So it wasn't just, necessarily, Ray; it was me, and everybody else.

Q How was he doing in the beginning?

A He struggled in the beginning, but everybody struggles in the beginning, as you're learning the systems. There's a learning curve, and I don't think Ray ever got past the learning-curve part.

Q Do you know of him asking to go into security, or something like that, to get away from the sales, and the difficulties he was having?

A I remember him mentioning that he wanted to go into a different area. I don't recall that it was, specifically, security.

Q All right. You don't know what it was,

necessarily, but did you understand why?

A I think it was because he could not do what was required for us to do, at the desk.

Q When did he start voicing that thought?

A It would have been prior to his going out, so it would be sometime -- I'm trying to remember when Ray wasn't there, so I apologize; just before him not being there.

Q Well, let's say the lunch was June 26, 2013.

A Okay. It would have been late 2012.

Q Do you know who he asked for that? Would it have been Reggie Owens?

A I mean, to start any type of request, you would have gone through your coach, and then supervisor; but we have a very open-door policy, so he could have approached Reggie about it, directly, too.

Q If you do it the way you're supposed to, he would have spoken to whom, first?

A Either Gina Jones or Mike Battista.

Q Gina Jones' position, was what?

A She was the coach, at the time.

Q Who was your coach?

A Gina was.

Q And Mike's position?
A Supervisor.
Q Were you ever a coach?
A No, sir.
Q What was your relationship with Ms. Jones?
A Just coach; colleagues.
Q What was her relationship with Mr. Mitchell, from your perspective?
A Colleagues.
Q You previously said that you didn't know how to address the indications you had about Mr. Mitchell; is that right?
I mean, did you tell Gina Jones, your coach, that you were concerned about Mr. Mitchell's mental health?
A I don't believe I did. No, sir.
Q Did you have any discussions with coworkers, prior to that lunch?
A Concerning Ray's state of mind?
Q Yes.
A No, sir.
Q Are you aware of anyone discussing it, prior to that lunch?
A No, sir.

Q Can you tell me what happened at the lunch; who was involved; who was there.

A Went to lunch; I rode over with Dwight, Gina, and Scott. When we got to the restaurant, Ray was sitting at the table; which surprised me because, I think, he was out on some type of leave, at the time.

Q Gina Jones had not told you that he was coming?

A No. I don't remember her saying that. I just remember walking in and being surprised that he was there.

Q Was that at the Olympian?

A Yes, sir.

Q I'm going to hand you a piece of paper, and pen, and I'd like you to draw the table, or wherever you were sitting at; and then, if you would, put everyone around the table where they were sitting.

A (Witness complying.)

MR. SMITH: Thank you. We'll make that Plaintiff's Exhibit 1.

MR. WILLIAMS: No objection.

(Leonard Exhibit 1, Diagram, marked for identification.)

BY MR. SMITH:

Q Go ahead and tell me how lunch began, for you, when you got there; how did it play out?

A Well, I think we all sat down, and, you know, kind of, asked Ray how he was; and he, kind of, pretty much, took over the conversation, at that point in time.

Q Do you know -- well, how did the conversation begin? Was there a topic? Do you know why he was on disability?

A I do not.

Q Give your memory of the lunch. Just tell me the story.

A Well, I was going, and then, just, general conversation; and then the conversation really went downhill; and, like I said, it became, pretty much, a one-sided-type situation, with Ray talking about, he had started a -- I think he said he started a new business; he was going into the repo business for bodies and cars and whatnot; and then he talked about a new handgun, or rifle, that he had purchased, that he had -- I can't remember if it was -- you know, some kind of body piercing, or body-armor-piercing-type ammo, to go with it -- long range rifle; and then several derogatory

remarks.

There was something about driving somewhere, and he said something about Dwight being a crappy driver; and then he started talking about how he disliked Sharon and Reggie and Ken.

Q Do you recall why?

A Basically, that they were not trying to work with him on whatever his requests were, at the time.

Q Do you know what the requests were?

A No, sir. I don't recall.

Q Do you recall any specific statements about any of those individuals?

A Not verbatim. He -- I don't remember the specific wording that he used towards Sharon, or whatnot. Big momma and black -- I don't recall, completely.

Q About how long did the lunch last?

A Probably, 35 minutes, 40 minutes, because we had an hour; so between driving back and forth, and to get in and out.

He was -- my regret was not stopping the conversation because he was very loud, and some of the terms he was using towards Reggie and Sharon, were derogatory. Like I said, I don't remember,

specifically; I haven't thought about it much -- or any more than I had to -- between then and now, but I know, embarrassment; and then, I guess, being ashamed for not telling him to knock it off because there were other people in the restaurant.

Q What did you do in preparation for today?

A Other than having a conversation with Shayne, alerting me that I was going to be here...

Q Did you review anything?

A No, sir. I have not.

Q With regard to his conduct, did anyone say anything to him about it?

A No. From my perspective, I was in shock; and like I just said, I wish I had, but I think we were all just -- my perception of everybody at the table, was, just, are we really hearing what we think we're hearing? Especially in regards to the comments toward Ken.

Q Please explain.

A He had mentioned that he wanted to see Ken go out in a box; and then he corrected himself, saying, No, no, I'm gonna have his job, and I'm gonna help carry his stuff out in a box.

That's one thing that's stuck in my mind, because it was like, he implied that he wanted to

have him to go out in a box; meaning, a dead box. You know what I'm saying?

Q Yes.

A Well, no. You may not know, but...

Q I understand. How soon after, did he correct what he was saying?

A Probably within a minute. I think he realized what he said, and he said, No, no. I don't mean it like that.

Q So he also said that he wanted to replace him.

A He wanted to have his job. He was gonna have his job; and he was gonna help carry his stuff out; something to that effect.

Q Do you know why?

A No, sir, I don't. Like I said, the specifics of what was going on with him, we're not privy to.

Q What was his relationship with Mike Battista?

A I think professional, in terms of, you know, being -- you know, talking to him when he had issues, and Mike being responsive.

I mean, what are you asking for, specifically?

Q I mean, do you know anything about the relationship that was good, or bad?

A No, sir. Neither, or.

Q How would you describe Mike Battista?

A Mike is low key. He expects you to do what you need to do, and hit your metrics. I know from a -- and that's, pretty much, it. He's pretty straightforward about what his expectations are.

Q How would you characterize his leadership capabilities?

A If I were evaluating Mike for a position above where he is, I would consider him for it. He's fair; he's impartial; but he has expectations, and will communicate that to you.

Q If he believes that you're not meeting your standards, how does he go about addressing it?

A From a personal perspective, when I was, at times, not where I needed to be, Mike would pull you off the floor. Each group has a whole area, they can go and meet; and he would meet with you, in person, and say, What's going on; what's impeding your progress; what can I do to help.

Q Did you ever consider his demeanor, and his way of leadership, as being derogatory? Was he hard on you, at all?

How did he tell you that you weren't doing well?

A We'd sit across from one another, like you and I are, right now; and he'd say, you know -- he'd have the numbers, and say, okay, you're below here. What's going on? What's driving this? Can you explain to me why that number is low?

You know, be able to explain your progress, or lack of progress, in that case; and then what barriers, or obstacles, are you hitting that are not allowing you to get that number to where it needs to go; and then, what can we do to help.

Q Did he ever ask you to write yourself up?

A You would write an acknowledgment, is the way I looked at it, that you had the conversation; and then they would ask you, what I call, smart goals; what specifically are you going to do to correct that; what's your measurement; how are you gonna achieve it.

I can't remember all the little acronyms, but timing is -- when can we expect this number to start going up like it's supposed to, or meet the goal.

Q Tell me about the ride back to the

office.

A I think we were all -- I don't know if dumbfound is the right word to use, but just struck by what we had heard; and we all felt that we needed to report to HR, Reggie.

Q Who was the leader of the discussion?

A I think all of us were, equally; and Gina and Dwight, I think, really took over; and I think we may have deferred to Gina because she was the coach, at the time.

Q So you get in the vehicle, and who starts talking? Who was the first one?

A I think, collectively, we all said, Oh, crap, about the same time.

Q So when you got back to the office, what was the game plan?

A We, as a group, were gonna go to HR.

Q Is that what you did?

A Yes, sir.

Q All four of you?

A Correct.

Q Who did you meet, and where?

A I think when we first got in the building, Sharon was, either, coming off, or getting ready to get on an elevator; and we told

her that she needed to come with us; and we went to Reggie's office and started to report the lunch conversation to him.

Q How did you report it to Reggie?

A Verbally, initially; and then -- I can't remember if he wanted us to write statements, at that time, or if it was after the police came.

Q How soon after you talked to Reggie, did the police get involved?

A I don't know what time they, specifically, arrived there; but when we went down to meet with them, it was, probably, within 25 to 30 minutes; but I don't know, specifically, when they got to the site.

They may have met with Reggie, prior to meeting with us.

Q So within 30 minutes of this discussion, the police were there; is that what you said?

A Thirty minutes, or less.

Q The police that were there, were they the ones that were always at UPS?

Was there always a city police officer that --

A No, sir. The city police officers were not assigned to -- or requested to be at the site,

until after all this transpired.

Q Do you have any now?

A I haven't been to the site, since I left. They were there when I left in February, so I would think there, probably, still is police presence, at the building.

Q Who were the individuals present when you were last there, working?

A I can't remember if it's the Greenville police. It's the blue -- maybe it's the county.

Q Was it the same guys that were there, prior?

A No, sir. When we were at Halton, I think they were in a different jurisdiction. I want to say, it may have been the city police when we were at Halton; and then, I think, it went to county; or vice versa.

Q Yes, sir. When you went to the meeting with Reggie, who did the talking?

A We all started, and it was, kind of like, hang on; and then, Gina and Dwight -- we all added our comments, you know, kind of a round robin; you know, it started here and ended here.

Q But it was, essentially, a consensus.

A Yes, sir.

Q What did you tell them?
A We recounted the conversation at lunch, as best we could; and, you know, the threats and the comments that were conveyed by Ray at lunch.
Q Threats? What threats?
A Well, threat, may not be the right word to use, but the comment that he made about Ken. We felt like, between talking about having a high-powered rifle, and taking Ken out in a box -- we all took that to mean, was he gonna do bodily harm to Ken.
Q Who else talked about guns that day?
A Ray's the only one that talked about guns.
Q Anybody ask him about a gun?
A I don't know how that conversation started. I think it went back to where he said he was thinking about starting a new business, in the repo business, and then he started talking about a gun purchase; so I don't know how that all got woven together.
Q Gina have a pistol?
A I don't know if Gina owns a pistol, or not.
Q She didn't talk about her gun, at the

lunch.

A I don't recall her doing it, no.

Q Do you recall Scott Brown asking about a gun, initiating the conversation?

A Like I said, I don't recall how the gun conversation got started. It could have very well been something Scott had said.

Q But, to your recollection, you believe that Courtney's the only one that spoke about a gun, or guns.

A To what I remember; yes, sir.

Q And, once again, who all was in the room, in the conversation? It was you, and your lunch companions, Sharon, and Reggie.

A And then Ken came in because Reggie and Ken had a meeting; and so, Reggie told Ken, We've got something serious going on; we need to postpone that meeting, and you need to come back in.

Q With regard to Ken, was it your understanding that Courtney didn't appreciate his leadership? Or what was the complaint?

A The issue, probably, with Ken's leadership -- Ken is, again, demanding; has high expectations; and that's conveyed in his meeting with the suits. I don't know if there was any

direct contact between Ray and Ken, though.

I never had any type of -- I mean, from my perspective, I never had -- other than passing in the hallway to say hello -- never had any type of -- and since we were talking about how we were evaluated, I'll use the term, performance -- never had any type of performance meetings with Ken, on how I was doing, or not doing; so I don't know if he would have had that conversation with Ray; but again, I don't know.

Q So during that conversation about the box, and everything, did he say why he wished to see him not have a job there?

A It had something to do with him not being able to move out of the area, go do something different. And as we talked -- forgive me. Something I do remember, is that, he -- I don't remember if it was to Reggie, or to Sharon -- trying to move out of the area. He wanted to become a permanent fixture, in what we called, at the time, the growth group. That's just where they hand you a list, and you make calls.

He didn't want to have to worry about bid growth; he didn't want to have to worry about hitting the other performance measures; he wanted

to try to be a permanent fixture in growth group, so there was some...

Q Who gets in growth group?

A All new-hires start in growth group. It's, kind of, a training area to where you, kind of, learn the systems, become acclimated to the systems and making calls; and then it's, kind of like, a resource pool.

So when someone leaves the floor, or gets promoted, you have someone that can move into that vacant desk.

Q So the growth group works on leads for you, as inside salesmen.

A Yes. That's probably a good way to describe it. When I was in growth group -- and I don't know how it was when Ray was there -- we worked, specifically, on what we call, sales leads, slim leads; this is a list of leads that came in -- and for our area, we covered the east coast, so it could be -- I could be calling a customer in New York; I could be calling a customer in Georgia, or wherever; just depends on how those leads got assigned to me.

So you'd have X number of calls, and when I was in growth group, I think we had to do 25

calls a day; and the expectation was, the calls needed to be 25 calls; and then you had a talk-time metric that you had to meet, as well; so you had, I think, two-and-a-half hours of talk time.

Q Keep them on the line?

A Correct.

Q Did Courtney express how he was going to make changes, or go about making changes, with the unit itself, or the way things were done?

A In terms of how he, personally, approached his work?

Q Well, the changes that he thought were necessary, how did he think he could get anything done?

Did he say he was going to Atlanta, to talk to, apparently, you know, the higher ups?

A I think that was something he mentioned at the lunch; he was gonna go to Atlanta to talk to somebody.

Q Is that because -- did he say why? Did he not feel that he could talk to the people in Greenville?

A That may have been why; I don't know that that was the case. Like I said, the open-door policy -- if you don't feel like you're getting

what you need here, you can go to the next level; so I think he was, maybe, just gonna go to the next level.

Q So he did mention, he was going to Atlanta, and that was, like, a plan.

A I believe so.

Q What was the fallout from the meeting that you had after the lunch? What ended up happening, as a direct result of that meeting?

A They had city police officers assigned to our location; and, at that time, they had two roving police cars in the Fluor lot, during the day; and then you had a police officer stationed at each entrance.

Q What was your contact with Mr. Mitchell, from that point forward?

A After lunch, zero.

Q No contact, him-to-you; you-to-him.

A No, sir.

Q With regard to Reggie Owens asking you to do something -- did the police ask you to do something, directly; or did Reggie?

A I think Reggie said we would write statements; and when the police got there, we gave them the statements; and, I think, at the same

time, or right after that, we did a personal -- same thing that mirrored what we gave the police, to Reggie.

Q Did you write two statements?

A I remember writing one on the form, for the police officer. They gave us a form to fill out, and I, pretty much, used that to do the one to Reggie.

Q Was the first one -- the first report that you wrote, was it more elaborate, or a little bit more specific than the second one?

A I tried to make them as equal as I could. I'm not overly great on the details. I mean, if you look at it, compared to others, it's probably not as detailed as some of the others.

Q My question earlier was, you had two different statements; one is shorter than the other, like it's paraphrased.

I mean, is that how it was done?

A That would be an accurate description. Yes, sir.

MR. SMITH: Mark this as Plaintiff's Exhibit 2.

(Leonard Exhibit 2, June 21, 2013 Statement, marked for identification.)

BY MR. SMITH:

Q What we're looking at in Plaintiff's Exhibit 2, is what?

A I'm sorry. Say that again.

Q This is Plaintiff's Exhibit 2. What is this?

A This is the statement that I wrote out and gave to Reggie.

MR. SMITH: And mark this Plaintiff's Exhibit 3.

(Leonard Exhibit 3, June 24, 2013 Statement, marked for identification.)

BY MR. SMITH:

Q Can you tell me the differences that you see in these.

Well, which one was done first, how about that?

A This one was done first; the one that's dated June 21st.

Q Well, I see the date there, sir; but is the smaller one, the one that's paraphrased?

A That would be correct, yes. Sorry. I didn't understand your question.

Q I understand. You did the long one, first, and then you made a small one for the

police; is that right?

MR. WILLIAMS: Object to the form of the question. Please answer.

WITNESS: The one to police was probably short because I was trying to keep it on that little report form they gave us.

If I remember, it would have mirrored more of this one, just to hit the highlights.

BY MR. SMITH:

Q So the longer version -- would you say that's the one you wrote first?

A No. The paraphrased one would have been the first one; and then, I think, it may have been after our loss prevention people got involved into it and wanted us to go back and be a little bit more comprehensive.

Q So you weren't paraphrasing then.

A On the longer one, no.

Q My questioning is based on -- this is my interpretation. You do a long report, and then you do a synopsis, or a smaller version, for efficiency, to fit in the space you had; but you don't believe you did the longer one first.

A I don't recall correctly -- no. I would think, knowing my personality, I did this one,

first, just to hit the, you know -- I don't know if highlights is the right word, but, the pertinent points.

And they wanted us to -- I want to say it was LP, and I may not be correct on the timeframe -- wanted us to, you know, write down everything that we could possibly remember that day.

Q On page two of Plaintiff's Exhibit 3, look at number four. Can you talk to me about that. What is that about?

A Yeah. He talked about, he had been prescribed medications, and that he wasn't supposed to be driving. And I remember thinking, you know, if you're not supposed to be driving, why did you drive up here and -- I'm thinking that to myself.

Q Did you ever notice --

A And he said he was in pain, and I said, well, you shouldn't not take -- that's a double negative, I guess -- but take your pain meds because you don't want to have to fight the pain, physically, because, I said, that creates more stress, you know, on your body.

Q Did you ever notice that -- did you ever have an opportunity to see him in a state that you believed he was medicated; meaning, the effect of

the medication was clear to you?

A There was one time, he came into work, where he was on medication; and I don't know what type, but something to do with an IED explosion had created pain in his neck and back; and he had difficulty because, obviously, he sat in a chair all day long, and I think it bothered him; and I think there were a couple times, he came in, where he had been on something for that.

I don't know if it was prescription, or whether it was over the counter.

Q On page three of that same Plaintiff's Exhibit, can you tell me about your closing.

A Well, this goes back to working under the thought that Ray was a combat veteran. I guess I'm particularly attuned to that; I grew up in a military family; would have been in the military, had I not blown my knee out; I have friends that have served overseas.

I mean, I grew up in a military town, I'll just put it that way, so I have close contact with people that served. Understanding -- and over the course of my career, working with people that have been veterans, I know that there are specific things, that they experience, that you and I will

never experience; and I don't know how that affects them, so I didn't want to pry too much with Ray.

I mentioned earlier, you know, that there would be times I would stay late, at night, just so I wouldn't have to fight the traffic to go home; and we would talk -- and he'd talk about his experiences; so I just wanted to be there, to listen, for him; so that's where that came from. But then, keeping with the thought that he was a stressed, ex-veteran, based on the comments he made here, there was something, obviously, in my mind, that had gone awry in Ray's thought process; and I think what we wanted -- or what I wanted -- and when we approached Reggie that day -- was to get Ray some help.

Q Regardless of any military relationship, did Courtney need help?

A Help as far as?

Q Mentally.

A I'm not qualified to answer that; but, I mean, just in terms of what I thought he needed, especially after that -- I thought he needed help. Here again, not prying into what he was doing, I would think that he would have availed himself to, you know, the VA, or someone, for working through

what he experienced in Afghanistan.

Q And this statement, was this based on the lunch, alone? Or were there other things that you had seen?

A That was based, partly, on the lunch; and partly, on some of the conversations that we would have at night.

Q Can you give me some examples of the conversations.

A There was one, you know -- going back -- mentioning the injury to his neck and back, where he had been in a convoy -- and I can't think of the pass, but he was talking about the pass, and they hit an IED, and the vehicle got overturned, and things like that; and that's when he sustained these type injuries, and he mentioned that people had died.

And I didn't pry because I'm not qualified to start delving into those type situations; but if he wanted to talk about it, I thought, listening to him, at least, provided a catharsis -- I don't know if that's the right word -- a release for him, to help work through what he had experienced.

Q Did you have -- what were your beliefs as

to his mental situation, during those conversations?

A I felt that he was, somewhat, stable, and that he was just using that to work through it. I didn't think there was as much of a disconnect, as there was when we were at lunch that day -- between what I had experienced with him, prior to the lunch.

Q But you recognized that he needed help.

A Correct.

Q Was that a thought of the group? Or was that just your thought?

A That's just my thought. I think that, after the lunch, we all thought -- and here again, you know, we're working -- you know, he's an ex-veteran -- that he needed help.

And the purpose of that, at least from my perspective, partly, to alert Reggie and Sharon and Ken, what was said, was that, there was concern on all our parts. I know there was on mine and Scott and Dwight's, and probably Gina, if you asked her; that Ray really needed help because he would -- you know, he related that to me, and probably related some of the same things to Scott and Dwight and Gina.

I don't know that for a fact, but hearing him talk about what he experienced, I don't know how I would be, coming back into the civilian world.

Q Recounting every individual that was in the ride home, what -- were the individuals offering any prior situations they had seen, that correlated with this lunch?

A I think we had all heard the story about the IED -- because of the injury -- so we all had that; and I think, you know, we all -- okay, we need to let them know.

But why we, also, wanted to go, was that, knowing Ray was out -- we didn't know why he was out; but, obviously, he needed to have some type -- in our minds -- some type of help to deal with what he was dealing with.

Q What did Gina Jones say, in that ride back to the office?

A Specifically, I don't remember. Like I said, I think we all sat in the car, and were like, Holy crap, we need to go -- well, probably more specific than that -- but we need to go -- let people know what was going on; and I think we were all talking, and we all had a concern for Ray, that

he needed help; and that was one of the reasons why we went to HR.

Q Were there any anecdotes -- that reminds me of the time -- so to speak?

A No. I remember when we were in the car, and Gina got a text, or Dwight got a text -- it may have been Gina because it was addressed towards Dwight, about, tell him not to act like such a -- put a boot in his rear-end for me.

Q Did you perceive that as an attempt to be humorous, or coarse?

A I would say, coarse humor.

Q Did he ever threaten anybody?

A At that table, that day?

Q At any time.

A Other than what we perceived as a threat towards Ken, I'm not aware of any other situations; and I don't know if that's encompassing the -- I don't know if implied threat would be correct, but when he had someone deliver the -- I think it was a leaf-blower motor, and I know there was some type of envelope that had items in it, but I don't know, specifically, what those items were; but I think that got -- I don't think.

It upset a lot of people, on the contents

of that envelope that was delivered.

Q So did you know the content of the envelope?

A I understand there was some notes, receipts, and cellphones; and that's all I know that was in there. As far as what was on any of the cellphones, or what the notes were, or what the receipts, specifically, had on it, or whatnot; I don't know. I just know the general contents.

Q So, as you said, there was no interaction between you, at all; you didn't get any e-mails, or texts, or anything, from Courtney.

A No, sir. After that -- that lunch was the last time I had any type of contact with Ray.

Q Do you know what Gina Jones' involvement was, in this particular situation, from the lunch to his dismissal; or anything of that nature?

A I don't know what her involvement was, in terms of his dismissal. I think that it was, probably, more personal for her; and I don't know if personal is the right word; but her engagement, after the lunch, was greater activity, on her part, than mine; she was more involved. I don't know how to word that.

Q Did she, or anyone else, offer any new

information to you that you were unaware of?

A No, sir. Other than, that she had an envelope that had those general items in it. She didn't ask for details -- I didn't ask for details, and she didn't offer them.

At that point in time, if it didn't involve you, directly, so to speak, at that point -- UPS is of the mindset that these matters are private, to a point; that if it doesn't involve you, directly, at that point in time, then you don't really need to know what's going on.

They would keep us abreast of general, you know, progress of what was going on, you know; was Ray incarcerated, or was Ray out; but as far as any details on what was in that, no.

Q Are you aware that Ms. Jones made a statement regarding the events, and so forth? Did you ever have an opportunity to read that?

A No, sir. I've not read anybody's statements.

Q Are you aware that she did create something like that?

A I believe we all created statements from that lunch that day.

Q When did you believe that Courtney was

not the same person that had started working there?

A If I had to state a definitive point, I would say, it was that day, at lunch.

Q Did Courtney ever win any awards, any achievements, or anything?

A I don't recall; no, sir.

Q If you got an award, would you get a reward, like, monetary, or credit card sort of thing?

A There may have been gift cards. I know, typically, what we got was, like, a coupon for time off; you got -- well, that was birthday recognition. Sharon would give everybody, like, an ice cream card; I think it was T-B -- I can't think of the place.

You know, I don't know. I never got anything that had money, as far as, you know, a gift card that said, here's X number of dollars on it. Most of mine were, either, time off -- what we call a time-off certificate, or a time-off coupon, or hours-off coupon.

MR. SMITH: One moment, please.

(Off the record.)

MR. SMITH: I have nothing further.

MR. WILLIAMS: No questions.

You are free to go.

COURT REPORTER: Shayne, you mentioned you want --

MR. WILLIAMS: Read and sign.

- - -

(The deposition concluded at 10:55 a.m.)

- - -

(Witness excused.)

- - -

THE COURT:

Thank you so much. Is it Ms. Jones?

MS. JONES:

(Inaudible).

THELMA JEANA JONES:

being first duly sworn was examined and testified as follows:

THE COURT:

Thank you.

EXAMINATION BY MR. GALYEAN:

Q. Ms. Jones, could you start with the events of June 21st of 2013 and tell us what happened on that day?

A. Well, two days prior I received a text message from Mr. Mitchell. He was out on disability from work. I don't know the specifics of it. I'm not privy to that. But he asked me to go to lunch on Friday. I had already had plans, you know, with some of my co-workers. So I asked my co-workers, hey, is it okay if, you know, Ray joins us for lunch? He wanted to meet for lunch. And they were all, oh, that's fine, we'll see how he's doing.

So he met us for lunch at the Olympian Restaurant, I believe was the name of it, on that Friday probably a little after 12:00. He was already there. He had

been there for a little while. He had been drinking water and, it looked like, coffee. We all sat down, and he immediately went into talking about, you know, what he'd been doing. Him and his wife were working on some things privately. There was multiple conversations that started up. I mean, it was talking to me, talking to - - I mean, talking to Dwight, talking to Mike Leonard. And they were all happening at the same time, like one was talking about him being upset about work. One was talking about him and his wife starting up a business of repo-ing stuff. And I asked him, like repo-ing what? He's like, cars, you know, people. I was like, okay, that's odd. One conversation was with Dwight, and he made -- he called Dwight -- and my apologies. He called him a pussy. I'm not quite sure what the disgruntlement was there. He made the comment about Dwight about driving like -- driving like an Arab or something, just put a turban on him and call him Sumeer and he could be a New York taxi driver. I mean, he was making some really derogatory comments right to Dwight. And I looked at Ray, and I was like, you know, seriously? He was like, I'm just kidding, Jeana. I was like, no, you're not. And he said, "No, I'm not really, not really. I'm not kidding."

He went on, just getting louder. People -- there was a table that got up and moved. There was a table with some children who requested to be moved away from us in the restaurant. There was a couple of tables around that were just looking at us mortified, I guess, terrified because he was raging -- he was just louder and louder, hand gestures, just very angry. And he talked about he had gotten a new sniper rifle and that he'd gotten armor-piercing bullets. And, you know, he -- he -- all of the management and our team, you know, above Mike Batista was -- was just shit. Sorry. And that he would take care of them. He made some comments about watching the news. It was -- And he made some comments about prior history in the military with one of his privates getting some sort of disease, and the doctor doing horrible things to this guy to cure it. I mean, he was just so many different things all at one time that it -- it was just, it didn't make sense.

But he threatened Ken. He said, "You know, my main purpose" - my main drive, my focus, my -- I'm trying to remember the exact word. The fixation "My main fixation is to have Ken Baca removed from that place in the box -- I mean, with his stuff beside me in a box." So he corrected himself really quick. And that

was at the point where it really got scary with us. (Witness crying).

And there was no remorse. There was no -- he meant what he was saying. He didn't waiver on it at all. He -- he made comments about Sharon can't make her way out of a box -- I mean, a manager way out of the box. You know, something to the extent of calling her Sister Madea. I mean, it was horrible things to say. I mean, he -- he was pretty clear, and then he just got up and left. He just bolted out of there. He was like -- I thought he was going to the restroom, but he was gone. He just got up and went -- got in his truck. He threw some money on the table, and it was like he didn't eat. He didn't do anything. He was just like there raging at us. (Witness crying) I apologize, Your Honor.

THE COURT:

That's all right. Take your time.

WITNESS CONTINUES:

A. So after he left, I looked at my co-workers and I was like, what just happened, I have -- I have to tell my management what he just said. And we didn't know where he went. But we were all in agreement. We heard the same things, that he was -- he was very angry and he was capable of doing harm, you know, the

references to the guns, the references to the bullets, the specialized bullets, and all of the military references, and all the stuff that he told us about prior at work. He was in the military. He was an MP. He was blown up at Afghanistan. You know, he had been on the front lines. I mean, all this -- all of this put together was terrifying.

So we went back to work, and we actually run into Sharon on the elevator coming up. And she -- she looked at us and asked us what was wrong. And we didn't tell her, because we were kind of in public. We were like, we're okay, we're okay. I told Mike Batista, my immediate supervisor, what had happened, and we went downstairs and reported it to Reggie Owens.

And eventually, Ken, you know, kind of came in. He wasn't aware of anything. We reported it to him at that time we were telling H.R. We didn't know where he went. He just kind of disappeared. He did send a text message about, I can't believe I said all that stuff about Ray, and some sort of jovial comment. But it was gone, like -- like our immediate thought was, okay, we're right -- we were right there at work where we were eating. He could have went over there right then and done something. But he was very clear about

being angry and wanting them to pay for whatever he'd had done to him. He was clear he felt he had been treated unfair by, you know, leadership team and by UPS. And it was - - it was clear to me that the message that he was sending is that he wanted revenge, and so we reported it. And I guess as things progressed, he went to jail. We were -- as a group we were really concerned.

THE COURT:

Excuse me one second.

(SHORT PAUSE)

WITNESS CONTINUES:

A. Initially, we were really concerned that -- I said I thought Ray had had a psychotic break. That's what I kept saying. It just sounded like he was a completely different person than the man that we knew. So we wanted him to get help. He needs help. And he was just so angry, and so my assumption is that, you know, we tried to do that.

He got out. We weren't notified when he got out until it was like a week after or whatever. And then, I mean, that night I got text messages from him. And I'm like, well, you know, he - - definitely, he got help he needed, you know, and we wouldn't hear anything.

But he started sending text messages about, you know, money and having balls, you know, he read it, whatever it was. And he sent text messages to Mike Batista as well in regards to family and taking away the family. So Mike had actually just had a baby. So, I mean, it was almost like he was relating, well, you took me away fram my family, so I'm going to take you away from yours. And then he sent the package and the leaf blower. It was the result of him, Ray, helping another co-worker. His name was Darryl Bailey. During the process of all that help, the leaf blower quit working, and Ray took it to try to help him get it fixed or something. I don't know the whole details of the whole leaf blower thing.

But the leaf blower came back that Friday, the 26th, along with a package. And the package was given to Darryl, and Darryl came straight to my desk and said, "Jeana, I need to talk to you." And I was like okay. And he's like, let's -- let's go to a room right now.

MR. SMITH:

Objection as to hearsay.

WITNESS CONTINUES:

A. And I saw he had a -- an envelope in his hand. It was -- it wasn't a new one. It was rolled up like it had been re-used. I'm like, okay. I mean, I had no idea

what it was. And he said -- he said, "Jeana, a man just dropped off my leaf blower from Ray."

MR. SMITH:

Objection, hearsay.

THE **COURT:**

I will allow it. Go ahead, ma'am.

WITNESS **CONTINUES:**

A. Okay. "A man just dropped off my leaf blower from Ray, and he said, specifically, 'Take this package to Jeana Jones, Coach, immediately.'" And I said okay, so let's see what's in it. So nobody knew. It was just me and Darryl in a room. We opened up the envelope, poured the contents out, and it had the trespass notices for Dwight and Ken that was in the box to me, but whatever, the concealed weapons permit. It was on old one of Ray's, Mr. Mitchell's, and three cell phones. Two were powered down and one was up, which I thought was kind of odd. Two -- two pieces of like notepad paper, one of them was a hunting club, and he had jotted something on it. The other one was like the $80,000. I don't -- stuff that doesn't have anything to do with me, to be honest. I don't have anything to do with whatever happens. I'm just a coach on his team. But it had a receipt from the 7-11 in it. It didn't really occur to me at that point.

I just looked at what he bought. And he bought a six-pack of Stella beer, which I do remember one time prior we were talking about beers and stuff, and I told him that Stella was one my favorite beers. But it didn't really occur to me that was going on with the receipt. I just thought it was odd. And then there was a business card for a nursery, like trees, stuff like that in Anderson in there. Obviously, the only thing that really struck me, initially, was the concealed weapons permit. It kind of goes along with the lunch -- I have the gun -- and being that it was addressed straight to me, it was brought straight to me, and he's like, Jeana, I've got a gun.

So I took it -- I took it down to H.R. and let them know I had gotten this and the leaf blower that had showed up and everything, alerted Reggie Owens and was showing him, going through it. They now had -- had everything. And I said, "I'm going back upstairs. I need to think about this," because this is a message. There's a reason he put these things in this. So I sat down and really started thinking about it, and I was like, what -- what's the receipt about? Why a receipt with beer? I mean, yeah, I like Stella beer. And so I went back down -- I went back down, and I retrieved the stuff. By this time, you know, Ken had

it in his office with Reggie. And I picked it up, and I looked at it. And that's -- that's the -- that's the gas station at my mom's house. He has no business out there, like he doesn't live there. I know where his mom lives. It's 15 minutes from me. His mom lives 15 minutes from me, like that's a good 45-minute hike.

But, anyway, I was like, okay. All right, I got that message. So you know where my mom lives. Okay, you've got a gun, all right. Go through the phones. I went and powered up the phones, because being that it was a with a leaf blower, I was like, you know, this thing could be a bomb. You know, you see this on T.V. You can activate a bomb with a cell phone. That's what I thought. That's what I thought was going on with the leaf blower. So I went and powered up the two powered down cell phones, but I did look through the one that was powered up to see if maybe if there was some random message for me in there. I didn't see anything.

I went back upstairs and kept trying to figure out what was going on with the business card for the nursery. It came to me that that nursery was down the street from the apartment I used to live at. Okay, you know where I live. You know where my family

lives. You have a gun. And there's no -- there's no speculation. The message is clear. I did say to the cops repeatedly, "You need to check the leaf blower. Just check it. Please just check it. It could be a bomb or it could not be, anything. But please just check it. There's a reason for the cell phones." And to this day I don't know what that reason was other than maybe to establish fear.

But, Your Honor, I am frightened by this man. He made comments about people, about my co-workers, about my management team that -- that normal people don't do. You don't threaten to take people out of their work in a box. You don't -- you don't talk about sniper rifles and having bullets that go through, you know, armor and -- you know, it'll go right through a vest, and you don't -- you don't do that.

MR. **GALYEAN:**

Your Honor -- thank you, Jeana. I think what the best thing to do is maybe have each individual Plaintiff rise, state their name, and I'll ask them a couple of questions, if that works. And unless Mr. Smith wants to --

MR. SMITH:

I'd like to cross-examine.

THE COURT:

Q. Okay. He -- he was salesman of the month three months in a row, right?

A. When he came to the floor, yes.

Q. Yes, ma'am. And you -- you said previously that he was lucky, right?

A. Yes, I did.

Q. Okay. You were the one that split his territory that he had; is that right?

A. No, sir. I don't -- I have no authority to change territory.

Q. Okay. So he was -- his territory was cut and left him essentially with Harrisburg, right?

A. I don't recall. I would have to tell you to ask the leadership -- the supervisors and management on that.

Q. Once that occurred, Mr. Mitchell never reached the height that he had initially, right?

A. The initial recognition that Mr. Mitchell received was because the territory that he came into, he was inherited by another ISR who was promoted. She was exemplary in her duties, she met all the metrics, and thus was offered a position outside of inside sales. So in my reference to lucky, it was because he had her numbers for the first few months of his coming onto the sales floor.

DEFENDANTS/ RESPONDENTS' SELECTED APAs

Patrick B. Harris Psychiatric Hospital
Post Office Box 2907, Anderson, S.C. 29622

Patient Name:	MITCHELL, COURTNEY	Physician:	MARY SUE RAAF, MSN, FNP-C
Date Dictated:	07/18/2006 10:58:37	Admit/Discharge:	07/17/2006
Chart Number:	010118392	Lodge:	G
		Date Transcribed:	07/18/2006 11:18:25

PSYCHIATRIC HISTORY & MENTAL STATUS EXAM

CRITERIA FOR ADMISSION: Potentially dangerous to self, others or property and in need of a controlled environment.

REFERRAL SOURCE: Palmetto Baptist Hospital in Easley, Dr. Campbell.

IDENTIFYING DATA: This is a 33 year old, white male who is single and has no children. He lives in Pelzer, S. C. by himself. He states he is employed as a military officer but this appears to be delusional. Unknown if he has been working.

CURRENT MEDICATIONS: Meclizine 12.5 mg 2 po prn dizziness from Ménière's Disease and Hydrochlorothiazide 25 mg po q a.m. for Ménière's Disease. He was given Geodon and Valium in the Pickens County Detention Center where he was prior to admission.

HISTORY OF PRESENT ILLNESS: This patient was admitted after being taken to Easley Baptist by the Pickens County Detention Center. He has been arrested for disorderly conduct, failure to pay a taxi, unlawful communication and unlawful carrying of a pistol. He had been psychotic and disoriented in jail, claiming he was an Army officer and being mistreated. He apparently wet a sheet to try and hang himself. Patient denies he was trying to hang himself and stated he did it so he could get out of the jail. "There were people I had arrested in there as a civilian officer and I was afraid they would try to do something to me." Patient denies any history of psychiatric problems. He has no insight into his admission or into his being arrested. He does have a detainer. He denies any hallucinations. Denies any suicidal ideations or homicidal ideations. He continues to insist he is an Army officer and that he has been to law school.

PAST PSYCHIATRIC HISTORY: This is his first admission the S. C. State Hospital System. He denies any history of any admissions in the past. He denies he has been to the mental health center in the past.

DRUG/ALCOHOL USE: He denies any alcohol or drug use other than drinking some alcohol on holidays. He denies any drug use. His drug screen was positive for benzodiazepines but he was given Valium in the Detention Center.

PAST MEDICAL/SURGICAL HISTORY: He has a history of a boxer fracture to the right hand which happened about 7/3/06. He states that a police officer stepped on his hand causing the fracture. He reports he had a cast on it but an inmate urinated on it and it was removed. He has tinea pedis. History of hypertension resolved at present. He has sleep apnea and uses a C-PAP machine but stated he does fine without it. He has history of hyperlipidemia, Ménière's Disease, hernia repair to umbilicus. No other known medical/surgical problems.

FAMILY HISTORY: He states that cancer, diabetes and heart disease run in his family. He denies any psychiatric problems run in the family.

PSYCHOSOCIAL SUPPORTS: He states his family is very supportive of him.

DAILY ACTIVITIES: He states for the past five days he has been in isolation and Pickens County Detention Center. He claims he is a military policeman.

DEVELOPMENTAL, EDUCATIONAL, OCCUPATIONAL AND LEGAL HISTORY: This is uncertain as the patient appears to be delusional in conversation. He states that he has a four year degree from USC in Spartanburg and also one year of school at Concord Law School. He reports he is a military police officer and has also been a civilian police officer in the past but this appears to be delusional. He denies any previous legal problems. He was recently in jail and has a detainer for unlawful carrying of a pistol, unlawful communication, disorderly conduct, and failure to pay a taxi.

REVIEW OF SYSTEMS: No complaints of difficulty sleeping or decreased appetite. Skin – He has dry, scaly, cracker feet. He has some abrasions to his left knee and left elbow which he states occurred with altercations with the police. He does have some swelling to his right outer hand form the metacarpal fracture which he sustained which he states happened when a police officer stepped on him. Respiratory – No history of asthma, chronic obstruction pulmonary disease or other respiratory problems. Cardiac – History of hypertension but currently resolved. He has been on Hydrochlorothiazide but states he takes that for his Ménière's Disease. No other known cardiac problems. Musculoskeletal – Currently has a metacarpal fracture to his right hand. No other known musculoskeletal problems. GI – No history of diarrhea or constipation. No history of gastroesophageal reflux disease. Endocrine – No history of diabetes or thyroid disorder. GU – No history of urinary hesitancy, dysuria or other urinary problems. No history of any sexually transmitted disease. He states he does have a history of hyperlipidemia as well as sleep apnea and uses a C-PAP machine but states he does fine without it and slept fine without it last night.

ALLERGIES: No known allergies.

MENTAL STATUS EXAMINATION: Patient is mostly calm and cooperative. He is overly polite and very rigid in his presentation as if he were a military person standing at attention. He

is oriented to person, place, time and situation. His speech is somewhat rapid. He denies any hallucinations. He does seem to be somewhat delusional and paranoid, stating that he is a lawyer and a military police officer and has been a civilian police officer in the past. This appears to be delusional. He does seem somewhat paranoid stating that they illegally put him in jail and were out to get him. Judgment and insight are impaired. Attitude is cooperative. He currently denies any suicidal, homicidal or violent ideations. He denies he was planning to hang himself prior to admission, stating he did that to get out of jail. He says he put a wet towel around his neck. They stated he had a wet sheet around his neck according to the paperwork. He staes he did this only to get out of jail because the other inmates were people he had arrested in the pst and he was afraid they would harm him. He states his affect is "fine." Cognitive function inact for immediate, recent and remote memories. Appears to be average to above average in intelligence. No dissociative phenomena present. He is able to abstract for similarities and proverbs. He was able to spell 'world' forward and backward.

PHYSICAL EXAMINATION: This is a well nourished, white male in no acute distress. Temperature – 97.4. Pulse – 85. Respirations – 20. Blood Pressure – 122/74. Height is 6'-1". Weight – 201 pounds. Skin – He has some healing superficial abrasions to his left elbow and left knee. He has cracked, dry skin and tenia pedis to both feet. He has some swelling to his right outer hand due to a fracture. Pupils are equal and reactive to light and accommodation. No injection or cloudiness to the sclera is noted. Tympanic membranes are visible with landmarks visible. Nasal turbinates are moist and pink. Oropharynx is slightly erythematous. Uvula does not rise properly. Neck is supple without lymphadenopathy or thyromegaly. Lungs are clear to auscultation bilaterally. Heart rate regular rate and rhythm. S1, S2 auscultated clearly with no murmurs, clicks, or rubs. Abdomen is soft and nontender. Bowel sounds are positive in all 4 quadrants. No organomegaly is present. Genital exam was not indicated at this time. The patient moves all extremities with full range of motion. No deformity noted. Peripheral pulses 2+ to all extremities.

NEUROLOGICAL EXAM: General appearance: Alert and oriented, cooperative, appears stated age. Hygiene and grooming are good. Cranial nerves: II - Normal vision. III - Pupils constrict to light bilaterally. III, IV and VI - Extraocular movements were intact. The patient was able to gaze up and down as well as right and left sides. Facial sensation is intact. VII - Facial muscles functionally intact. VIII - Hearing intact, both right and left sides. IX - Uvula does not raise properly. XI - Trapezius and sternocleidomastoid muscles intact. The patient was able to raise shoulders against mild resistance. XII - Tongue movement was normal. The patient was able to protrude tongue at midline. Motor functions normal. Good muscle tone. No gross, involuntary movements noted. Limb strength normal in the right and left upper and lower extremities. Paresis and clonus are absent. Grips are strong and equal bilaterally. Babinski was not elicited. Sensation is intact throughout. The patient can correctly identify single and two point discriminatory touch. Coordination is intact. The patient can demonstrate rapid alternating movements, finger to nose, right and left. Also demonstrates heel to shin, right and left.

Romberg is negative. Tandem gait is normal. Reflexes are intact and 2+ to biceps, triceps, brachioradialis, quadriceps, and Achilles.
STRENGTHS & INVENTORY OF ASSETS: He has a supportive family. Appears to be fairly intelligent.

LIABILITIES: Lack of insight, legal problems.

DIAGNOSES:
Axis I: Psychotic Disorder, Not Otherwise Specified
Axis II: Deferred
Axis III: Metacarpal Fracture Right Hand; History of Hypertension Resolved; Tenia Pedis; Hyperlipidemia; Ménière's Disease; Sleep Apnea; History of Hernia Repair Umbilicus.
Axis IV: Lack of insight, legal problems
Axis V: GAF – 30

INITIAL TREATMENT PLAN:
1) Admit to Lodge G.
2) Admission labs.
3) Order prn medications for agitation.
4) Meclizine 12.5 mg 2 po q 6 hours prn dizziness.
5) Hydrochlorothiazide 25 mg po q a.m. Hold if blood pressure is less than 100/70.
6) Pulse Ox q 6 a.m. Report to M.D. if below 92.
7) Ibuprofen 600 mg po q 6 hours prn pain x 30 days.
8) Consult for Blue Ridge Orthopedics for right metacarpal fracture as he states that is where he went in the past and that they put a cast on his hand which is supposed to have on for four weeks. He states he removed it because an inmate urinated on it.

TENTATIVE DISCHARGE PLAN: Patient to return home and followup with mental health center.

Mary Sue Raaf, MSN, FNP-C

MR/vs

Dennis C. Chipman, M.D.,
Psychiatrist

COPY

Patrick B. Harris Psychiatric Hospital
Post Office Box 2907, Anderson, S.C. 29622

Patient Name:	MITCHELL, COURTNEY	Physician:	DENNIS C CHIPMAN, M.D.
Date Dictated:	09/28/2006 11:38:13	Admit/Discharge:	07/17/2006 -- 09/13/2006
Chart Number:	010118392	Lodge:	G
		Date Transcribed:	10/02/2006 09:19:19

FINAL DISCHARGE SUMMARY

IDENTIFYING DATA: 33 year old, white, single male.

REFERRAL SOURCE: Dr. Harris, Pickens County Detention Center

CRITERIA FOR ADMISSION: Potentially dangerous to self, others or property and in need of a controlled environment.

SIGNIFICANT FINDINGS ON ADMISSION: This patient came to Patrick B. Harris Psychiatric Hospital for the first time. He had been taken to the Easley Baptist Hospital by the Pickens County Detention Center after he had been arrested for disorderly conduct, carrying a pistol and failure to pay a Taxi. He said the was an Army officer and was being mistreated. While in custody, he tried to use a sheet to hang himself. He then denied that this was the case. Attempts to assist him were explained in delusional fashion by the patient who said that he had "arrested these people" meaning Detention personnel and "I was afraid they would do this to me." He denied any history of psychiatric difficulty and there was no insight whatsoever. He denied the abuse of drugs and/or alcohol had been part of the picture. On 7/3/06, he incurred a boxer fracture to the right hand, apparently after hitting a wall. He alleged he suffered from sleep apnea and used a C-PAP machine but said he was "doing fine without it." He also alleged having Ménière's Disease. He said he had gone to USC and had a four year degree from the Spartanburg Campus and had also gone to one year of law school at the Concord Law School.

MENTAL STATUS EXAMINATION: The patient was a well groomed, well developed man with his right lower arm and hand in a cast. He was fairly calm and cooperative. He seemed to affect a military bearing and there was a crewcut and he spoke in a precise sort of just the facts. He was paranoid, grandiose and delusional and it was difficult to determine the accuracy of some of his history. There was absolutely no insight whatsoever. Intellectual level was probably in the average to right normal range. His sensorium was clear. He said that his use of the sheet in jail was an attempt to get out by escaping people whom he came in contact with that he had "previously arrested."

TREATMENT RENDERED: We placed the patient on the G lodge. Our working diagnosis was Psychotic Disorder Not Otherwise Specified. We noted the patient had no known drug allergies. He entered the lodge on Level I. The patient remained grandiose without insight. He entered seclusion 7/25/06 and required four point restraints shortly thereafter. He was established on Zyprexa Zydis 20 mg every hs and also Ativan 2 mg every 6 hours prn. He was given Geodon 20 mg and Ativan 2 mg IM on 7/25/06 with benefit. We added Depakote ER 1000 mg every hs to his mix. He advanced to Level I and then again on 8/4/06 he dropped to Level 0. On 8/9/06 – Blue Ridge Orthopedic Clinic. His fracture was apparently healing satisfactorily. I requested records from Dr. Melody Franks who the patient had gone to before and said that he had Ménière's Disease and other medical conditions and after reviewing her correspondence in return, I found that almost none of the medical conditions were corroborated by her notes. He did bring in his own C-PAP machine from home which was used in the hospital. He advanced to Level II. We asked his family to come to the treatment team and participate in his planning. We gave them a factual and a bit pessimistic appraisal of his condition but everyone acknowledged that he had made significant improvement but was not well. Because there may have been a depressive component which began to supplant his manic behavior, he was started on Cymbalta 30 mg every day on 8/31/06. This was increased to 60 mg every hs. We were heartened by the fact that he had a very good support network and it was decided by the treatment team for him to be discharged. He will live near his family and furthermore, he will go to the mental health center and he said that he was definitely planning on cooperating with our recommendations. His development of insight was very gradual while he was in the hospital but we felt that he would take his medicine. He was not completely free of somewhat deluded thinking about his experiences in the service but he was much improved. Insight was still only fair.

SIGNIFICANT PHYSICAL FINDINGS: The general physical examination revealed a well developed, well nourished man with right lower arm and hand in a cast. Vital signs were normal. The remainder of the general physical examination was normal. The neurologic examination was likewise normal.

LABORATORY DATA: EKG was normal with QTc interval of 398. RPR was nonreactive. Chem 20 profile was basically normal, although cholesterol was a bit high at 239 and triglycerides were a bit high at 172. Hemogram was basically normal and hepatic profile was normal. Depakote level was initially 42 on 7/28/06. Depakote levels were obtained throughout his hospitalization. Vital signs remained stable throughout his hospitalization.

CONDITION AT DISCHARGE: The patient was alert with some insight. He wasn't suicidal or homicidal. He wasn't delusional nor hallucinated. He was cooperative. Psychotic thinking had significantly mitigated. Thoughts were linear and goal directed. Affect was appropriate and reactive. He was oriented x three.

Depakote level was 93 on 9/1/06.

We noted cholesterol was slightly high at 231.

DISCHARGE MEDICATIONS: Cymbalta 60 mg every day; Depakote ER 1500 mg – 1 every hs; Zyprexa 20 mg – 1 every hs; Docusate Sodium 100 mg – 1 every day.

FOLLOWUP/AFTERCARE: 1) Discharge. 2) Followup at the mental health center. 3) Followup with medical regarding ongoing medical complaints.

DISCHARGE DIAGNOSES:

Axis I:	Bipolar, Manic
Axis II:	None established
Axis III:	None acute
Axis IV:	Legal
Axis V:	Current GAF – 50

The patient understood discharge instructions thoroughly and left the hospital in good condition.

Dennis C. Chipman, M.D., Psychiatrist

DCC/vs

Pickens Detention Center
Booking Report

MITCHELL, COURTNEY RAY

NameID:	Local Identifier:	Local Number:	Projected Release Date:
156017	38510		

Security Class:	Booking Status:	Confined Date:	Released Date:	Confinement Reason:	BookingID:
	Released	07/13/2006 16:17	07/17/2006 17:09	10	200602367

Home Address:	Home City:	Home State:	Home Zip Code:
1255 CHEROKEE DRIVE	PELZER	SC	29669

Race:	Sex:	Eyes:	Hair:	Complexion:	Height:	Weight:
White	Male	Brown	Brown	Light	6'01"	187

Date of Birth:	Age:	Place of Birth:
11/27/1972	44	EASLEY

FBI Number:	SID Number:	Military:	Military Status:

SSN:	Driver's Lic. Number:	DL State:	DL Class:	Home Phone:
250-27-4888	008998287	SC		(864) 634-8242

Occupation:	Employer:	Employer Address:	Employer Phone:
	US ARMY MILITARY POLICE		

Next of Kin:	Address:	Phone:
Emergency Contact:	Address:	Phone:
Doctor:	Address:	Phone:
Attorney:	Address:	Phone:

Confinements:

Confinement Facility:	Confined Date/Time:	Held For Locality:	Housing Unit:	BookingID:
Pickens	07/13/2006 16:17	Pickens		200602367

Confine Reason:
Booking - General

Confinement Notes:

Releasing Officer:	Released Date/Time:	Released To:	Juvenile When Booked:
	07/17/2006 17:09		No

Release Reason:
Time Served

Release Notes:
pr bond on all charges, epd, patrick harris

Property Locations:

Booking Officer:	Search Officer:	Fingerprint Officer:

Charges:

NameID:	Local Identifier:	Local Number:	Projected Release Date:
156017	38510		

Charges:

Incident Date:	Arrest Date/Time:	Arrest OCA:	Warrant Number:	Warrant Type:
	7/13/2006 4:23:00 PM	2006070000	K097420	

Arresting Agency:	Arrest Address:	Arresting Officer:
EASLY	216 L E C RD PICKENS, SC	

TRN Number:	Offense Tracking No. (OTN):	Misc Arrest Number:	Charge Status:	Offense Type::
				M

Statute:	State Code:	Charge Description:
16-23-0020, 0050(A)(		PISTOL, UNLAWFUL POSSESSION

Charging Agency:	Charge Notes:

Bond Fine Amount:	Bond Amount:	Bond Status:	Judge Issuing Bond:	Bonding Agency:
	$4,000.00	Active Bond		EASLY

Bond Notes:

Court Date:	Court Time:	Docket/Case Number:	Court:	Court Jurisdiction:
	00:00		GS	

Court Location:	Court Notes:

Conviction Date:	Sentenced Date:	Sentenced Start Date:	Sentenced Offense Type:	Sentenced Inmate Type:	Sent Penalty Modifier:

Sentenced Statute:	Sentenced State Code:	Concurrency:	Sentenced Charge Description:

Sentence Notes:	Sentence(Years/Months/Days):
	0/0/0

Disposition:	Disposition Date:	Disposition Notes:

Incident Date:	Arrest Date/Time:	Arrest OCA:	Warrant Number:	Warrant Type:
	7/13/2006 4:23:00 PM	2006070000	31915DS	

Arresting Agency:	Arrest Address:	Arresting Officer:
EASLY	216 L E C RD PICKENS, SC	

TRN Number:	Offense Tracking No. (OTN):	Misc Arrest Number:	Charge Status:	Offense Type::
				M

Statute:	State Code:	Charge Description:
58-13-0030 (C)		FAILURE TO PAY CAB FARE

Charging Agency:	Charge Notes:

Bond Fine Amount:	Bond Amount:	Bond Status:	Judge Issuing Bond:	Bonding Agency:
	$1,262.50	Active Bond		EASLY

Bond Notes:

Court Date:	Court Time:	Docket/Case Number:	Court:	Court Jurisdiction:
	00:00		SC	

Court Location:	Court Notes:

Conviction Date:	Sentenced Date:	Sentenced Start Date:	Sentenced Offense Type:	Sentenced Inmate Type:	Sent Penalty Modifier:

Sentenced Statute:	Sentenced State Code:	Concurrency:	Sentenced Charge Description:

Sentence Notes:	Sentence(Years/Months/Days):
	0/0/0

Disposition:	Disposition Date:	Disposition Notes:

NameID:	Local Identifier:	Local Number:	Projected Release Date:
156017	38510		

Charges:

Incident Date:	Arrest Date/Time:	Arrest OCA:	Warrant Number:	Warrant Type:
	7/13/2006 4:23:00 PM	2006070000	31911DS	

Arresting Agency:	Arrest Address:	Arresting Officer:
EASLY	216 L E C RD PICKENS, SC	

TRN Number:	Offense Tracking No. (OTN):	Misc Arrest Number:	Charge Status:	Offense Type::
				M

Statute:	State Code:	Charge Description:
16-17-0430 (SC)		COMMUNICATION, UNLAWFUL (SC)

Charging Agency:	Charge Notes:

Bond Fine Amount:	Bond Amount:	Bond Status:	Judge Issuing Bond:	Bonding Agency:
	$2,000.00	Active Bond		EASLY

Bond Notes:

Court Date:	Court Time:	Docket/Case Number:	Court:	Court Jurisdiction:
	00:00		SC	

Court Location:	Court Notes:

Conviction Date:	Sentenced Date:	Sentenced Start Date:	Sentenced Offense Type:	Sentenced Inmate Type:	Sent Penalty Modifier:

Sentenced Statute:	Sentenced State Code:	Concurrency:	Sentenced Charge Description:

Sentence Notes:	Sentence(Years/Months/Days):
	0/0/0

Disposition:	Disposition Date:	Disposition Notes:

MITCHELL, COURTNEY RAY

AGENCY I.D. SC0390000

INCIDENT REPORT
Pickens County Sheriff's Office

CASE NUMBER: 2006015800

NCIC: INQ. | ENTO.

EVENT

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. 13A - ASSAULT AND BATTERY	■ YES ☐ NO	☐ YES ☐ NO	18;11(Parking Lot/Drop Lot/Garage;		■ Individual ☐ Business ☐ Financial Ins ☐ Government ☐ Relig. Orgn. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.
2.	☐ YES ☐ NO	☐ YES ☐ NO			
3.	☐ YES ☐ NO	☐ YES ☐ NO			

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER): 200 FLEETWOOD DR (PALMETTO HEALTH), EASLEY, SC | ZIP CODE: 29640- | WEAPON TYPE: 40-Personal Weapons (Hands, Fists,

INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME 24 HR. CLOCK: DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART. TIME	LOCATION NO.
07/03/2006	14:59		07/03/2006	15:00	07/04/2006	10:42	10:42	11:33	

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE) | RELATIONSHIP TO SUBJECT #1 #2 #3 | RESIDENT (J S O U) | RACE | SEX | AGE | ETH. | HOME PHONE | EMPLOYER PHONE

ADDRESS | CITY | STATE | ZIP CODE | LOCATION NO.

VICTIM NO. 1

VICTIM'S NAME (LAST, FIRST, MIDDLE): MITCHELL, COURTNEY RAY | RELATIONSHIP TO SUBJECT #1: RU | RESIDENT: (J) S O U | RACE: W | SEX: M | AGE: 33 | ETH.: N | HOME PHONE: (864) 634-8242 | EMPLOYER PHONE

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARTIES, ETC.
1'87"	601		BRO - Brown	

ADDRESS: 1255 CHEROKEE DRIVE | CITY: PELZER | STATE: SC | ZIP CODE: 29669- | LOCATION NO.

VISIBLE INJURY (VICT. 1) ■ YES NO ☐ EXPLAIN - B - Apparent Broken Bones | COMPLAINT OF NON-VISIBLE INJURIES: ☐ YES ■ NO

VICTIM (NO. 1): NONE ☐ USING: ALCOHOL ☐ DRUGS ☐ TYPE:

TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/SPL.ASMT. ☐ OTHER ☐ | ALONE ☐ ASSISTED ☐ | 'J -- This Jurisdiction S -- State O -- Out of State U -- Unknown

SUBJECT NO. 1

☐ SUSPECT ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS

NAME, (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	ETH.	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
UNKNOWN	U	U	00	U					

FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARTIES, ETC.

ADDRESS: UNKNOWN | CITY | STATE | ZIP CODE | LOCATION NO.

SUBJECT (NO. 1) USING: ALCOHOL ☐ COMPUTER EQUIP. ☐ DRUGS ☐ NONE ☐ | ARRESTED NEAR OFFENSE SCENE ☐ YES NO ■ | TOTAL # ARRESTED 0 | DATE/TIME OF OFFENSE: 07/03/2006 14:59 | DATE/TIME OF ARREST

NARRATIVE

R/O MET WITH MR. COURTNEY RAY MITCHELL (COMPLAINANT) AT THE PICKENS COUNTY LEC. MR. MITCHELL STATED TO R/O THAT HE HAD BEEN ASSAULTED ON THE PREVIOUS DAY (7-03-2006) AT THE PALMETTO HEALTH BAPTIST HOSPITAL IN EASLEY. MR. MITCHELL STATED THAT HE HAD GONE TO THE HOSPITAL TO OBTAIN FUNDS FROM HIS PERSONEL ACCOUNT TO PURCHASE A TRUCK. AFTER ARRIVING MR. MITCHELL WENT INSIDE THE HOSPITAL TO SPEAK WITH MS. BETSY WETSEL AND WAS MET BY MEMBERS OF AMERICAN SECURITY. MR. MITCHELL WAS THEN LED OUTSIDE BY HOSPITAL SECURITY. OUTSIDE HE WAS SURROUNDED BY HOSPITAL SECURITY AND THREE (3) OFFICERS FROM THE EASLEY POLICE DEPARTMENT. AT THIS TIME HE WAS SERVED WITH A TRESPASS NOTICE BY THE EASLEY PD OFFICERS. MR. MITCHELL INFORMED THE OFFICERS HE WOULD LEAVE AND CONSENTED TO A SEARCH OF HIS VEHICLE. MR. MITCHELL INFORMED THE EASLEY

PROPERTY EST.

	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY	TOTAL VALUE
TYPE (GROUP)			
STOLEN			
DAMAGED			
BURNED			
RECOVERED			
SEIZED			
COUNTERFEIT			

ADMINISTRATIVE

SUBJECT IDENTIFIED ☐ YES NO ■ | SUBJECT LOCATED ☐ YES NO ■ | ■ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED | ☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY

REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
1460 - LANGSTON, B.	07/03/2006		675 - UNDERHILL, T.	07/04/2006	
			FOLLOW-UP INVESTIGATION OFFICER ☐ YES NO ■		

AGENCY I.D. SC0390000

SUPPLEMENTAL INCIDENT REPORT
Pickens County Sheriff's Office

CASE NUMBER: 2006015800

NCIC INQ. | ENTD.

☐ ORIGINAL REPORT ☐ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIES ORIGINAL ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED PROPERTY

VICT./SUBJ. I.D. OVERFLOW

☐ COMPLAINANT ☐ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS ☐

NAME (LAST, FIRST, MIDDLE) | VICTIM RELATIONSHIP TO SUBJECT #1 #2 #3 | RESIDENT J S O U | RACE | SEX | AGE | D.O.B. | ETH

HEIGHT | WEIGHT | HAIR | EYES | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARTIES, ETC.

ADDRESS | CITY | STATE | ZIP CODE | LOCATION NO. | HOME PHONE D E | EMPLOYER PHONE D E

☐ VICTIM NO. ___ VISIBLE INJURY: ☐ NO ☐ YES | COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES | VICTIM USING ALCOHOL: ☐ ☐ NONE | ☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPLASMT ☐ ALONE
EXPLAIN | DRUGS: ☐ | ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED

☐ SUBJECT NO. ___ USING: ALCOHOL ☐ DRUGS ☐ TYPE:
COMPUTER EQUIP. ☐ NONE ☐

VICT./SUBJ. I.D. OVERFLOW

☐ COMPLAINANT ☐ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS ☐

NAME (LAST, FIRST, MIDDLE) | VICTIM RELATIONSHIP TO SUBJECT #1 #2 #3 | RESIDENT J S O U | RACE | SEX | AGE | D.O.B. | ETH

HEIGHT | WEIGHT | HAIR | EYES | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARTIES, ETC.

ADDRESS | CITY | STATE | ZIP CODE | LOCATION NO. | HOME PHONE D E | EMPLOYER PHONE D E

☐ VICTIM NO. ___ VISIBLE INJURY: ☐ NO ☐ YES | COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES | VICTIM USING ALCOHOL: ☐ ☐ NONE | ☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPLASMT ☐ ALONE
EXPLAIN | DRUGS: ☐ | ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED

☐ SUBJECT NO. ___ USING: ALCOHOL ☐ DRUGS ☐ TYPE:
COMPUTER EQUIP. ☐ NONE ☐

NARRATIVE

OFFICERS PRIOR TO THE SEARCH THAT HE HAD A RIFLE IN HIS VEHICLE. MR. MITCHELL STATED THAT AT THIS POINT THE OFFICERS BEGAN TO YELL AT HIM AND HE STATED THEY COULD KEEP THE RIFLE IF HE COULD LEAVE. THEN HE STATED THE 'LARGE' EASLEY OFFICER TOLD HIM THAT IF HE MADE ANY MOTION TOWARDS THE RIFLE HE WOULD HAVE TO SHOOT AND KILL HIM. HE STATED THAT THE 'SMALL' EASLEY OFFICER AND THE 'LARGE' OFFICER THEN TACKLED HIM AND THE LARGE OFFICER STOMPED ON HIS RIGHT HAND AND BROKE HIS HAND. AFTER BEING ARRESTED AND RELEASED HE RECEIVED TREATMENT AT THE ANDERSON MEMORIAL HOSPITAL. MR. MITCHELL STATED AFTER RECEIVING ADVICE FROM THE ANDERSON COUNTY SHERIFF'S OFFICE HE CAME TODAY TO MAKE A COMPLAINT AND GIVE HIS

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY | JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY

VEH./GUN/ECT

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ TOWED ☐ SUSPECT ☐ VICTIM
TYPE: ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ARTICLE

VIN AND/OR LICENSE NO. | BOAT HULL NO. AND/OR REG. NO.

SERIAL AND/OR OWNER APPLIED NO. | STATE

YEAR OF REGISTRATION | YEAR OF EXPIRATION | YEAR | MAKE | TYPE

MODEL | STYLE | COLOR | BRAND NAME | CALIBER

NIC NO. | DENOMINATION | ISSUER | SECURITIES DATE

MISCELLANEOUS

PROPERTY EST.

TYPE (GROUP)							TOTAL VALUE
STOLEN							
DAMAGED							
BURNED							
RECOVERED							
SEIZED							
COUNTERFEIT							

ADMINISTRATIVE

SUBJECT IDENTIFIED ☐ YES NO ■ | SUBJECT LOCATED ☐ YES NO ■ | ■ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED | ☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY

REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
1460 - LANGSTON, B.	07/03/2006		675 - UNDERHILL, T.	07/04/2006	
			FOLLOW-UP INVESTIGATION OFFICER ☐ YES NO ■		

AGENCY I.D.
SC0390000

SUPPLEMENTARY INCIDENT REPORT
Pickens County Sheriff's Office

CASE NUMBER: 2006015800

NCIC: INQ. | ENTD.

☐ ORIGINAL REPORT ☐ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIES ORIGINAL ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED PROPERTY

NARRATIVE

WRITTEN STATEMENT. MR. MITCHELL'S RIGHT HAND WAS BANDAGED WHERE HE COULD NOT WRITE. THE STATEMENT WAS WRITTEN BY R/O FOR COMPLAINANT.

ADMINISTRATIVE

SUBJECT IDENTIFIED	SUBJECT LOCATED	■ ACTIVE ☐ ADM. CLOSED	☐ ARRESTED UNDER 18	☐ EX-CLEAR UNDER 18
☐ YES NO ■	☐ YES NO ■	☐ UNFOUNDED	☐ ARRESTED 18 AND OVER	☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY

REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
1460 - LANGSTON, B.	07/03/2006		675 - UNDERHILL, T.	07/04/2006	
			FOLLOW-UP INVESTIGATION OFFICER ☐ YES NO ■		

PHYSICIAN MEDICATION ORDERS AND SERVICE NOTES

Patient's Name and ID # Courtney Mitchell 10118392-1

Medications Prescribed and Physician's Service Notes

MEDICATIONS PRESCRIBED BY OTHER PHYSICIANS premetabolic zyprexa

MEDICATIONS PRESCRIBED BY MENTAL HEALTH He admits hasn't been taking - was supposed to be on 150mg Depakote ER qd

WT - BP - P - HT - LABS

REASON FOR VISIT __Medication check __Change in Symptoms __F/U after DC from hospital __Other

INTERVAL HISTORY
Taking medications regularly __yes ✓no SE reported to medications __yes __no *(if yes describe)*

Use of __alcohol __street drugs __o/c meds not used regularly

MENTAL STATUS EXAM (CURRENT)
Appearance ✓Normal for patient
Speech ✓Normal for patient
Cognition Attention ✓Intact
Concentration ✓Intact
Memory ✓Intact
Judgement ✓good __fair __poor
Insight __good ✓fair __poor
Emotion mood ✓euthymic (-)depressed (-)euphoric __other
affect __appropriate (-)anxious (-)sad (-)inappropriate __other
Thought Content hallucinations ✓no __yes *(describe)*
delusions ✓no __yes *(describe)*
Thought Process ✓Logical/goal directed (-)distractable (-)I/O (-)R/O
Suicidal Ideation ✓no __yes *(describe)*
Homicidal Ideation ✓no __yes *(describe)*
Abnormal movement ✓none
__face *(describe)*
__lips/tongue *(describe)*
__trunk *(describe)*
__extremities *(describe)*
Tics ✓no __yes *(describe)*

Sleep good
Energy appropriate
Appetite - working on healthy diet, activity, weight reported
denies any SX's at all - although still has pain in past, still thinks all that happened unfair, decided needs to put behind & get back into (+) activities & let past be past. Looking for job, feels wasted well here & clean, sees a need in comm here further court order open, but wants termination & discharge. Seems to be using good judgment, encouraged him to follow thru & continue to take meds as directed. denies any SX's & pleasant & not as distracted in thought process

IMPRESSION Axis I
Bipolar disorder currently stable.

PLAN/RECOMMENDATIONS
1 Medicine __as above __as follows
(__Discussed risks/benefit/side effects and alternative treatment including no treatment)
2 Follow-up PMA none scheduled at this time
3 Continue present treatment plan ✓
4 Lab

will keep chart open for a few months in case needs service to pursue help promptly

D S Harding MD
Physician's Signature & Date

9/20/07
Date Of Visit

(Onwards DSH 9/20/07)

SCDMH FORM
MAY 86(REV APR 91) C 1686

BCMHS ADULT CLINICAL ASSESSMENT FORM

Date Initiated Sept - 20 - 2006 Location Initiated Abbeville

Name (last) Mitchell (first) Courtney (MI) R (Suf) Mr **CID#** 10118392

Section A Identifying Data

Age 33 years 9 months **DOB** Nov / 27 / 1972 **Sex** male **Race** White If other please identify

Next of Kin (last name) Mitchell (first) Tommy (MI) (Suf) Mr

Relationship parent **Phone** (864) 634 - 8243

Section B Functional Problems or Issues Presented

Why are you coming to this MHC in own words ? May include information obtained from the person served, family members and other appropriate collateral sources when appropriate and permitted

I was in the hospital They diagnosed me Bi-polar I'm not sure but the medicine is working except for the sleeping too much

Section C Mental Status Exam

List more than one descriptor if applicable Additional information should be addressed in Section D

Appearance and Hygiene 1 neat / clean 2 NA 3 NA
Motor Activity 1 appropriate to situation 2 NA 3 NA
Attitude During Interview 1 cooperative 2 NA 3 NA 4 NA
Mood & Affect 1 normal 2 NA 3 NA 4 NA 5 NA
Speech 1 normal 2 NA 3 NA 4 NA 5 NA
Thought Processes 1 normal, appropriate coherent relevant 2 NA 3 NA 4 NA
Thought Content 1 normal appropriate coherent 2 NA 3 NA 4 NA 5 NA
Hallucinations 1 no evidence of 2 NA 3 NA 4 NA 5 NA
Delusions 1 no evidence of 2 NA 3 NA 4 NA 5 NA
Suicidal 1 denies 2 NA 3 NA 4 NA 5 NA *comments*
Homicidal 1 denies 2 NA 3 NA 4 NA 5 NA *comments*
Self-Mutilation 1 denies 2 NA 3 NA 4 NA 5 NA *comments*
Level of Consciousness / Orientation 1 alert 2 NA 3 NA 4 NA 5 NA
Judgment 1 able to make sound decisions 2 NA
Insight as to Problems / Illness 1 acknowledges and understands 2 NA 3 NA
Memory 1 intact
Concentration & Calculation 1 able to concentrate 2 NA 3 NA
Intelligence / Vocabulary / Fund of Knowledge 1 adequate
Sleep Patterns 1 hypersomnia 2 NA 3 NA 4 NA 5 NA
Appetite Patterns 1 adequate 2 NA 3 NA 4 NA

Section D Mental Status Summary

Include evidence of findings

A&O X3 Denies SI/HI&AVH Thought processes appear logical and goal directed Affect is appropriate with euthymic mood Concentration is good Judgement and memory are intact Pt complains of sleeping too much, but no other complaints

Consumer Name (last) Mitchell (first) Courtney CID # 10118392

Section E Health / Mental Health History

MH Inpatient 1 Harris 2 NA 3 NA If other please identify
If applicable date (s) of hospitalization 7/17/06 to 8/1/06

MH Outpatient 1 none 2 NA 3 NA If other please identify
If applicable, date of last service Jan - -

Family MH History 1 none 2 NA 3 NA 4 NA
Describe history identified

Alcohol / Other Drug Use or Abuse acknowledges Family history none
Drug(s) of choice / frequency 1 alcohol / 0 2 NA / 0 3 NA / 0
4 NA / 0 5 NA / 0 If other, please identify Pt reports etoh abuse 2002 to 2004 due to marital problems
Age use began in college year(s) Experiencing blackouts / passing out ☐ yes ☒ no
Additional comments

Medical History 1 hospitalization(s) no 2 illness(es) no 3 injury(ies) no 4 surgery(ies) yes
5 seizure disorder(s) no 6 restriction(s) / challenge(s) no
Describe history identified including date(s) surgery X3 right knee (sports injury) Abdom hernia Complications from pulmonary embolism

Allergies 1 none 2 NA 3 NA Specify

Primary Care Physician Dr Franks Ph# ( ) - Date last seen July - - 2006

Pharmacy Used CVS Ph# ( ) - Location

Hospital of Choice Anderson Locationsame

Medications – current and for the past 6 months ***(include as reported all prescribed & over the counter medications, the condition which they are intended to treat, and their effects)*** ☐ None

1 Cymbalta 60 mg Q day
2 Depakote ER 1500 Q hs
3 Zyprexa 20 mg Qhs
4
5
6

Section F Social / Cultural Information

Education graduated college / vocational training

Current Employment 1 unemployed 2 NA If on disability reason why

Past employment summary Has worked as a security guard Probation Officer and Law firm investigator

Marital History ☐ never married ☒ divorced X 1 ☐ NA X 1 ☐ NA X 1

Living Situation w/ parents **Environmental / Housing concerns** no

Consumer Name (last) Mitchell (first) Courtney CID # 10116392

History of Trauma / Abuse none apparent Type ☐ none ☐ sexual ☐ physical ☐ emotional
Describe issues identified

Support System 1 none 2 parent(s) 3 NA If other please identify
Describe interaction(s) Good supportive relationship with parents and sibling

Legal Issues 1 pending 2 NA 3 NA
Describe issues identified three separate arrest due to mania prior to hospitalization Carrying weapon unlawfully, violating trespass order and unlawful communication via telephone Pt hopes to get PTI sentence as no pror legal problems

Section G DSM IV Diagnosis – Code and Description including Supporting Symptoms

AXIS I 296 80 Bipolar D/O NOS recent mania with delusional thinking
AXIS II none
AXIS III none
AXIS IV interaction with legal system Pending charges

Section H Discharge Criteria *(including as much as possible the consumer's own words)*

Desired Outcomes / Expectations Regarding Treatment Try to figure out the correct diagnosis and control symptoms Be productive

Strengths supportive family college educated

Needs stay on medication for stability Satisfy court mandated TX requirements

Abilities literate Wants to obtain certification as paralegal

Preferences primarily medication Not interested in counseling or other services Pt is court mandated to mental

Consumer Name (last) Mitchell (first) Courtney CID # 10116362

Section I Interpretive Summary (Based on the assessment data, used in the development of the individual plan, and identifying any co-occurring disabilities / disorders / risk factors that should be addressed in the development of the individual plan includes central themes histories and assessments perception of the person served clinical judgments / analyses recommended treatments and a general discussion of the anticipated level of care length and intensity of treatment and expected focus / goals with recommendations)

33 y/o Wm recently discharged from PBH after his first hospitalization and TX for apparent Bipolar D/O Pt apparently became manic and delusional while working as a security officer at Easley Hospital Pt acknowledges going without sleep for long periods and becoming unreasonably fixated on a hospital supervisor stealing from the hospital This is apparently patients first major break No prior Tx or hospitalizations Pt completed college at USC with a degree in Pre-Law He has held jobs as a Probation Officer, Law Firm Investigator and security work He has been married and divorced X1 He reports abusing ETOH between 2002 and 2004 as a result of dealing with marital discord and divorce in an unhealthy manner He does have very concerned and supportive parents with whom he lives at this time He has expressed some doubt as to his diagnosis but as we talked during the assessment he appeared to be more accepting of the diagnosis and pleased that symptoms are controlled with medication Pt does not feel the need for any services other than medication services He expresses a desire to return to work as a paralegal as soon as he feels confident in his medication regimen and stability He does have to resolve the legal charges incurred prior to hospitalization but hopes to receive PTI as he has no prior record of legal problems

Program Assignment 03 Adult Case Management If 03 please choose level Minimal

Section J Anticipated Services

☒ Crisis Intervention Service	☐ Behavioral Health Counseling and Therapy	☐ Case Management (Interagency Staffing)
☒ MH Assessment Non Physician	☐ Psychosocial Rehabilitative Services	☒ Targeted Case Management
☐ Individual Therapy	☐ Medication Training and Support	☐ Youth ☒ Adult
☐ Group Therapy	☐ Injectable Medication Administration	☒ Case Management +
☐ Family Therapy	☒ Psychiatric / Medical Assessment	☒ Case Consultation
☒ Medication Monitoring	☐ Comprehensive Community Support	☒ Care Coordination
☐ Nursing Services	☐ Skills Training and Development	☒ Treatment Planning
☐ Multiple Family Group	☐ Behavioral Health Prevention Education Service	☐ Report Preparation
☐ MH Services NOS	☐ Community Based Wrap Around Services	☐ Other
☐ MH Clubhouse	☐ MH Services Plan Development by Non Physician	

Each component must be listed on clinical documents

Consumer completed orientation yes **Advance Directive** requested no If yes copy on file NA

Results of the Assessment communicated to (check all that apply) ☒ Person Served ☒ Appropriate Staff

☐ Appropriate Others please identify

MHP Signature Title LMSW ID# 171

Date Completed Sept / 20 / 2006

P 4 BCMHS Adult Assessment electronic rev 11/03

ANMED HEALTH

Emergency Department
Assessment Sheet

800 N. Fant St, Anderson, SC 29621 (864) 512-1333

MR # 000405706 Sex: Male DOB: 11/27/1972
Name: **Mitchell, Courtney R**
Phone: (864)634-8242
Address: 3489 HIGHWAY 81 NORTH, CALHOUN, KY 42301
Unit Code: INTVH Account # 6242816 Age: 35

Complaint: Psychiatric
Arrival Date/Time: 23:14 11/25/2008
Arrived by: Ambulance
Mobility: Ambulatory
Accompanied By: Friend/Family

Acuity: 3 - Three
Insurance:
Amb/Helicopter: MedShore
Referring Facility:
Emergency Physician: KINSEY, Dr Jennette
Resident: -Unassigned,
Primary Care: -UNASSIGNED PCP,
Fin Class: 1

Complaint Code:
Treatment PTA:

Triage Nurse: MCALISTER,RN, Tonya

Past Medical Hx: *Hypertension, *Diabetes, Acid reflux, High cholesterol, Angina, *Hypertension, *Diabetes, Acid reflux, Bipolar disorder, Schizophrenia, High cholesterol, Angina, *Hypertension, *Diabetes, Acid reflux, Angina, Bipolar disorder, High cholesterol, Schizophrenia
Immunization History: Tetanus less than 5 years, Tetanus less than 5 years, Tetanus less than 5 years
Social History: Lives with family, Non-smoker, Alcohol use-daily, Lives with family, Non-smoker, Alcohol use-daily, Lives with family, Non-smoker, Alcohol use-daily, Drug use-none
Weights:
LMP Date:

Presenting Medications

Medication	Dosage	Freq	Medication	Dosage	Freq
Amlodipine 5 mg	1	DAILY			
Aspirin 81 mg	1	DAILY			
Esomeprazole Magnesium [Ne...	1	DAILY			
Lorazepam 1 mg	2	DAILY			
Metformin 1,000 mg	2	DAILY			
Simvastatin 40 mg	1	HS			

Allergy

Allergy	Allergic Reaction
NKDA	

Vital Signs

Inits	Time	Temp	Blood Pressure	Pulse	Resp
TM	23:21	96.5 O	153/93 Automatic,Sitting,Left Arm	94	18
ES	07:45		147/77 ,,		

Pain

Time	Scale
23:21	8 -Pa

Pulse Ox.

Time	%
23:22	100

Pupils

Time	L(mm)	R(mm)

Glasgow Coma

Time	Score
23:21	15

Disposition Information
Primary Diagnosis:
Secondary Diagnosis:
Disposition: Eloped -AMA after MD exam
Report Called By:
Prescriptions:
Discharge Instructions:
Disability Statement:
Follow-up Care:
Discharge Time: 14:32 11/26/2008

Family Notification:
Report Given To:

Appt Date/Time:
Discharge Nurse: Sonya SNIDER, RN

AnMED HEALTH

Emergency Department
Assessment Sheet

800 N. Fant St. Anderson, SC 29621 (864) 512-1333

MR # 000405706 Sex: Male DOB: 11/27/1972
Name: **Mitchell, Courtney R**
Phone: (864)634-8242
Address: 3489 HIGHWAY 81 NORTH, CALHOUN, KY 42301
Unit Code: INTVU Account # 6242816 Age: 35

Orders

23:31 11/25/2008 - EKG -- -Unassigned
EKG in progress - Tanya MCALISTER,RN at 11/25/2008 23:31
EKG completed - Tanya MCALISTER,RN at 11/25/2008 23:44
23:50 11/25/2008 - ER Physician Eval. -- Kelley STEADMAN-CHESTER, RN
Evaluate Patient - Dr. Jeanette KINSEY at 11/25/2008 23:50
23:52 11/25/2008 - ER Physician Eval. - BETH FISHER, RN -- WAS CANCELLED on 11/25/2008 at
23:52 by BETH FISHER, RN
Cancel reason: Duplicate order
00:07 11/26/2008 - Initiate Protocol -- GLNS
Protocol Initiate - BETH FISHER, RN at 11/26/2008 00:08
00:54 11/26/2008 - ALCOHOL BLOOD (MEDICAL) -- Dr. Jeanette KINSEY
Obtain Specimen - Stephanie CAMPBELL at 11/26/2008 01:15
Specimen in Lab - Stephanie CAMPBELL at 11/26/2008 01:15
Results Ready - Debra LARCOMBE at 11/26/2008 01:49
00:54 11/26/2008 - CBC -- Dr. Jeanette KINSEY
Obtain Specimen - Stephanie CAMPBELL at 11/26/2008 01:15
Specimen in Lab - Stephanie CAMPBELL at 11/26/2008 01:15
Results Ready - Debra LARCOMBE at 11/26/2008 01:34
00:54 11/26/2008 - CMP-COMP MET PANEL -- Dr. Jeanette KINSEY
Obtain Specimen - Stephanie CAMPBELL at 11/26/2008 01:15
Specimen in Lab - Stephanie CAMPBELL at 11/26/2008 01:15
Results Ready - Debra LARCOMBE at 11/26/2008 01:49
00:54 11/26/2008 - DRUG SCREEN URINE ER -- Dr. Jeanette KINSEY
Obtain Specimen - Diana WATSON, RN at 11/26/2008 01:46
Specimen in Lab - Diana WATSON, RN at 11/26/2008 01:46
Results Ready - Debra LARCOMBE at 11/26/2008 03:03
00:54 11/26/2008 - U/A (w/culture if indic.) -- Dr. Jeanette KINSEY
Obtain Specimen - Diana WATSON, RN at 11/26/2008 01:46
Specimen in Lab - Diana WATSON, RN at 11/26/2008 01:47
Results Ready - Debra LARCOMBE at 11/26/2008 02:41
00:54 11/26/2008 - CHEST (PORT) SINGLE VIEW -- Dr. Jeanette KINSEY
Prepare Patient for Xray - BETH FISHER, RN at 11/26/2008 00:54
Obtain Xray - Shannon WHEELER at 11/26/2008 01:30
Results Ready - Shannon WHEELER at 11/26/2008 01:38
00:54 11/26/2008 - EKG -- Dr. Jeanette KINSEY
EKG in progress - BETH FISHER, RN at 11/26/2008 00:54
EKG completed - BETH FISHER, RN at 11/26/2008 00:54
00:54 11/26/2008 - P.O. fluids -- Dr. Jeanette KINSEY
P.O. fluids - BETH FISHER, RN at 11/26/2008 01:17
00:54 11/26/2008 - GGTP -- Dr. Jeanette KINSEY
Obtain Specimen - Stephanie CAMPBELL at 11/26/2008 01:15
Specimen in Lab - Stephanie CAMPBELL at 11/26/2008 01:15
Results Ready - Debra LARCOMBE at 11/26/2008 02:41
02:26 11/26/2008 - REQUEST OUTSIDE RECORDS -- Dr. Jeanette KINSEY
REQUEST OUTSIDE RECORDS - Cheryl FULLER at 11/26/2008 03:24
06:04 11/26/2008 - CARDIAC ENZYME SERIES - Dr. Jeanette KINSEY -- WAS CANCELLED on 11/26/2008 at
06:16 by Lisa RICHARDS, RN
Cancel reason: Incorrect Order
06:18 11/26/2008 - See written order-Sorty. -- Dr. Jeanette KINSEY
See written order- Sorty. - Lisa RICHARDS, RN at 11/26/2008 06:18
07:07 11/26/2008 - Access Center Consult -- Dr. Jeanette KINSEY
Access Center Consult - Amanda WHITE at 11/26/2008 07:08
Access Center counselor present - Elana SCOTT, RN at 11/26/2008 08:06
09:43 11/26/2008 - Ativan 2mg PO -- Dr. Jeanette KINSEY
In Progress - Julianna GALLOWAY-RN at 11/26/2008 09:52
Administer Medication - Julianna GALLOWAY-RN at 11/26/2008 09:56
Response to Medication - Julianna GALLOWAY-RN at 11/26/2008 10:15

IVs

(none)

Triage/Initial Assessment

23:21 11/25/2008 - Vital Signs -- Tanya MCALISTER,RN
Temp: 98.5 Oral
BP: 103/93, Automatic, Sitting, Left Arm, Large cuff
HR: 94, Regular, Full
Resp: 18, Regular, -, Easy
23:21 11/25/2008 - Pain -- Tanya MCALISTER,RN
Pain Severity Score: 0 -Phys. activity severely limited, N&D
Pain Scale Used: Mankoski
Pt given rule on pain severity: Yes
Pt understands severity scale: Yes
Currently in Pain: Yes
23:21 11/25/2008 - Adult GCS - Triage -- Tanya MCALISTER,RN
Eyes Open: 4 Spontaneously
Best Motor Response: 6 Obeys Commands
Best Verbal Response: 5 Oriented
Total GCS: 15
23:22 11/25/2008 - Oximetry -- Tanya MCALISTER,RN
Pulse Oximetry %: 100
Oxygen Therapy: Room Air
23:31 11/25/2008 - Initial Triage Info -- Tanya MCALISTER,RN
SelfHarm: No
HomeSafety: Yes
Chief Complaint: Psychiatric
Initial Triage Acuity: 3 - Three
Note: pt present to the ed with c/o hilat chest pain... pt sts' hx of anxiety attack and chest wall pain'.... pt sts' he is out of his meds".. sts 'he has been out of his meds for days'.....pt was in the ec earlier and and left due to wait...pt arrived by ems...pt sts' he is trying to get back to go'...pt c/o rt grion pain due to heart cath that was completed on him on the 20th at saint thomas hosp'....pt c/o assoc nausea and shob...pt sts' he was told to decrease activity but has been walking around alot'...per 'sister who s with pt at this time sts he has alot of mental health issues".... sts' he has been off his anxiety med since fri'.....sister sts pt has been yelling and cussing at people...

Nursing Documentation

23:48 11/25/2008 - Reassessment -- BETH FISHER, RN
Note: pt sts he's supposed to be on bedrest and sts 'I just was dc'd and I don't feel good' but sts 'I wasn't supposed to pick up anything over 50lbs and I think I picked up something that was about 200lbs. on my farm' pt c/o R side groin pain. pt sts 'I feel like it was seeping' pt has dressing over groin site and is dry and intact. pt has hx of angina. pt c/o intermittent sharp chest pain.
23:50 11/25/2008 - Reassessment -- Kelley STEADMAN-CHESTER, RN
Note: AWAITING MD EVALUATION.
23:51 11/25/2008 - Reassessment -- BETH FISHER, RN
Note: pt sts 'when I was here in 2003 I had 30 Pulmonary embolisms'
23:54 11/25/2008 - Reassessment -- BETH FISHER, RN
Note: pt s sister remains at beds de at this time
23:59 11/25/2008 - Reassessment -- BETH FISHER, RN
Note: sister sts that pt was in Patrick B about 1.5 years ago for 1 year. sts pt was dx with schizophrenia and bipolar disease but sts he hasn't taken his medicines in months. pt sts 'he just talks about off the wall stuff that's not true. like him being in the army and he's never been in the army'
00:04 11/26/2008 - Reassessment -- Sarah NANCE
Note: pt sister at nurses station talking with dr kinsey about her brother.....smed tech
00:04 11/26/2008 - Reassessment -- BETH FISHER, RN
Note: pt sts he passed out when calling 911 today...sts for about 1-2 mins
00:04 11/26/2008 - Reassessment -- BETH FISHER, RN
Note: pt denies any alcohol use today and sts 'my head just feels like it's going to blow off'
00:36 11/26/2008 - Reassessment -- BETH FISHER, RN
Note: Dr. Kinsey at bedside at this time
00:43 11/26/2008 - Reassessment -- BETH FISHER, RN
Note: pt s sister, Katie Chandler: 356-5638....Dr. Kinsey to call her when she steps out of pt's room per sister's request
00:44 11/26/2008 - Reassessment -- BETH FISHER, RN
Note: Dr. Kinsey told at this time about pt's sisters request to call her
02:09 11/26/2008 - Reassessment -- Sarah NANCE

MR # 000405706 Sex: Male DOB: 11/27/1972
Name: Mitchell, Courtney R
Phone: (864)634-8242
Address: 3489 HIGHWAY 81 NORTH, CALHOUN, KY 42301
Unit Code: INTVM Account # 6242816 Age: 35

Note: lights turned out for pt and pt has eyes closed and top of bed placed down for pt comfort....pt was very pleasant.....sn ed tech
02:47 11/26/2008 - Reassessment -- BETH FISHER, RN
Note: pt resting in bed at this time with eyes closed, nad noted at this time. resp even/nonlabored. bed low and locked, side rails up x2. will cont to monitor
03:45 11/26/2008 - Reassessment -- Stephanie CAMPBELL
Note: Pt ambulatory to restroom at this time.
03:46 11/26/2008 - Reassessment -- Lisa RICHARDS, RN
Note: pt ambulating to br. lyr rn
04:03 11/26/2008 - Reassessment -- Lisa RICHARDS, RN
Note: pt given another soda. pt also states he is diabetic and would like sugar checked because he is newly diagnosed. bgl completed. pt also reports he feels his issue that he came to hospital for are not being addressed which are heart and diabetes. pt reassured of bgl results. pt also informed this rn will relay concerns to md. Pt requesting this rn call md in tennessee. pt informed he needs to speak further with md about concerns and aware pca dr kinsey pt is staying voluntarily. no white papers but reports he does not want to speak with counselor until legal representation present. dr kinsey in to speak with pt again. lyr rn
04:04 11/26/2008 - Blood Sugar -- Lisa RICHARDS, RN
FD (mg%): 8h
09:41 11/26/2008 - Reassessment -- Lisa RICHARDS, RN
Note: pt resting in bed. yr rn
06:00 11/26/2008 - Reassessment -- Lisa RICHARDS, RN
Note: pt ambulated to br, back to room with no difficulty. lyr rn
06:43 11/26/2008 - Reassessment -- Lisa RICHARDS, RN
Note: pt up in room. pt assisted with making a phone call. remains calm but still upset about being in ED. lyr rn
07:45 11/26/2008 - Vital Signs -- Elana SCOTT, RN
BP: 147/77
07:46 11/26/2008 - Reassessment -- Elana SCOTT, RN
Note: pt sts started having sharp chest pains at this time---sts feels this way when bp is elevated. bp rechecked at present. sts normally takes meds for htn but has not taken any this am.
08:46 11/26/2008 - Reassessment -- JULIE TOLLISON, RN
Note: hx diabetic meal provided---jl, rn
08:51 11/26/2008 - Reassessment -- JULIE TOLLISON, RN
Note: pt calls 911 from cell phone, ambulance roundy police reports in pt room securely at bedside, elana primary nurse aware---jl, rn
08:55 11/26/2008 - Reassessment -- Elana SCOTT, RN
Note: pcan diabetic breakfast tray---pt requesting to speak w/ pt advocate--- informed that she will be in at 0900 and will have them speak w/ pt when she arrives. pt noted to be making phone calls to police dept. pt informed that he is not allowed to do that and that they are unable to assist them. informed that he needs to speak w/ md or rn for concerns. pt verbalized understanding and has agreed to stay in room and make no more inappropriate phone calls.
09:07 11/26/2008 - Reassessment -- Elana SCOTT, RN
Note: Sara Fox at bedside to speak w/ pt at this time.
13:53 11/26/2008 - Reassessment -- Elana SCOTT, RN
Note: pt gathered all of his belongings and attempted to walk out. security notified and pt returned to room Sara Fox aware of behavior at at bedside to speak w/ pt
14:32 11/26/2008 - Reassessment -- Sonya SNIDER, RN
Note: pt left ed after refusing services, dr brennan aware and okay with this
Administrative
03:38 11/26/2008 - Reassessment -- Debra LARCOMBE
Note: Dr Kinsey said the patient wants to wait until morning to confer with his attorney before talking to Access Center or Mental Health. She states as long as the patient is cooperative she'll not fill out white papers until then. dl
06:40 11/26/2008 - Reassessment -- Debra LARCOMBE
Note: Gave the patient apple juice okay'd by Dr Kinsey. dl
Assessment
23:15 11/25/2008 - Change Room -- Stephanie RICHEY
Change Room: Triage Waiting Room
23:15 11/25/2008 - Change Physician -- Stephanie RICHEY
ER Physician: -Unassigned, -
Resident: -Unassigned, -
Prim. Care Provider: -UNASSIGNED PCP, -
Responsible Physician: -Unassigned, -
Mid-Leve Physician: -Unassigned
Medical Student: -Unassigned
23:21 11/25/2008 - Change Room -- Tanya MCALISTER,RN
Change Room: Intermediate Waiting Room
23:31 11/25/2008 - Supporting Documentation -- Tanya MCALISTER,RN
Ordering Physician: -Unassigned, -
Orders: EKG
23:37 11/25/2008 - Change Room -- BETH FISHER, RN
Change Room: Intermediate I-14
23:37 11/25/2008 - Change Nurse -- BETH FISHER, RN
Primary Nurse: FISHER, RN, BETH
Secondary Nurse: Unassigned
Responsible Nurse: FISHER, RN, BETH
23:51 11/25/2008 - Allergy Information -- BETH FISHER, RN
Allergy: NKDA
23:51 11/25/2008 - Past Medical History -- BETH FISHER, RN
Medical history: *Hypertension, *Diabetes, Acid reflux, Angina, High cholesterol
Surgical history: Cardiac catheterization, Hernia repair, Tonsilectomy and adenoidectomy
Social history: Lives with family, Non-smoker, Alcohol use-daily
Immunization History: Tetanus less than 5 years
Historian: Patient
Reviewed by: Nurse
23:59 11/25/2008 - Change Physician -- Dr. Jeanette KINSEY
ER Physician: KINSEY, Dr. Jeanette - Emergency Medicine
Resident: -Unassigned, -
Prim. Care Provider: -UNASSIGNED PCP, -
Responsible Physician: KINSEY, Dr. Jeanette - Emergency Medicine
Mid-Leve Physician: -Unassigned
Medical Student: Unassigned
23:59 11/25/2008 - Allergy Information -- BETH FISHER, RN
Allergy: NKDA
23:59 11/25/2008 - Past Medical History -- BETH FISHER, RN
Medical history: *Hypertension, *Diabetes, Acid reflux, Angina, Bipolar disorder, High cholesterol, Schizophrenia
Surgical history: Cardiac catheterization, Hernia repair, tonsilectomy and adenoidectomy
Social history: Lives with family, Non-smoker, Alcohol use-daily
Immunization History: Tetanus less than 5 years
Historian: Patient
Reviewed by: Nurse
00:02 11/26/2008 - Home Medications -- RXR$
Amlodipine 5 mg 1 PO DAILY
Aspirin 81 mg 1 PO DAILY
Esomeprazole Magnesium [Nexium] 40 mg 1 PO DAILY
Lorazepam 1 mg 2 PO DAILY
Metformin 1,000 mg 2 PO DAILY
Simvastatin 40 mg 1 PO HS
00:08 11/26/2008 - Pint Protocol Performed -- BETH FISHER, RN
Protocol Type: -Physician Assigned
00:54 11/26/2008 - Supporting Documentation -- Dr. Jeanette KINSEY
Ordering Physician: KINSEY, Dr. Jeanette Emergency Medicine
Orders: ALCOHOL BLOOD (MEDICAL) CBC, CMP-COMP MET PANEL, DRUG SCREEN URINE ER, U/A (w/culture if indic.), CHEST (PORT) SINGLE VIEW, EKG, Box Lunch, P.O. fluids
00:54 11/26/2008 - Group Orders -- BETH FISHER, RN
Grouped Orders:
00:54 11/26/2008 - Supporting Documentation -- Dr. Jeanette KINSEY
Ordering Physician: KINSEY, Dr. Jeanette Emergency Medicine
Orders: SGLP
01:15 11/26/2008 - Group Orders -- Stephanie CAMPBELL
Grouped Orders:
01:16 11/26/2008 - Dietary Intake -- BETH FISHER, RN
Indications: patient hungry, patient diabetic
Education/Consent: diet discussed with patient, diet discussed with treating physician
Equipment and Supplies: sandwich
Process/Procedure: diet offered to patient, diet received
Note: pt eating box lunch at this time and given sprite per request. will cont to

ANMED HEALTH

Emergency Department
Assessment Sheet

800 N. Fant St. Anderson, SC 29621 (864) 512-1333

MR # 000405706 Sex: Male DOB: 11/27/1972
Name: Mitchell, Courtney R
Phone: (864)634-8242
Address: 3489 HIGHWAY 81 NORTH, CALHOUN, KY 42301
Unit Code: INTVM Account # 6242816 Age: 35

monitor
01:46 11/26/2008 - Group Orders -- Diana WATSON, RN
Grouped Orders:
02:26 11/26/2008 - Order Information -- Dr. Jeanette KINSEY
Note: Self Memorial Hospital - ER last night (11/24)
02:26 11/26/2008 - Supporting Documentation -- Dr. Jeanette KINSEY
Ordering Physician: KINSEY, Dr. Jeanette - Emergency Medicine
Orders: REQUEST OUTSIDE RECORDS
03:05 11/26/2008 - Change Nurse -- Lisa RICHARDS, RN
Primary Nurse: RICHARDS, RN, Lisa
Secondary Nurse: Unassigned
Responsible Nurse: RICHARDS, RN, Lisa
Report Given: Yes
06:04 11/26/2008 - Supporting Documentation -- Dr. Jeanette KINSEY
Ordering Physician: KINSEY, Dr. Jeanette - Emergency Medicine
Orders: CARDIAC EN/YME SERIES
06:06 11/26/2008 - Group Orders -- KATRINA FLAGG, RN
Grouped Orders:
06:18 11/26/2008 - Order Information -- Lisa RICHARDS, RN
Note: please order troponi x1 not series per dr kinsey.
06:18 11/26/2008 - Supporting Documentation -- Lisa RICHARDS, RN
Ordering Physician: KINSEY, Dr. Jeanette - Emergency Medicine
Orders: See written order-Scrty.
06:42 11/26/2008 - Allergy Information -- Dr. Jeanette KINSEY
Allergy: NKDA
06:42 11/26/2008 - Past Medical History -- Dr. Jeanette KINSEY
Medical history: *Hypertension, *Diabetes, Acid reflux, Angina, Bipolar disorder, High cholesterol, Schizophrenia
Surgical history: Cardiac catheterization, Hernia repair, Tonsilectomy and adenoidectomy
Social history: Lives with family Non-smoker, Alcohol use-daily, Drug use-none
Immunization History: Tetanus ess than 5 years
Historian: Patient
Reviewed by: Physician
07:07 11/26/2008 - Supporting Documentation -- Dr. Bridget BRENNAN, ED physician
Ordering Physician: KINSEY, Dr. Jeanette - Emergency Medicine
Orders: Access Center Consult
07:18 11/26/2008 - Change Nurse -- Elana SCOTT, RN
Primary Nurse: SCOTT, RN, Elana C
Secondary Nurse: -Unassigned
Responsible Nurse: SCOTT, RN, Elana C
Report Given: Yes
09:25 11/26/2008 - Change Nurse -- Julianna GALLOWAY-RN
Primary Nurse: GALLOWAY-RN, Julianna
Secondary Nurse: -Unassigned
Responsible Nurse: GALLOWAY-RN, Julianna
Report Given: Yes
09:43 11/26/2008 - Supporting Documentation -- Dr. Bridget BRENNAN, ED physician
Ordering Physician: KINSEY, Dr. Jeanette - Emergency Medicine
Medication Orders: Ativan
09:36 11/26/2008 - Medication Administered -- Julianna GALLOWAY-RN
Medication: Ativan
Dose: 2
Units: mg
Route: PO
Note: po with sips of water.
10:33 11/26/2008 - Providers -- Dr. Bridget BRENNAN, ED physician
Physician 1: BRENNAN, Dr. Bridget - Emergency Medicine
10:33 11/26/2008 - Change Physician -- Dr. Bridget BRENNAN, ED physician
ER Physician: KINSEY, Dr. Jeanette - Emergency Medicine
Resident: -Unassigned, -
Prim. Care Provider: -UNASSIGNED PCP, -
Responsible Physician: BRENNAN, Dr. Bridget - Emergency Medicine
Mid-Level Physician: -Unassigned
Medical Student: -Unassigned
13:15 11/26/2008 - Response to Medication -- Julianna GALLOWAY-RN
Medication: Ativan
Response to treatment: Given at time of DC, No Adverse Reaction
09:56 11/26/2008 Ativan 2mg PO
Note: po with sips of water. - Julianna GALLOWAY-RN
(none)

11/26/08 08:45
Intake assess

Demographics	Assess location	emergency room	Gathered information from patient and family members. Currently there are no family members willing to assist with his care because of erractic behaviors; family has assisted to help with Courtney previously	SLF
	Age	35		SLF
	Date of birth	11/27/1972		SLF
	Gender	male		SLF
	Address		13489 Highway 81 North Calhoun, Kentucky 42301	SLF
	Home phone	864-634-8242		SLF
	Social security#	250-27-4888		SLF
	Marital status	single	no children	SLF
	Education level	4 year college	completed prelaw degree at Univerity of South Carolina	SLF
	Occupation		has had multiple jobs as an adult - in law firms and most recently at a security firm in Kentucky	SLF
	Employer		states he has a job in Calhoun, Kentucy with a Bill Reed who was formerly a Navy Seal	SLF
	Primary care MD		per family and in conversation with patient Mr. Mitchell has been in multiple emergency rooms and hospitals	SLF
	Accompanied by	()	brought into the Emergency Department by ambulance 11/25/08 after being found at local Hardee's disoriented per mother; mother states police were called to their home on 11/25/08 and took him to the Anderson County Line.	SLF
	Referral source		Emergency Department: Dr. Brennan	SLF
Chief complaint			Mr. Mitchell reports he came to the emergency department for chest wall pain and being anxious. Uncertain why he is still here; requesting to leave. Initially stated he was waiting on the patient advocate and his attorney to call back - Brian Miller in Greenville before talking with a counselor; aware that this staff works with behavioral	SLF
Prompting events				SLF

		health of the hospital. From different sources including family Mr. Mitchell discontinued his medications within the last year (zyprexa per patient) his behaivors	
Interpersonal	verbal aggrssion other*	have become erractic/impulsive - within last 2 weeks took personal possessions of family members/pawned them in Tenn or Kentucky; Been in various hospital Emergency Rooms in Tenn and South Carolina during the last 2 weeks complaining of heart problems -	SLF
Sleep dysregulat	other*	last seen in ER at Self Medical Center on 11/25/08; Patient has been making multiple phone calls to aunts out of state several times a day stating he no longer wants to be in South Carolina and does not want to deal with South Carolina mental health otr	SLF
Eatng dysregulat		Per patient he has been sleeping well; per family members he is sleeping sporadically from 10 to 30 minutes at a time; has slept some in the Emergency Department after given ativan. Denies any appetite disturbances. Reports he has gained weight due to	SLF
Cognitive dysreg	(orient to person orient to place orient to time)	the zyprexa/now has developed diabetes -diagnose about 3 weeks ago per patient Presents with pressured speech extremely talkative during screening;	SLF
Anxiety	other*	noticeably tremulous when trying to write down phone numbers; placed on ativan 1 milligrams twice daily when seen at ST. Thomas Hospital in Nashville, Tenn.	SLF
Psychosis	delus grandeur	talks about being a paralegal then being in the military; talked about being upset and angry with Ms. Chandler who has misrepresented herself - per patient and confirmed not his sister; no hallucinations -	SLF
Emotional dysreg	feeling fear	behaviors have been erractic per family Mr.MItchell has been	SLF

(SLF) SARAH L FOX, LMSW

		feeling sad spontaneous cry other*	labile - goes from crying to singling like a 5 year old to rage; per mother episodes of rage - none exhibited in Emergency Room as of 1200 Noon on 11/26; tearful at times during screeing; finally stated he was scared/sad -	
Living arrangmnt		other*	feels abandoned by his family; per patient he has been living in Kentucky on a 300 acre farm he is buying; per family patient has been in Kentucky since August 2008 until last 2 weeks	SLF
Environ support			currently views 2 uncles and 2 aunts as his primary supports - angry with mother currently - mother is afraid of him	SLF
Tx readiness		(willing unwilling)	initially unwilling wanting to leave the hospital; when he learned that multiple family contacted cannot currently assist him he became very tearful and was willing to consider admission but still does not want to take any medications; after arranging	SLF
Relapse factors		(noncomp-tx recom limited insight limited judgemnt poor impls cntrl)	for admisison to 8 South Mr. Mitchell became upset cursing wanting to leave afraid of loosing his job in Kentucky; now refusing 8 South admission.	SLF
Family history	Substance abuse	none		SLF
	Alcoholism	none		SLF
	Psychiatric	patient	none identified; patient states his mother is bipolar	SLF
Add family info			Per patient there are conflicts with his mother; father is terminally ill with cancer; Mr. Mitchell believes his mother has bipolar and states he tried to have her committed on 11/25/08 because she is a threat to herself.	SLF
Curr legal issue		no		SLF
Alcohol use		no		SLF
Drug use		no		SLF
Tobacco use		no		SLF
Addicted-gambln-g		no		SLF
Other addictions		no		SLF
Suicidal thought		no		SLF
Suicidal behav		no		SLF

(SLF) SARAH L FOX, LMSW

Homicidl thought		no	Family currently does not feel safe with him; he has left messages on his mother's cell phone that has frightened her - per mother he has periods of rages	SLF
Homicidal behav		no		SLF
Last phys exam		11/26/08		SLF
MD/psychiatrist			Dr. Kinsey and Dr. Brennan	SLF
Current med prob		diabetes hypertension other*	GERD	SLF
Special needs			none	SLF
Consultation		()	Dr. Bamashmus who plans to further evaluate 11/26/08 for medication recommendations; after evaluated by Dr. Bamashmus decision made to admit to 8 South; rediscussed case with Dr. Bamashmus after patient declined 8 South admission - confirms not commitable at this time;	SLF
Provisional Diag	Axis I	()	Bipolar Disorder by history deferred	SLF
	Axis II		HTN, Diabetes (new diagnosis);	SLF
	Axis III		GERD	
	Axis IV		father terminal ill with cancer; family conflicts; not on psychotropic medications	SLF
	Axis V-GAF score		35	SLF
Summary/Recomm-d			Mr. Mitchell, age 35, was brought to the Emergency Department 11/25/08 by ambulance after patient states he called for an ambulance. He states a Katie Chandler has misrepresented herself as his sister and has told lies on him. Currently presenting as	SLF
Lev Care Determn IP acute care	Behavior	()	labile; once given ativan became calm but sad that family has not come through for him. Denies any suicidal urges; no intent to harm self; denies any intent to harm others; delusional thoughts at times.	SLF
	Pt condition	(need 24hr monitr need 24 assesmnt)	Per patient's report and family's report Mr. Mitchell has been in multiple hospital settings multiple times within the last 2 weeks with multiple physical complaints. Dr.	SLF

Psych disorder ()

Bamashmus to see in Emergency Department for further evaluation;
being admitted to 8 South for stabilization to services of Dr. Bamashmus. Addendum: Mr. Mitchell now refusing services. Per psychiatrist not commitable based on current presentation. SLF

(SLF) SARAH L FOX, LMSW

5-14-23

To: Mike Battista

CC: Sharon Mayes and Reggie Owens.

Subject: Request to go to Associate ISR

To Whom It May Concern:

I am requesting again to transfer to the Associate ISR group. I just found out yesterday that I have a degenerative condition that will continue to affect my motor skills in my hands to a point where it will be more difficult to operate the computer. This condition is extremely painful. Based on this I think it will be challenging to effectively manage a POL territory moving forward. I believe if I was in the associate group I could be more effective in making coverage type calls with my experience. I would like to set a good example for the new employees and can demonstrate my natural leadership skills.
I also need to know if accommodations can be allowed for me as my condition worsens.

Ray Mitchell

Asking for Temporary Solution.
When he was hurt in Afghanistan. Hence-
Damage occured. Motor Skills? (Carpal Tunnel
Issues. Possibly could be ending up in
Wheelchair.
3-4 Specialist. Splints are being placed.
Mom's got Cancer-
He is asking for a temporary Solution.

May 20, 2013

To: Reggie Owens, H.R. Manager

Subject: Request of Accommodation

CC: Sharon Mayes and Mike Battista

I am requesting accommodation with my job due to medical limitations I am experiencing. Last week I found through a medical test that I am loosing motor control in my hands and legs. We suspect this is a result of an injury I sustained while serving my country as a Military Police for the U.S. Army. Along with my own personal medical issues, I am also under a lot of stress due to my mother having some serious medical conditions. I have been told with my situation that I may loose the use of my hands and legs. I have already lost most of the feeling in my hands while striking the computer keys. I am in increasing pain and the emotional stress from my condition, and the worry I have for my relatives is taking a toll on my day to day operations. I feel that by reducing my stress, I will be better able to meet my physical expectations. I appreciate the efforts the company is making to help me with my situation.

Sincerely;

Courtney "Ray" Mitchell

SHARON MAYES(MCH1SRM@UPS.COM)

To: courtneymitchell@ups.com; mxbattista@ups.com; velmajones@ups.com; jhedge@ups.com
From: smayes@ups.com
Subject: New Big wins for Ray Mitchell

Ray,
This is exciting news and thanks for updating me. I would like you to work with Gina and utilize the Bid Growth tool Joel created in Florida to see how your numbers will look based on your feedback below. This will allow you to see where you are. I appreciate you being proactive with me about your bid growth performance.
Thanks,
Sharon

Description: Mayes, Sharon

From: Mitchell Courtney (KJZ0NJK)
Sent: Monday, March 04, 2013 10:18 AM
To: MAYES SHARON R. (MCH1SRM)
Cc: Battista Michael (BZZ5MXB)
Subject: New Big wins for Ray Mitchell

Sharon,

I just wanted you to know about the 2 good wins I recently had. On Friday Matt Buffington and I signed A Plus Marketing 722F2V to a 100 weight and small pack bid. They had just shipped $4000 with us the week prior and we think the shipment that went out on Friday was about $8,000. We estimate they will ship at lest $24,000 by April but there is a possibility of $50,000. This is a lot of shipping for a short time period. We treated this account as a seasonal shipper. Shipping will go down to $100 a week afterward to dwindle to Less than $20 a week on their off season between November and December. The second win will be Dancing Star Farms 3T278T. This one signed over the weekend and I processed the bid today. They are a bundle bid and

CWT. I expect revenue of $2500 a week from them. I hope these two wins will greatly help my bid growth. I look forward to training this week.

Thank you,

Ray

Sharon Mayes
Manager, Inside Sales

864.213.8907

800 PICK UPS Customer Service
888.553.1118 Technical Support

smayes@ups.com
thenewlogistics.com

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SHARON MAYES(MCH1SRM@UPS.COM)

To: courtneymitchell@ups.com; velmajones@ups.com
From: smayes@ups.com
Subject: Bid Growth 99.9%!!!!

Well done Ray!!!! I look forward to speaking with you to see how your week went.
Sharon

Sharon Mayes
Manager, Inside Sales
864.213.8907
800 PICK UPS Customer Service
888.553.1118 Technical Support
smayes@ups.com
thenewlogistics.com
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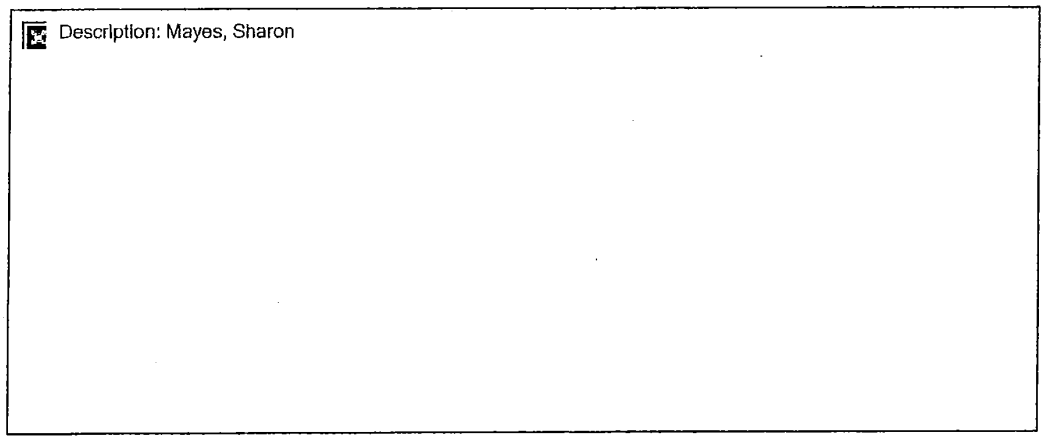
Date: 4/19/13.

SHARON MAYES(MCH1SRM@UPS.COM)

To: courtneymitchell@ups.com; mxbattista@ups.com; jamidowns@ups.com; velmajones@ups.com
From: smayes@ups.com
Subject: RE: Sales Impacts

Very nice!! Thanks for sharing Ray!



From: Mitchell Courtney (KJZ0NJK)
Sent: Thursday, May 09, 2013 8:51 AM
To: MAYES SHARON R. (MCH1SRM); Battista Michael (BZZ5MXB)
Cc: Downs Jami (XSJ8GDX); Jones Velma (RRD3CBM)
Subject: FW: Sales Impacts

Encouragement.

Halton Pointe, Suite 500
204 Halton Road
Greenville, SC 29607

August 16, 2013

Courtney Ray Mitchell
1020 Providence Chrd
Anderson, SC 29626

Dear Mr. Mitchell,

This letter is to inform you of your termination of employment from United Parcel Service for misconduct, effective August 16, 2013.

You will be eligible to receive a COBRA notification at your address of record. If you should have any benefit questions, please feel free to contact the UPS Benefit Center at the following number, 1-800-877-1508.

Sincerely,

Jim Grover
HR Manager

Review Print Out

Employee MITCHELL, COURTNEY

Submitted By: JONES, VELMA *Date:* 9/6/2012 *Follow Up Date:* 9/24/2012

Topic: Focused Coaching

SubTopic: Call Time/Call Quantity

Meeting Notes

9/6/12- Excellent review with Ray, came up with a game plan strategy to increase his call time daily and call quantity to meet minimum QPR elements. Going on a 1-2 item strategy to get Ray comfortable with his postion and planning his day.

Starting Targeted/Focused Goals:
1.) Increase outbound call time to customers by .2 (12 minutes) daily during the week of Sept 10-14 to have an outbound call time of 1 hour per day by the end of the week. Weekly Daily Target Goal- 1 hour minimum per day. By week ending September 28th- 1.5-2.0 hours a day cms call time by end of day.
2.) Increase number of calls to customers to a Minimum of 5 good quality calls per day by end of week 1 (Sept 14th). - plan 20 calls per day to start. By week ending Sept 28th, plan 20+ calls and have a minimum of 12 good completed customer calls per day to meet the minimum QPR requirement.

Future Goals:
Call Strategy Intra Call
2 Bids Per Week
Call Planning Strategy
Producing
Positioned

Commitment *(The above Employee's written submission of their Understanding and Commitment RE: the topic discussed in Meeting Notes.)*

Ray commits to meeting the first round of targeted goals.

Next Steps

Follow up with to see his progress and strategy of implementing planned calls in teams, and working to do those in the morning hours and working on other items in the afternoon. Planning daily for the next days calls, and focusing these initially in his day and working on bids, LTL, etc in the afternoon.

Comments

Renewed focus from Ray, High expectations, he seems dedicated and happy with the new plan.

Employee: _____ *Date:* _____
MITCHELL, COURTNEY

Specialist: _____ *Date:* _____

Coach: _____ *Date:* _____

Supervisor: _____ *Date:* _____

Manager: _____ *Date:* _____

Review Print Out

Employee MITCHELL, COURTNEY

Submitted By: DOWNS, JAMI *Date:* 4/24/2013 *Follow Up Date:*

Topic: Bid Growth

SubTopic:

Meeting Notes

Met with Ray to discuss Bid Growth as he is currently 99.9% effective. Ray has a couple of big wins he is expecting to start in the next few weeks. Ray's Bid Growth will be above 100% for w/e 4/20/13 report. His accepted PnC ADR is:
4/27- CONTRACT HARDWARE SUPPLY 184427 $200ADR
5/4- JuiceBlendDry 9E5W41 $400ADR

Commitment *(The above Employee's written submission of their Understanding and Commitment RE: the topic discussed in Meeting Notes.)*

N/A

Next Steps

Comments

Employee: _____ *Date:* _____
MITCHELL, COURTNEY

Specialist: *Date:*

Coach: _____ *Date:* _____

Supervisor: _____ *Date:* _____

Manager: _____ *Date:* _____

Battista Michael (BZZ5MXB)

From: Battista Michael (BZZ5MXB)
Sent: Tuesday, October 09, 2012 7:26 AM
To: courtneymitchell@ups.com
Cc: Jones Velma (RRD3CBM)
Subject: RE: Time

Definitely was better yesterday. Keep making those gains. Thanks

---

From: Mitchell Courtney (KJZ0NJK)
Sent: Monday, October 08, 2012 4:58 PM
To: Battista Michael (BZZ5MXB)
Cc: Jones Velma (RRD3CBM)
Subject: RE: Time

I made a lot of calls today. I gave the best effort since I have been on the floor.

Courtney Ray Mitchell
Sales Representative
800.550.3611 x3576
800.831.7917 Fax
800 PICK UPS Customer Service
888.553.1118 Technical Support
WE ♥ LOGISTICS
courtneymitchell@ups.com
thenewlogistics.com

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From: Battista Michael (BZZ5MXB)
Sent: Monday, October 08, 2012 3:51 PM
To: Bailey Derrill (GXX8DDB); Blassingame Ryan (GHG6LFH); Brown Scott (WFM8PXQ); Chiles Chadwick (PQS8CLC); Cowan Tycerly (GLP9FYN); Curl Linda (TDK2WVC); Dotson Arlington (HTD5PPX); Duckett Kimberly (DJH5KXD); Fowler Sarah (NHJ6LML); Gardner Sr Nakiy (FQK0FVF); Gibson Tiffany (DTY9WSG); Harper Adrian (RMC1GQC); Hebrank Iii Robert (HRL0FNM); Herbert Darrell (KHY9TPK); Hillis Hailey (DJQ4LMZ); Hillman Monique (JVC2VVJ); Houston Deidre (DLG4MTY); Inman Dwight (TXQ5KVR); Lane Joshua (BMH5HPF); Mitchell Courtney (KJZ0NJK); Riddell Jack (WNH8FGN); Yarborough Timothy (DVC2GJF)
Cc: Jones Velma (RRD3CBM)
Subject: Time

To: Reggie Owens

From: Mike Leonard

Date: June 24, 2013

Re: Lunch with Ray Mitchell - update

I went to lunch with Gina Jones, Dwight Iman, and Scott Brown. We were joined by Ray Mitchell unbeknownst to me. Ray had texted asking either Dwight or Gina if he could meet us for lunch. Ray was waiting in the restaurant when we walked in. After the greetings back and forth we sat down. I did not think anything about Ray being there as I had recently been included with the lunch group. I do not know how often the same people go to the lunch on Fridays. Ray was with us one other time that I was able to go and it was an ok lunch meaning the conversation was normal as one would expect between co-workers. Also, I did not know if this was the "regular" group. The overall conversation once we sat down was very random and disturbing on Ray's part.

I know that there has been some ribbing done towards Dwight from Ray but I thought that it was in good nature as Dwight is fidgety and particular about his desk. At some point something was said about Dwight being a pussy, but guys pick on each other like that so I did not put any emphasis on this comment. He sent a text to Gina on the way back to the office texting, "Dwight's a pussy, don't let him act like a sulky bitch - put your foot in his ass."

I was not fully paying attention to Ray as his immediate comments were embarrassing and rather racists in nature. He was likening Dwight' driving skills to a "rag head" cab drivers in GA/NY.

Other comments centered on the following items or people:

1. His filters were gone and this was the real Ray we were experiencing with the foul language like he used in the service. He was now the "REBEL RAY" the country redneck. He could be his true self. My impression here was that if you were not a southern white male – fuck ya. Since he was not at the desk he no longer needed to be UPS PC correct. Other comments made that day at lunch concerned brownies; rag heads, and niggers, that he could speak his mind and "fuck" whiny ass customers and others. He mentioned that big momma, the lazy fat nigger woman, had pissed him off because she was blocking his move back to operations along with Reggie being a lying worthless nigger as well. In the time frame this was sometime after he had approached one or both, relating his inability to the job here, something along the lines he was not cut out to do this job day in day out. He had also made a request to be assigned to the growth group as a permanent position. Speaking of positions he commented that he had asked to be a permanent growth group person like someone else down there, saying that they were a black female, but he was told no. He perceived the decline to move

him to the growth group, as in his mind, he is not the right color. This comment does not have any frame of reference for me other than underscoring Sharon's lack of help This is comment as I perceived it, was due to Sharon blocking his way to a security position and he could not understand why after he had told them he could not handle the day to day here. Ray has made comments in the past, when we, have worked late, about the rag heads and sand niggers he had encountered in Iraqi and Afghanistan, I did not say anything because I cannot understand or fathom the experiences he may have encountered there and he might have needed an outlet. Ray and I were the only ones in our area, but Kevin Lawson may have overhead these comments from time to time as his area is near ours but this is doubtful as Kevin is usually busy and we all tend to filter out the extraneous noise/conversations when we are working.

2. He was pissed off Ken, Sharon, and Reggie. He feels they were all fucking lying sacks of shit in the chain of command above Battista. He has no use for liars and would take care of that for us. He was especially vocal about Sharon Mayes and Ken Baca at whatever perceived slights and promotional blocks being caused by them. He mentioned earlier in the conversation that his immediate and mission/cause was to take Ken out in a box, then corrected himself by saying he would see Ken taken out of here with his belongings in a box by security. That he would be part of the escort. This comment was made shortly after stating he had purchased a military grade sniper rifle. He has mentioned in the weeks prior to his being out that he had purchased other weapons such as a handgun(s) and some other kind of rifle. He commented on his criminal radar was going off because he felt Ken has some kind of criminal history. He doubts Kens' military background but he would get answers as he knew people to ask about both issues because of his connections.

3. He mentioned Sharon in unflattering terms such as lazy fat nigger woman and big momma. He said that her situation would work itself out but he would help it work itself out. He said Sharon was responsible for not helping him go into the operations position and "blamed" her for the lack of interest. He commented to me, not sure if others heard it, that he was told to not go through our chain of command as they were worthless and that he should go to Atlanta and discuss this with them. This statement is in regards to someone he spoke with at one of the centers today I think.

4. He mentioned that he was not taking his pain medicine anymore because he said one of the substances in the medicine messed with his system. He was currently taking a medicine that the Doctor said for him not to operate an automobile for more that one hour per day. I did say to him that he should at least take something as he did not need to fight pain. He had mentioned going to the sleep doctor for evaluation as he has sleep apnea and he had prescribed a med to him to make him alert but that ties in with the warning above not to drive I suppose until they were able to gauge how it would affect him.

5. I have not had any contact with Ray since Friday, but I understand he has attempted to contact Derrill Bailey and I do not think they have spoken. Derrill mentioned that Ryan Blassingame did speak with Ray late Friday night about what had happened as Ray interpreted the situation. As I now understand the police department was in contact with Ray Friday afternoon/evening which started this round of calls.

In closing, there were a couple of other times when Ray and I spoke here in the evenings that bothered me but again did not want to over analyze or over react to his comments given what Ray has purportedly experienced in his past. I try to be cautious when speaking to someone about their experiences in the military as I know it can have far ranging impact on those in hostile situations. But my nature is to avail myself to those that want to talk without prying. So hear again, I tried to temper my thoughts with the idea he was releasing tension. But after Friday, I knew that our leadership should be made aware of my thoughts. I believe all of us at the lunch knew we needed to do so and agreed that it was the appropriate action to take afterwards. I do not know what UPS's response are to these types situations and not by any standard am I able to evaluate someone. But I think Ray needs help mentally and if possible our EAP people need to be utilized in this crisis. I believe Ray is grasping at straws and this conversation might have been his plea for help. Obviously, I am not aware, nor should I be, of prior conversations with HR and the leadership here but if this type of assistance has been offered can it not be required of Ray to do so to retain any hope for his future and help diffuse the overall situation?

My event that happened at lunch on 6/21/13.

I went to lunch with Dwight Inman, Velma (Gina) Jones, Mike Leonard and myself had lunch with Courtney Mitchell and when we sat down the conversation became unsettling when Courtney let us know that he just bought a high powered sniper rifle with armor piercing bullets to go along with other weapons he has recently purchased such as an M-16 military assault weapon. He stated that he was going into a new business of repo of cars and bounty. He then started naming things and people's names at the company all upper management. He said "All the upper management higher than Mike Battista is worthless and I will handle them my way". He stated names of Reggie Owens, Sharon Mays and especially Ken Baca. He said that his main focus was to take Ken Baca out in a box and then he corrected himself and said I mean carrying a box. He was carrying on a conversation with each of us as though we all had separate conversations going on at one time. He went from subject to subject and not finishing with a one. As we were gathering our thoughts and waiting for our checks Courtney just got up without saying a word and said love you guys and good bye. This was very unsettling and has never happened to me before.

Scott Brown

SCOTT BROWN

My event that happened at lunch on 6/21/13.

I went to lunch with Dwight Inman, Velma (Gina) Jones and Mike Leonard. We met Courtney (Ray) Mitchell at the Olympian Grill. When we got there Ray was already at the table drinking coffee. Originally Ray was not expected to join us as he was on leave from work but he sent a text to Gina on Wednesday or Thursday asking if she would like to go to lunch because we had made plans earlier in the week to go to lunch together. Gina then checked it out with the rest of us and we said it was ok. We sat down and exchanged greetings with Ray, then the conversation became unsettling when Courtney out of the clear blue let us know that he just bought a high powered sniper rifle with armor piercing bullets to go along with other weapons he has recently purchased such as an M-16 military assault weapon. He stated that he was going into a new business and I asked him what business car repo? He said yes and people hunting. I asked him kiddingly if we should call him wolf, as dog was taken. I was assuming he meant bounty hunting.

He was complaining about how he was hurting with his nerve damage and Gina tried to switch the conversation and said "Well if it makes you feel any better, Ray, Dwight hurt his foot last week" and Ray said "Ah Dwight is a pussy" and someone said "you don't mean that" and Ray said I didn't mean that way" and Gina said "Yes you did" and Ray said under his breath said "Yeah I did". Ray became loud with his speaking and using racial slurs then telling Dwight that he drove like a New York taxi driver and said we should put a turban on your head and start calling you Shamir, and then he called him a carpet rider. Ray stated that he was not treated right by our HR because he was the wrong color and he wasn't like the other "brownies" referring to African Americans, in one of his sentences. He was throwing out racial names and offending the other people dinning next to us, I felt very uncomfortable.

He then started naming people at the company all upper management and he said "All the upper management higher than Mike Battista is worthless and I will handle them my way". He stated names of Reggie Owens; he referred to Sharon Mays as "big mama Madaya" and especially Ken Baca. He thinks it is Ken's idea on how this office is ran and thinks that Ken is the one holding Ray back from getting the job he really wants and that is the head of security in operations. Ray said that he was meeting with a friend at one of the centers and then was going to set up an appointment at corporate in Atlanta to try and go around the direction he was told he needed to take here at the Greenville office. He said while he was there he would bring his files that he made on all the management here at this site. Ray said his "criminal radar is going off when he is around Ken Baca" and he would be checking on his criminal record and his military background. He said that his main focus was to take Ken Baca out in a box and then he corrected himself and said I mean carrying a box. I heard Ray saying to us that he was tired of being a pussy and being a nice guy while all the management team treats him like shit. He was carrying on a conversation with each of us as at the table as though we all had

separate conversations going on at one time. He went from subject to subject and not finishing with a one. He was hard to follow in a conversation. As we were gathering our thoughts and waiting for our checks Courtney just got up without saying a word and said love you guys and see ya! This was very unsettling and has never happened to me before. There are a number of us on our team that felt, in a kidding way, if anyone would break at work it would be Ray, especially after we viewed the film on "Shots Fired". Ray was known to fly off in a split second. Ray's moods would change all the time from happy to very upset or even outraged. There were many times that he would walk away from his desk to cool down. In my opinion Ray needs help and is like a time bomb. Ray became really loud on the phone when he would speak to a customer that ships guns or hunting supplies. Ray had a hard time processing on what would benefit him at his job and spent more time on little things. I hope Ray will get the help he needs and we help him get that help. This is all I can recall.

Scott Brown

UPS Inside Sales
204 Halton Rd.
Greenville, SC 2907

To Whom It May Concern:

On Friday 6/21/2013 at approximately 9:53pm I received a call from Ray Mitchell. I was at my house and Ray called me on my mobile phone. Ray asked if I was "Dwight Inman" he then proceeded to tell me "You called the cops on me". I made the statement "No I didn't". His response was "Yes you did the cops came to my house they scared my little boy and wife pretty bad. I'm going to make this quick. You're going to get a letter from me. You're no longer allowed on my property. You're no longer allowed to talk to me. You're no longer my friend. Good night". He then hung up. I immediately called Gina Jones to let her know what had happened. Not soon after I received a call from Sharon Mayes and Reggie Owens wanting to check on me. They suggested I report this to the authorities. I let them know I had already planned on doing this. After I hung up with them I tried to call the Greenville County Sheriffs Dept. but was on hold for about 30 minutes. The following day I was able to get through to a deputy and reported the call.

The above account is to the best of my memory and in the correct order of things that happened.

Dwight Inman

GINA

6/21/2013
Lunch Attendees: (Velma) Gina Jones, Mike Leonard, Dwight Inman, Scott Brown, Courtney (Ray) Mitchell

Arrived at approx. 12:25 pm- Ray was already waiting in the restaurant. Ray greeted us upon arrival, where we sat down and started chatting. Ray started making different slurs against random people "browns" - "rag heads"- "carpet riders" etc after talking about Dwight and how he drives like a rag head in New York all we have to do is put a turban on him and call him "Samir". He was talking about his diagnosis on his back and nerves, and that he wasn't taking his meds because he didn't like how they made him feel. I commented to Ray that if it made him feel better than Dwight was having problems with his toe and foot, and that everyone has some type of pain in their lives. He proceeded to then Call Dwight a "Pussy who can't handle pain"- apologized to Dwight said he was kidding, but then said- "no, I really wasn't."

He started talking about his recent purchases of guns- specifically a sniper rifle and armor piercing bullets. He continued on about his truck a little and what he was going to do to it lift it 4 inches, fancy rims, etc.- and Scott asked Ray what he was going to do with all of these guns he said he was stockpiling. He said he was starting a new business with his wife- Scott asked what type of business like Repo or something, and Ray replied- "yes repo-ing cars, trucks, people, etc."

He talked about how everyone at a level above Mike Battista was trash, liars, and shit in his book. He stated that Reggie had bold faced lied to him, and he knew it- and that he was racist in his own light. He also stated that his "fixation- sole purpose was to have Ken Baca leave that place in a box, I mean carrying his box of stuff walking out beside me with security." He mentioned that Sharon Mayes was a liar as well, and couldn't manage her way out of a box. He referred to Sharon as "Sister Madea."

"This is the real Ray- Rebel Ray. I don't put up with people's shit, I don't act nice to those railroading me, I have no filter and tell it like it is." .. "the real ray, not the pussy Ray up in UPS where he has to kiss ass to the people who hate him." He also made a comment about kissing asses of whiney ass customers "my package is damaged, blah blah"..

He mentioned that he was tired of being treated like white trash, and being picked on by UPS. Somewhere in this he mentioned the "browns" again and getting special treatment.

He went off on a tangent saying that there was something about Baca- he just didn't trust him, and that he didn't believe his military record and he was going to check into it. He has a "criminal detector affinity in him" and he KNOWS that Ken is doing something wrong or illegal "out of that place." I made the comment to Ray about it must be nice to be loaded, and he replied "I'm not loaded- I'm not loaded"-

Ray also was discussing an occurrence that happened the day before with a friend, at 5 Guys restaurant where his friend was eating lunch. A "redneck from Pickens" was beating the hell out of his wife or girlfriend, and the situation was going to get out of control if he didn't get out of there. There was some type of altercation with the gentleman and he called 911 and left.

I don't exactly remember how the conversation turned to being faithful to spouses while serving but the conversation did turn there. Ray went into a diatribe about one of his reports coming to him after Ray advising him not to go to the local bar seeking companionship. His report asked him to go to his private barracks where he proceeded to show him his ..."you know"... which was pussy and oozing. Ray said he told his friend they needed to go see the medic. They went and saw the nurse first in which looked at the problem and said no, you need to see the doctor. The doctor came in and examined his report (Ray all the while being there), Ray said the doctor said "you have two options, the roto-rooter or the mallet" Ray then said that he told him "you don't want the roto-rooter.." so the doctor said "mallet it is." Ray proceeded to tell us that the doctor had his friend lay out his penis on the table, smashed it with a rubber mallet, and green stuff shot everywhere.

The whole lunch discussion was very fragmented and hard to follow, as it was like Ray was having 4 conversations at one time- he would jump topics, go from angry to jovial, and back to angry.

It was a very unsettling discussion to the point where I felt necessary to notify HR immediately, and we all agreed after Ray abruptly left to notify Mike Battista and Reggie Owens.

Velma Jones

GINA

Personal Statement on Courtney Ray Mitchell
Velma (Gina) Jones 7-26-13

At approximately 12:56am 7-26-13 I received a text message on my mobile phone from Mr. Mitchell. The text message stated: "I pray you have the courage to call me and accept a $80,000 offer from my attorney. Call 864 446 8700 if you go (got) the balls A Sister of mine would have. Love the Shark. By the way ship my fucking belongings to 902 Pecan Road Abbeville." This is the first contact I have received from Mr. Mitchell since the occurrences during our lunch hour on June 26th, 2013. I have attached my write up of occurrences from June to this email as well.

The events of 7-26-13:

I arrived at work at approximately 7:38am after being awake most of the night contemplating the text message from Mr. Mitchell and my next course of action. Concern of his reemergence and contact with me was very troubling in which I spent several hours in the night talking with my mother about the situation and how I would react to the possible scenarios that could potentially happen should Mr. Mitchell show up at my work or home. Immediately after arriving at work, I alerted my immediate Supervisor Michael Battista that I had received a text message from Ray during the night. I showed him the message, and he also let me know he received on as well and had already spoken to our HR Manager Reginald Owens and to see him immediately. I went to Reggie's office to show him the new developments of the situation. I ran into Ken Baca (Our Director) in which he asked me was everything ok, and I told him that I also had received a message and was looking for Reggie to see what the next steps were. After locating him, I read the message to both Ken and Reggie and was instructed to forward the message over to him for discussion with UPS Security.

I went back upstairs in which I was asked repeatedly by members of my sales team was I ok, that I looked upset and did I need anything. I was very upset but trying to maintain posture for the good of my team to not create unneeded worry. My initial reaction to the text message was anger. Angry that this man not only felt the need to send me such a message, but also fear as to what he had worked up in his mind that he had set out to accomplish with this contact. Mr. Baca conducted a site wide recognition meeting that lasted from approximately 8:00 until 8:50 am. Afterwards we had a brief team discussion that lasted approx. 5 minutes and set our team off to start their workday. I was at my desk when Derrill Bailey (one of my sales team members) came to my desk very upset. I would estimate the time to be around 9:10am. He said that he needed to speak with me privately in a closed room immediately. I stopped what I was doing and found a room to speak with him in.

Derrill was very upset and told me that he received a call from Ray around 5pm 7-25-13 letting him know that his leaf blower which had broken while Mr. Mitchell was helping Derrill cut a tree down at his home, was back working "not well" but he put some additive in the engine and it was blowing some. Derrill asked how much he owed, and

Ray told him $5.00. Derrill said that was a good price and he would get his item soon. Derrill continued to tell me that a man had showed up here right after the site meeting down stairs with his leaf blower and a package that he was instructed to give to a Mrs. Gina Jones. Derrill took the leaf blower and package after some discussion of money for delivering the leaf blower, and he came immediately up stairs to my desk. At this time Derrill handed me the package. It was a well-used envelope rolled over on its top opening with writing on the outside with a name I was not familiar with. I proceeded to open the package to see what could have he possibly sent to me. The envelope had several odd items within. A starter type check made out to cash for $50.00, A business card of Whitten's (sp) nursery, a receipt from a seven eleven gas station, a piece of a note pad from a hunt club with $80,000 Blue Cross and 401K written on it, a piece of note pad paper with Derrill's home address written on it, 3 cell phones (2 which were powered down and one that was on), 2 letters dated in June discussing trespass notice one to Ken Baca and the other to Dwight Inman, and an old concealed weapons permit from South Carolina that had been issued to Ray. My initial reaction was confusion until I saw the SC permit. The message was very clear to me- "I have a gun." Something that he stated repeatedly during the lunch incident in June. The other items were "lost" on me somewhat, but I knew there were put there for a purpose that Ray knew I would figure out. Derrill Bailey was with me in the office still while I looked through the contents. Derrill asked me immediately "Should I be worried?" In which I replied to him, I didn't think he needed to be; this was a message for me.

I took the package down to Reggie's office and showed him the contents. Sharon Mayes was in the office when I arrived with my package and Reggie poured out the contents on his desk. Sharon picked up the weapons permit and gasped saying "oh my god"- she obviously received the same message I did. I told Reggie there was a reason for everything in that packet, but I was too angry and frazzled to think it through at the moment. I left the package with him and went back upstairs to my desk to try and get my head around what all the other items meant. I thought about all the items, but one in particular stood out to me- the seven eleven receipt. I couldn't remember what was on it, so I said- it wasn't the receipt, and what kind of message would he send in the items he purchased- and it occurred to me it was WHERE the seven eleven was. I immediately went back downstairs and located Reggie in Ken's office talking to UPS Security and the contents of it. I told Ken I needed to see my package; I think I need to look at the receipt and where it came from. At this time Keith McNeel (Operations Supervisor for UPS) came into the office and Ken asked him to make copies of the contents so he could send them to corporate security. Ken instructed me to go with Keith so I could look over the contents more easily. I placed the contents on a table looking at the receipt first. I was right, the message was not the purchased items (all I could really decipher was he bought a 6 pack of Stella beer at around 1:30 am that morning) it was WHERE the gas station was. It is less than 1 mile from my mother's home. I immediately told Keith that he was at the gas station in Greenwood, SC near my mom's home and the message was- I know where your family lives. I was very disturbed by this, as I know his family is in Abbeville and nowhere in that area. At this time (shaking) I looked at the 3 phones- I told Keith I was not going to power up the 2 that were down, as I was worried what the would do. Could they have been a bomb, or a trigger, or who knows! I proceeded to look through

the cell phone that was powered up for any type of message. I told Keith I saw 6 messages alerted on the phone's screen, none that I saw anything addressed to me or meaningful to me. I listed to see if there was a voice mail, but it was a prepaid phone and said I had to buy minutes. I then gave everything back to Keith and went back upstairs contemplating the business card in the package.

After going back upstairs, I was thinking though the meaning of the business card. It was for a Tree/Plant Nursery in Anderson, SC. My rolling thoughts were- "What is he saying- I'm in a tree watching, look out for the roughage I may be there..." The message didn't seem right, so the business was pulled up on google. After looking at it for a moment, it occurred to me the LOCATION of the nursery was again the message. I said.."could he really be saying this to me?.." The location of the nursery was less than a mile from where I lived in Anderson during approx. 2001-2003. I though ok, message received Ray- you know where I've lived in the past, so you are telling me you know where I live now. Ok, direct threat- "I have gun, and I know where you and your family live." Before going back downstairs I started trying to figure out the significance of the 3 cell phones. Why were 2 powered down and 1 up? Did that mean something? –What was the deal with the leaf blower? Why was it so important to bring that here?? My next though was- "Oh my god! Could the blower have a bomb, and the cell phone be the trigger???"

I went back down stairs it Reggie's office and knocked on the door several times so he would let me in. The police office on duty with us was in his office talking on his phone describing the items of my package. I tried to whisper to Reggie that what if the blower had a bomb! What if the phone was booted up and the thing blew up in Derrill's car! Was Ray capable of that?? With his "military training" and the recent events of the Boston Bombing, I told Reggie "I know this sounds crazy, but we are dealing with crazy but we NEED to check the blower- what if it was rigged with some sort of explosive!" The officer noticed the discussion and started asking did I have something to share about the package. I explained to the officer the meaning of the receipt and business card along with the permit and what it meant to me. I then proceeded to tell him my thoughts on the blower and cell phones as crazy as it sounded what if he had it rigged and we needed to be safe, and have it looked at.

Some time during this discussion Chuck Saxon from UPS Security walked into the office where we were talking. He listened to our discussion a bit, in which I was demanding to know what I was dealing with in this situation, as I was told very little back in June. I expressed my concern for my family's safety, and all of us involved. Chuck introduced himself to me, and pulled Reggie out of the office. I continued to walk the officer though all of the occurrences that had happened over the past few weeks to get him up to speed on the situation. We discussed the lunch situation, Ray having a BBQ at his mothers house on Pecan Drive in Abbeville in which he talked about a "pig picking' for over a month, invited the team and others on the site where 4 of us showed up (including myself). I told the officer I felt the BBQ was his breaking point, and the last straw for Ray as even myself would have been offended no one showed up after my efforts. I did not elaborate then on my observation of the BBQ other than I met his two brothers, his son, and his mother. Reggie returned to the office some time during this discussion. As

we talked in general about Ray, Chuck came back into the office as well with a printout from the Internet. It had a mug shot of Ray from sometime back, with several offences on it. At this point I began to cry telling all three gentlemen at I will not be kept in the dark, I am fully involved, I expect to be kept up to speed on anything new, and I found it unacceptable to not know everything about the situation so I can protect myself and my family fully. I looked at Reggie specifically and told him- "This (pointing to the printout) is why I need to know who I am really dealing with." I regained my composure, and asked the officer one more time was he going to check the blower, and he asked where it was and to please tell Derrill don't move it from the premises.

Some notes on the BBQ in which I found disturbing:

-4 people came from UPS (Myself, Ruth Dotson, Joyce Clark, and Sawyer (off of another team on site I didn't know his last name)- it had been an ongoing "joke" on the team when folks talked about Ray they calling him "shots fired" in reference to a workplace violence video we reviewed earlier this year as a team. My thoughts were, they have picked up on his mood swings, odd discussions, gun comments, and general demeanor.

-Ray insisted on me bringing my son so he could play with his son. When I arrived, Ray immediately took me to the house where his mother and son were. He wanted to "show me Nate's (his son) play room. There was hardly anything in it! A few toys, a play phone, and a few other things. Ray wanted Cody to play there with Nate, and I found it odd, playrooms are generally full of toys. My son was not even interested in looking at the room it as so minimally stimulating for a 2 year old.

-Ray introduced me to his mother. She was very kind in her words, and expressed appreciation for me coming to the party. I took her overall demeanor as odd, she just seemed off to me, like Ray. The house looked barely furnished, an odd place for a grandbaby. Ray's mother, Ann (I believe) proceeded to tell me that Michelle ("Nate's Mother") had been calling every hour on the hour checking on her son. I asked, why would she be doing that....he's with his grandmother and father, why would she worry so much. Ray answered, "she's over protective."- I thought- ODD. Ray and I walked back outside to the building where the food was, and he thanked me for coming, and I asked him why Michelle wasn't at the BBQ (which I thought was odd) and he told me that they had given her a "spa day" for mother's day, and she wasn't very social, didn't like crowds, and they basically had to force her to relax and leave Nate there with them...another "ODD" moment.

- I asked Ray where were all the cows, I was hoping to show my son some cows, after all he had told me on multiple occasions his parents had a cattle farm, where they raised and milked cows, had horses, and other various livestock (an attempt at kinship to me and my home). He told me there were no cows, after his dad died they sold them all, and all that was left on the 100+ acres was 2 mini horses. –ODD.

-Ray insisted on me and my son having some lunch so we went inside where he had the food set out. I asked Ray where the pig was (as there was various trays of food out that he told me what each one held- some beef, some pork, some sausage)? He proceeded to go into a heated discussion on the man he ordered the pig from not doing what he asked, and he had to take food out of his storage to cook instead. Ray was visibily angry while telling me this. Also, there was no where to sit or eat. There were 2-3

chairs setup, no tables, no ice, etc all normal things at a BBQ. I thought to myself, it's a good thing no one came, they wouldn't have any where to eat! I sat on the floor and ate my plate. The whole situation was off to me, not right and unsettling.

-After eating Sawyer, Joyce, and Ruth left leaving me there with him, his son, his 2 brothers (one with girlfriend), and his mom. He insisted on taking me out to the stables so Cody could see the horses (I have horses myself, so not a huge deal for my son)- so I went. On the walk back from the Stables Ray mentioned that he wished people had just told him they weren't coming, especially our supervisor Mike as he had Italian sausage specially made for him (Mike is Italian lineage) he had all this food and no one came. I told him we were so far away; people wouldn't even come to my house if I did this, its just to far. I also asked Ray if he was feeling well, that he looked exhausted, worn out, beard coming in, and just dirty. He said he had been up all night cooking.

I was uneasy and unsettled during the whole BBQ event. After the lunch incident a few weeks later, I then realized that his wife wasn't there not because she was shy or didn't like groups of people, but because she knew something was wrong, that was why she was calling so often checking on her son- she was fearful and worried if he was ok. When the lunch situation happened, I was immediately frightened for his wife and son, worried that he would hurt them while raging. I actually considered reaching out to them to see if they were ok, but decided against, as I felt it may be overstepping boundaries, and getting me involved more than I already was.

There were no other communications from Ray on 7-26. I still do not understand the reason or message of the cell phones in the package, or the check made out to cash.

I want to be very clear. I feel threatened by Ray. I think he is fully capable of violence. I think that if he has his mind fixated on it, he will do whatever he is considering. I think he has an unstable mind that I have labeled schizophrenic in which he has adopted a military persona that is a victim. I am very concerned for the safety of my managers, my co-workers, myself and my family. I feel he has changed his focus from Dwight Inman and our leadership team from the lunch, to the leadership team and myself. I feel that he has targeted me because he "confided" in me multiple times, related to me, and thinks that I offer the biggest betrayal of everything due to this and my reporting of his actions and statements during the June lunch episode.

I make this statement based on what I believe is true as it happened.

Please see 2nd attachment for the lunch situation statement that I made to both UPS and Greenville Police.

Regards,

Velma C. Jones

UPS Inside Sales
204 Halton Rd.
Greenville, SC 2907

DWIGHT INMAN AND RECEIVED LETTER USPS

To Whom It May Concern:

Today 6/21/2013 I went to lunch with a group of people that included Scott Brown, Gina Jones, Michael Leonard at which time we were met by Ray Mitchell. I was aware in advance that Ray would be joining the group for lunch. He had texted Gina that he wanted to join and she had asked the group if it would be ok. I had no objections. We met Ray at The Olympian at approximately 12:00pm. Ray was already seated.

Once we arrived for lunch Ray greeted the group and seemed very calm. We sat down and ordered our drinks from the server Karen. After ordering the drinks conversations at the table began to spring up. Ray's voice started to grow louder and more intense with every moment that passed. I noticed he seemed to be using foul language more than usual. Examples: Fuck, shit, god dammed. Ray told a couple of stories about him not being at work including an incident that occurred when he tried to take his truck in for repairs. This incident involved him and a friend of his that works for the dealership. Ray said that while his truck was being worked on him and his friend went to eat at Five Guys which was across the street. Gina interjected laughingly that would ruin Ray's special diet which Ray had alluded to earlier. Ray quickly said "Oh I just had water." He then proceeded to tell us about a "piece of shit redneck" that was beating up his wife at the restaurant. Ray said this continued out into the packing lot where the "piece of shit" blocked in his car. Ray told us that he confronted the man and told him to move his vehicle or there would be trouble. To the best of my recollection I believe Ray threatened to or actually said he called the cops to get the guy to move his vehicle. None the less the man moved his truck. Ray went on to say that he almost had to get his 45 out referring to a gun.

Ray asked me if I had gotten my container that I used to make him bbq sauce for his cookout. I told I had not. He said "I don't know why I took/left the fucking thing up to the break room."

Ray told Gina that he could not drive over 1 hour each day because of doctors orders. I jokingly said "Well Ray that's only about 15 miles with the way you drive." Ray quickly changed his attitude and said "Well at least I don't drive like a NY city cab driver. All we need to do is put a turban on your head and we could call you Seamier. Damn carpet riders."

Ray then turned his attention to UPS and our office in particular. At this point the conversation became very uncomfortable. Ray made a couple of racial comments about the "browns" and how they got away with everything. Ray told the group that he was tired of being treated poorly by management. He thought he had been lied to about the job description. That he hated sales and was not good as a salesman. We asked why he had chosen the job and he exclaimed that he was told it was the fastest way to get into management. He claimed if he had stayed in operations he would be management by now. He said he liked operations because it was "military like". You had a certain way do something and you did it. Sales was all over the place. "You were told to do this bu

then it might be like this and then there's this that might make you do it this way." While he was making this jumbled up statement he motioned as if he were typing on a keyboard.

He then turned his disgust towards the management team to be precise Reggie Owens, Sharon Mayes, and Ken Baca. Ray told us of his dislike for Sharon who he referred to as "Big Momma" and "Madea." Ray claimed "Sharon couldn't manage puppets or her way out of a box/paper bag." He said is goal was to have Ken Baca carried out in a box which he quickly corrected himself to mean he said "with his stuff in a box." meaning Ken's personal items. He mentioned that fact that he had a file he had been keeping on management and used his fingers to demonstrate how thick it was. Showing everyone at the table a thickness of about two inches. He said he was going to "Atlanta" with this file. I took this to mean the corporate office.

Ray then out of nowhere mentioned that he had bought a new gun. I asked Ray what type of gun. He perked up and stated "The gun of all guns". "A military sniper riffle." I don't remember the type but he did state it. I quickly withdrew from the conversation. Others later stated that he also mentioned armor piercing bullets.

Gina tried to change the subject and mentioned to Ray that I have had a hurt foot. Ray very quickly replied "Well Dwight's a pussy!" I told Ray "Well Thanks!" and again turned my attention away. Ray went on the say "Oh I didn't mean it that way."

Ray mentioned to the group that he was going to go look at getting a 4 inch lift on his truck and a tonneau cover.

At this time I got up to use the bathroom. The conversation continued. When I came back Ray had turned that conversation to something about one of his military friends having an STD. this conversation was quickly changed. The only part of the conversation that I caught was the cure included smashing the person's penis with a hammer. We finished up our meals and the waitress asked if we needed our checks. We said yes and she returned with them. No sooner had she laid them on the table Ray got up and said he was leaving very abruptly. Everyone at the table mentioned that it was peculiar how quickly Ray left. Scott went on to say that as Ray was leaving he said "Love you guy's." I did not hear this.

Ray left the establishment and we discussed the fact that we needed to go to HR to alert them of his actions. We paid our checks headed back to the office and talked to Reggie and Ken.

The above account is to the best of my memory and in the correct order of things that happened. Some of the items might be out of chronological order.

Dwight Inman

Your honor,

I, Ken Baca request your consideration.

On the afternoon of June 21, 2013, I was made aware that Courtney Ray Mitchell had made a threat on my life. Courtney Ray Mitchell indicated to four individuals that he owned a military grade sniper rifle with armor piercing bullets and he intended to have Ken Baca carried out in a box. This conversation was witnessed by four credible UPS sales executives who worked on the same sales team with Courtney Ray Mitchell before Courtney went out on disability. There are write ups from each individual that describe Courtney's statement and much more.

Greenville, Detective Cothran was assigned to the case and based on Courtney Ray Mitchell's previous behavior and record, his threats were considered credible and a warrant for Courtney Ray Mitchell was issued on June 25, 2013. Courtney Ray Mitchell spent several days under evaluation at a Columbia hospital. The days Courtney was in mandatory evaluation were a few of the restful days I (my family) have had since he was released on July 16, 2013.

June 21, 2013, was a normal work day that turned into a day in which we now place two armed police officers at our work entrance and a have roving patrol in the parking lot because of Courtney Ray Mitchell threats against me and other coworkers. We have adjusted schedules for safety reasons and taken precautions for our employees.

At the lunch mentioned above Courtney Ray Mitchell suggested he was tired of the ni--ers, rag heads and brownies. He indicated he was proud to be a real southern man.

On June 21, 2013, my personal and professional life changed. I have been employed with UPS for 26 year and had never worried about a threat on my life, however, I have to worry each day about the threat now. I constantly worry about my three children and my wife. For several days, my kids stayed at different homes with friends. We created a special emergency plan at home; and for kids at the innocent age of 17, 15, and 11 they should not have to worry about the color and make of vehicles in their neighborhood and a photo of strange man. My family understands they must remain vigilant because a person has threatened their dad's life. This entire ordeal has been overwhelming, stressful and overall a strain on our family. And I do fear for myself and family, this real.

I worry each day as I am responsible for approximately 254 employees and their safety. I have varied my route to and from work and continue to look over my shoulder as do many of our employees.

Recent events:

On July 25 and 26, 2013, Courtney Ray Mitchell made contact via text and email with three UPS employees. The texts and emails were rambling and yet very alarming. In one Courtney suggested that Atlanta, where our corporate office is, needs to watch the news in Greenville. Courtney mentions to one person as "you yankees", etc.....

At approximately 9:07AM on Friday, July 26, 2013, a package was delivered to our office. It is believed that the individual who delivered the package was related to Courtney Ray Mitchell.

Although I have felt threatened, today really created an anxiety and level of fear that I had not yet experienced. After receiving the package and contents I immediately called my wife, and the kids left the home until I arrived at approximately 6:30PM.

In the package were:

- Two letters, one addressed to me and one to Dwight Inman basically letting us know that we were placed on Trespass notice on his properties
- A receipt from 7 - 11 at 1:37am in Greenwood SC (2550 HWY 25 S)
- A note written on a North American Hunting Club note. Written on the note was $80,000, Blue Cross and Blue Shield and 401K
- A paper with an address and phone number
- Three cell phones
- A check for $50 written for cash
- A Courtney Ray Mitchell's Concealed Weapons Permit

Opening and seeing these items and wondering the meaning of each reinforces my fear that Courtney needs help and could hurt someone. His most recent behavior of sending intimidating, rambling and confusing messages when he has been directed not to contact any UPSers make my rationalization of the fear and worry real.

I am afraid and have kept my family indoors and would like to ensure Courtney gets help before he hurts, kills or impacts Greenville and the community.

As recently as today information surfaced that Courtney Ray Mitchell was arrested in Davises County, Kentucky in December of 2008 for Terroristic Threatening. I feel immediate action is required.

Thank you for your consideration.

Sincerely,

Ken Baca

MAYES SHARON R. (MCH1SRM)

From: Battista Michael (BZZ5MXB)
Sent: Monday, June 24, 2013 9:10 AM
To: Baca Ken (tpa1kxb); OWENS REGGIE (mpn1rxo); MAYES SHARON R. (MCH1SRM); Mcneel Keith (FMM1KMN)
Subject: Ray Mitchell Texts

These are the 2 texts I received from Ray. I did not reply to either.

Received Friday 10:pm
Mike Dwight Inman is now on trespass on Mitchell land. He will be sued by me and a restraining order placed. Thought you should know. I will never return to Halton Road. Take care and God bless you.

Received Sat 8:17pm
Mike, hope you are having a great weekendI wanted to tell you I turned in my badge to the Greenville Sheriffs office. We went to the Dr. as a couple on Friday and Michelle has to have major surgery. We had to cancel the VA trip as we were denied benefits because they think my condition is genetic. We had an awesome day here playing with my son. I hope you are well and your family is doing well. You are my friend and we will keep you in our prayers.

Sent from my Verizon Wireless BlackBerry

OWENS REGGIE (mpn1rxo)

.m: MAYES SHARON R. (MCH1SRM)
it: Tuesday, July 30, 2013 7:57 AM
To: OWENS REGGIE (mpn1rxo); Wilmore Cynthia Ann (SKV6BLW)
Subject: Statement of Concern about Courtney Ray Mitchell

Reggie,

I am afraid Courtney is dangerous. He sent Gina Jones my Coach a note which had his permit picture to carry a concealed weapon, receipts purchased near her or family members and scared her to tears. He contacted my Supervisor Michael Battista and his AE Matt Buffington all over last 3 days. It is clear, he is getting more aggressive and something must be done.

I fear my safety each day I am going in and out of work. I am in fear he will retaliate against me and the staff here. I'm so concerned I am getting a restraining order. I should not have to live this way and my team being stalked by Courtney Ray Mitchell.

Thanks,
Sharon

Sent from my iPad

Sharon Mayes
Manager, Inside Sales
864.213.8907
0 PICK UPS Customer Service
.8.553.1118 Technical Support
.ayes@ups.com
thenewlogistics.com

Decision Green℠ - Consider the environment before printing this e-mail.

UPS. WE ♥ LOGISTICS

Reggie

I, Reginald Owens, UPS HR Manager for the Inside Sales Division, do hereby give freely and voluntarily this statement to Sergeant G.S. Rhinehart an officer of the Greenville Police Department.

On Friday June 21,' 2013 four Inside Sales employees came into my office to tell me about a conversation they had with Courtney Ray Mitchell at a local restaurant. The four employees were Velma Jones (Inside Sales Lead Sales Representative), Michael Leonard (Inside Sales Representative), Dwight Inman (Inside Sales Representative), and Scott Brown (Inside Sales Representative). When they entered my office, I was on my way out and they looked very concerned and demanded that I said back down to listen to them. By the tone of their voices and facial expressions it was evident they were very upset and disturbed. The group told me that they were very worried about the personal safety of Ken Baca (Director of Sales), Sharon Mayes (Sales Manager) and me. I asked them to tell me what they where talking about because all of them were talking at the same time. They stated that Mitchell had made threatening, racist and derogatory remarks toward the Ken Baca (Hispanic male), Sharon Mayes (Black female) and me (Black male).

The group stated they had gone to lunch with Mitchell and he said the following during their lunch:

- He was pissed off at Ken, Sharon and Reggie.
- That everyone above Mike Battista (Mitchell's supervisor) was trash, lairs and shit in his book.
- He had no use for liars and would take care of that for us (inferring the people he had lunch with).
- The lazy, fat nigger woman (referring to sales Manager Sharon Mayes) had pissed him off because she blocked his move back to operations.
- He said that I was a lying nigger for the same reason.
- He said that Sharon, Ken, and me had prevented him from applying for and getting a Security job in the district.
- Mitchell said that his immediate mission and cause was to take Ken out in a box and then he said he would see Ken taken out of here with his belongings in a box by security.
- He said that he had purchased a military grade sniper rifle and armor piercing bullets.
- He said in the weeks' prior that he had purchased other weapons such as handguns and mentioned some other type of rifle (the group did not recall specifically).
- Mitchell said that he was now "Rebel Ray" the country redneck.

After hearing these remarks I felt very threatened and was also extremely concerned for the safety of Sharon and Ken and for the site. For obvious reasons, I also was very concerned about the safety of our families. With my understanding of Mitchell's background in the military, I felt he was very capable of carrying out these threats.

Ken and I escalated this matter to our corporate office and they agreed that these comments were threatening and advised us to contact local authorities. That day, the decision was made by security, Corporate HR, and us to close the site early and send people home. The Greenville police come on site and interviewed each person that had lunch with Mitchell. Over the course of the next two weeks we had three off duty officers on site. As a worksite, we have never had police presence at the site and this presence caused our employees to be concerned about their safety. July 8 through July 21 we had two offices on site and as of July 22 we had one officer on site.

Prior to this incident I had talked with Mitchell four or five times to discuss issues about his job performance, his family, and his health. During these conversations I recommended training from the training department (which he received) and that he seek medical attention.

His manager (Sharon Mayes) also set a training program for Mitchell.

Mitchell talked to me about wanting to be an operation supervisor and security supervisor and that he wanted to know why he was not able to apply for those positions and I explained that with a significant improvement needed rating on his QPR he would not be able to apply for another position. I explained that once his performance improved he would be able to apply for a position.

On May 21, 2013 Mitchell, Mayes, Battista and I met to discuss Mitchell's request for less responsibility within the Inside Sales Division. He told me that he was losing feeling in his hands and legs and was not able to feel the keyboard. Mitchell stated that the VA hospital told him he had nervous damage in his back that would eventually cause him to lose the use of his hands and legs. He said his condition was caused from being blown back an explosive device, an IED, in Iraq. I recommended going through the ADA process and called the HR Service Center who stated that they had sent the ADA information to Mitchell's home address. Mitchell never submitted this paperwork back to the to the HR Service Center for processing.

On June 11 Mitchell went on disability and he is currently on this approved leave of absence.

On Tuesday July 23, Mitchell texted Mike Buffington, a UPS Account Executive that he worked with. Mike works in Harrisburg, PA. Mike contacted a Lead Rep in Greenville to let us know and to ask why he would be contacting him.

On Thursday July 25 our District Security Manager called Mr. Mitchell to tell him to stop contacting UPS employees because it was making them uncomfortable.

On Friday July 26 at 12:53 a.m. Mitchell sent two texts to Michael Battista making threats to our corporate office. Those texts said if you would please have Reggie have Atlanta call my attorney. Remember the time I wanted to call UPS Security and you advised me not to. Atlanta will watch the news boy does this educated SSC with PPSD

have a story to tell about the mighty UPS that betrayed him and cost his wife and son! He also sent a text to Gina Jones at 12:56 a.m. saying I pray you have the courage to call me and accept an $80,000 offer from my attorney. Call 864-446-8700 if you go the balls a sister of mine will have love the shark. By the way ship my fucking belongings to 902 Pecan Road, Abbeyville.

On Friday July 26 around 9:00 a.m. Mitchell had a package and a blower (like a small leaf blower) dropped off at the site. The package was for Gina Jones and was given to me by Ken Baca at 9:40 a.m. The contents of the package were three cell phones, a check for $50.00 made out to cash, a no trespass notice for Dwight Inman, a second no trespass letter for Dwight Inman but addressed to Ken Baca, a note with $80,000, Blue Cross & Blue Shield, and 401k written on it, a note with another employee's address written on it (Derrill Bailey, the employee who apparently owned the blower), a receipt from 7-Eleven, a card from Whitten's nursery and a copy of his expired Concealed Weapons Permit.

I have been working for UPS for 36 years and have worked in multiple facilities including in the inner cities of Philadelphia and Chicago. In all my years, I have never felt intimidated or threatened however this employee has changed that. I was initially very concerned when he made the threats at the lunch in June but when I opened that package and saw that Concealed Weapons Permit I really felt my life, and the life of my family was in danger. Courtney Mitchell had threatened and intimidated me for a second time. In reading his text messages to Mike Battista it appears to me that he blames me for the loss of his wife and child and wanted me to get the message that he was willing to harm me and/or my family.

6-24-2013

Mr. Ken Baca
204 Halton Road
Greenville, SC 29627

Mr. Baca:

Due to Mr. Dwight Inman feeling it necessary to give the City of Greenville false information that led them to come to my residence of 1020 Providence Church Road Anderson, SC 29626 I am forced to place you on Trespass notice for 1020 Providence Church Road Anderson SC 29626 and my mother's residence of 902 Pecan Road Abbeville, SC 29642. You are not to call me, Courtney Ray Mitchell, Susan Michelle Walters Mitchell or Nathan Alexander Mitchell a minor child. No contact with the Mitchell family will be tolerated by email, Snail mail, writing or oral communication. My lawyer and law enforcement will be in touch soon.

Sincerely;

Courtney "Ray" Mitchell

6-22-2015

Mr. Dwight Inman
204 Halton Road
Greenville, SC 29627

Mr. Inman:

Due to your feeling it necessary to give the City of Greenville false information that led them to come to my residence of 1020 Providence Church Road Anderson, SC 29626 I am forced to place you on Trespass notice for 1020 Providence Church Road Anderson SC 29626 and my mother's residence of 902 Pecan Road Abbeville, SC 29642. You are not to call me, Courtney Ray Mitchell, Susan Michelle Walters Mitchell or Nathan Alexander Mitchell a minor child. No contact with the Mitchell family will be tolerated by email, Snail mail, writing or oral communication. My lawyer and law enforcement will be in touch soon.

Sincerely;

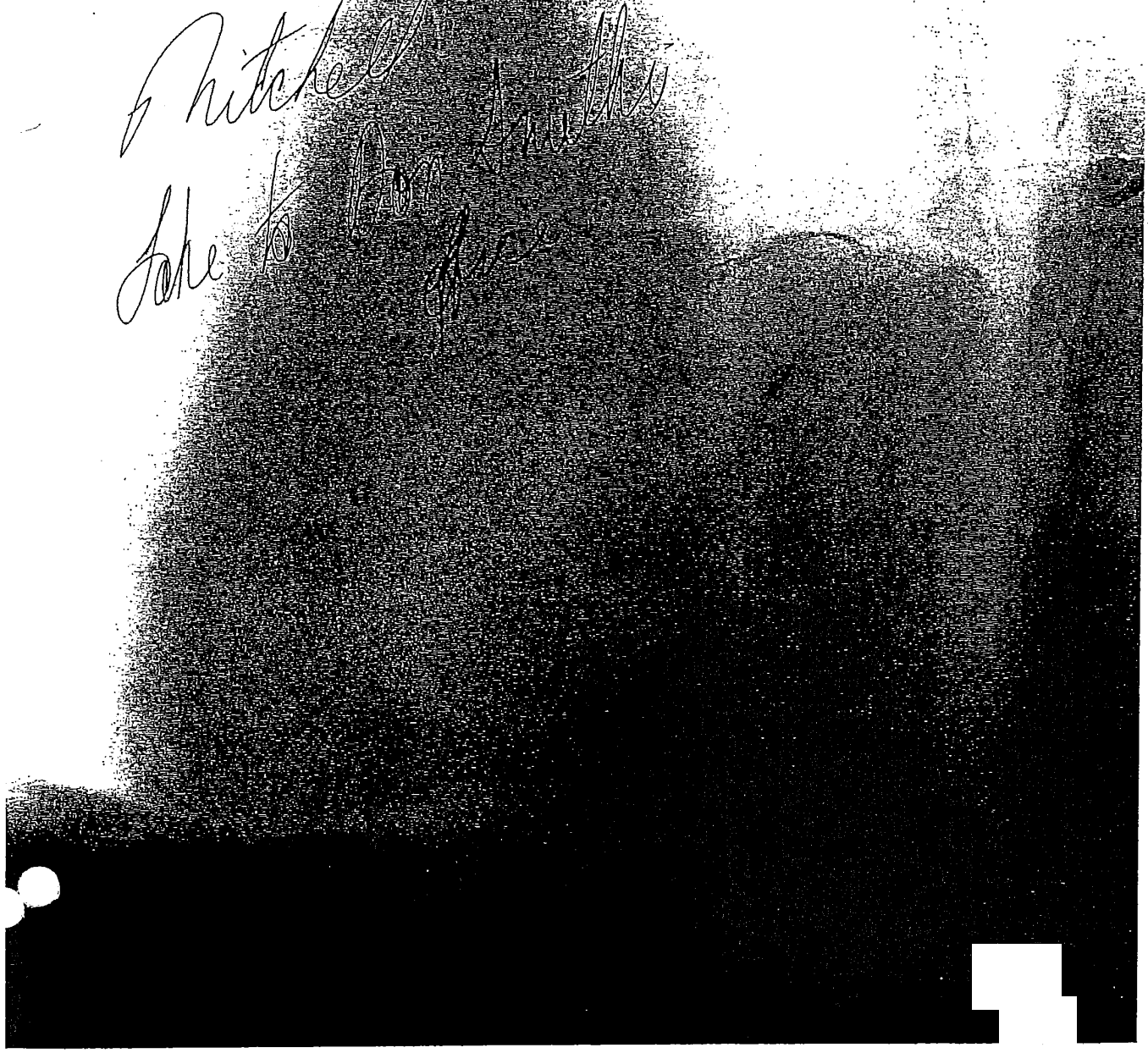
Courtney "Ray" Mitchell

DELIVERED IN ENVELOP

FRIDAY JULY 26

THREATENING
STATES
WITNESS

Believe Clem BROTHER



THIS SIGNED CWA NEXT MONTHS HOME

7-ELEVEN
2550 HWY 25 S
GREENWOOD SC 29649
8649427150
STORE#: 36862
THANKS FOR SHOPPING
7-ELEVEN

1	Groc Tax F	1.69B
1	StellaArto6pk11.2z	9.99T
1	Sundrop 20z Lse	1.29F
1	BigMamaPckldSeg2.4z	1.49F
1	Blu Dspsbl Clsec Tbc	9.99T
1	CASHBACK	10.00
SUBTOTAL		34.45
SALES TAX ON 21.67		1.30
TOTAL DUE		35.75
CASH		10.00
DEBIT		25.75

ACCT#: **********3376
ACCT TYPE: DDA
APPROVAL #: 191578
AUTH CODE: 0
FIG/Honor
STORE#: 36862
TERM#: 00073666201 08
TERM SEQ#: 955353
REF# : 95000 16 022 7
APPROVED

CUSTOMER AGREES TO PAY THE ABOVE
TOTAL AMOUNT ACCORDING TO THE CARD
HOLDERS AGREEMENT

CHANGE 10.00

TRY OUR DELI CENTRAL SANDWICHES
AND DELICIOUS ENTREES
1 OP16 TRN8301 07/26/2013 01:37 PM

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Cross 29650

1-800-922-4868

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Blue Cross +
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1804 Whitehall Road
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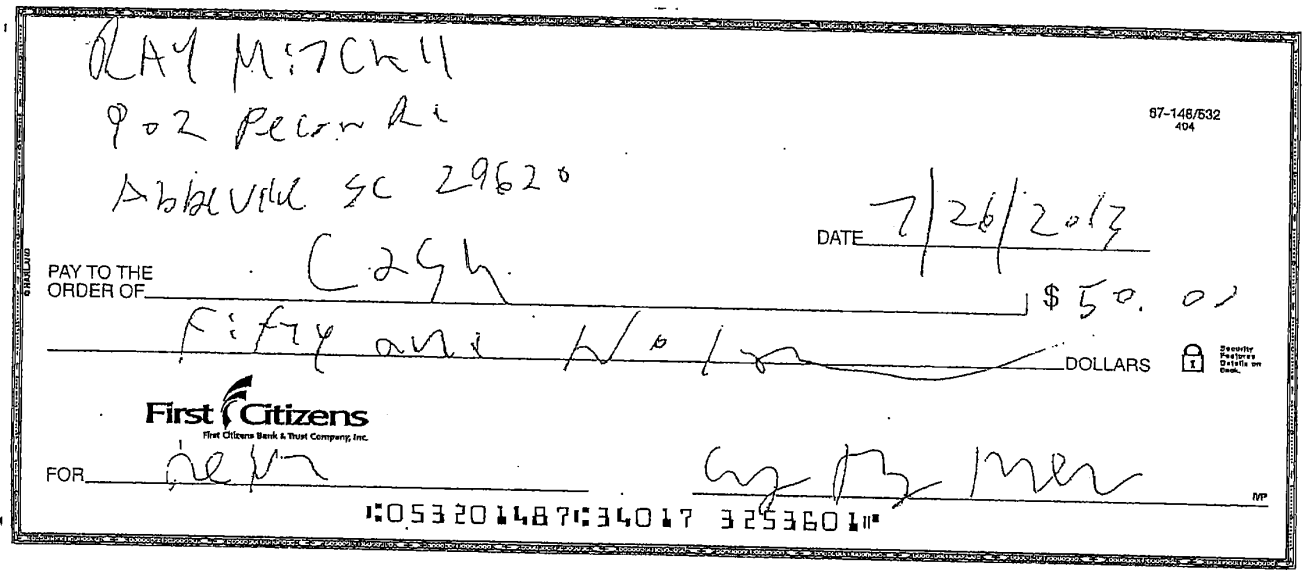
RAY MITCHELL
902 Pecan Dr
Abbeville SC 29620

67-148/532
404

DATE 7/26/2017

PAY TO THE ORDER OF CASH $ 50.00

Fifty and 00/100 DOLLARS

First Citizens
First Citizens Bank & Trust Company, Inc.

FOR help

:053201487:34017 3253601:

ALCATEL
at&t
verizon

Hannellite
Vac Attack

Plugins

#	Name	Author	Version
1	UFED Logical Report Reader	Cellebrite	2.0
2	Physical Analyzer Report Reader	Cellebrite	2.0
3	ContactsCrossReference Cross references the phone numbers in a device's contacts with the numbers in SMS messages and Calls. Will fill in the Name field of calls and SMS if there's a match.	Cellebrite	2.0
4	DataFilesHandler	Cellebrite	2.0

Contents

Type	Included in report
SMS Messages	1
Inbox	1
Phone	1

SMS Messages (1)

Inbox (1)

Phone (1)

#	Party	Time	Status	Message	Del?
1	⇐ +18645564467	7/25/2013 11:56:42 PM(UTC-5)	Read	I pray you have the courage to call me and accept a$80,000 offer from my attorney, Call 864 446 8700 if you go the balls A Sister of mine would have. Love the Shark. By the way ship my fucking belongings to 902 Pecan Road Abbeville	Intact

Plugins

#	Name	Author	Version
1	UFED Logical Report Reader	Cellebrite	2.0
2	Physical Analyzer Report Reader	Cellebrite	2.0
3	ContactsCrossReference Cross references the phone numbers in a device's contacts with the numbers in SMS messages and Calls. Will fill in the Name field of calls and SMS if there's a match.	Cellebrite	2.0
4	DataFilesHandler	Cellebrite	2.0

Contents

Type	Included in report
SMS Messages	2
Inbox	2
Phone	2

SMS Messages (2)

* These details are cross-referenced from this device's contacts.

Inbox (2)

Phone (2)

#	Party	Time	Status	Message	Del?
1	8645564467 (Work) Ray*	7/26/2013 9:33:47 AM(UTC+0)	Read	If you would please have Regie have Atlanta call my Attorney Remember the time I wanted to call UPS security and u advised me not to? Atlanta will. Wat	Intact
2	8645564467 (Work) Ray*	7/26/2013 9:33:49 AM(UTC+0)	Read	ch the news. Boy does this educated SFC with PTSD have a story to tell about the mighty UPS that betrayed him and cost his wife and son!	Intact

26th
MONDAY 1, A.M

Baca Ken (tpa1kxb)

From: OWENS REGGIE (mpn1rxo)
Sent: Friday, July 26, 2013 8:28 AM
To: BARBER GREGG A. (STL1GAB); Grover Jim (mnj3jxg); Baca Ken (tpa1kxb); Hong Dena (WMM1DRK)
Cc: OWENS REGGIE (mpn1rxo)
Subject: Mitchell texts

Gregg,

Belong is the Text message that Mitchell sent to Velma Jones (Sales Coach) this morning.

Text #1
Fwd:I pray you have the courage to call me and accept a$80,000 offer from my attorney. Call 864 446 8700 if you go the balls A Sister of mine would have.
Lo

Reggie

Reginald Owens
Human Resources Manager
Inside Sales

864.213.8904
864-213-8965 fax

800 PICK UPS Customer Service
888.553.1118 Technical Support

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rowens@ups.com
thenewlogistics.com

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TEXTS SENT TO COACH AND SUPERVISOR

Baca Ken (tpa1kxb)

From: 6302671501@messaging.sprintpcs.com
Sent: Friday, July 26, 2013 7:31 AM
To: OWENS REGGIE (mpn1rxo)
Subject: 1/2

Fwd:Reggie this Battista looks like I got a tex from Ray about 1am this morn that I'm forwarding to you, he is rambling and wants you to ca

Next
Ray

Baca Ken (tpa1kxb)

From: 6302671501@messaging.sprintpcs.com
Sent: Friday, July 26, 2013 7:31 AM
To: OWENS REGGIE (mpn1rxo)
Subject: 2/2

Il Corp to call his lawyr

Baca Ken (tpa1kxb)

From: 6302671501@messaging.sprintpcs.com
Sent: Friday, July 26, 2013 7:32 AM
To: OWENS REGGIE (mpn1rxo)

Fwd:ch the news. Boy does this educated SFC with PTSD have a story to tell about the mighty UPS that betrayed him and cost his wife and son!

Baca Ken (tpa1kxb)

From: 6302671501@messaging.sprintpcs.com
Sent: Friday, July 26, 2013 7:32 AM
To: OWENS REGGIE (mpn1rxo)

Fwd: Atlanta will. Watch the news.

American Services, Inc.

June 30, 2006

On June 28, 2006, Courtney Ray Mitchell authored and presented a letter of resignation (see attached) to Colonel Dwight Porter, the American Security site supervisor of Palmetto Baptist. The next day, June 30, 2006, Mitchell and Colonel Porter had a disagreement at Palmetto Baptist concerning a training class that Mitchell was trying to set up for Palmetto. Mitchell decided it would be better if he went ahead and resigned immediately without completing his 2 week notice.

Colonel Porter accepted his immediate resignation and contacted me to advise me of the situation.

Ricky L. Pruitt
President, Anderson Division
American Services, Inc.

JUNE 28, 2006

DWIGHT PORTER
COLONEL "AMERICAN SECURITY"

DWIGHT:

It has been a pleasure working with you these past months. Yet it is time for me to go. I re-enlisted with the regular Army on Monday. This is my two week's notice. I am looking forward to spending the rest of the time with you and the rest of the staff.

Sincerely;

Ray Mitchell

Cc: Ricky Pruit / Betsy Wetzel

The University of South Carolina

Let it be known to all

That the Board of Trustees by virtue of authority vested in it by the State of South Carolina upon recommendation of the Faculty of the

Spartanburg Campus

has conferred upon

Courtney Ray Mitchell

the degree of

Bachelor of Arts in Interdisciplinary Studies

together with all the rights, honors, privileges, and responsibilities to that degree appertaining.

Given at Spartanburg, South Carolina this 6th day of May in the year of Our Lord one thousand nine hundred and ninety-five and in the one hundred and ninety-fourth year of the University's founding.

South Carolina Department of Probation, Parole and Pardon Servi
Personnel Action Transmittal - Separation

For Agent Staff	Are you going to be employed by a South Carolina City, County or State Entity? ☐ Yes ☒ No If yes, with what Agency:

EMPLOYEE

NAME	SOCIAL SECURITY #
Mitchell, Courtney Ray	[redacted]

STREET ADDRESS (Current or Forwarding)	CITY	STATE	ZIP
735 N. Main Street Apt. 107	Mauldin,	SC	29662

TITLE	LOCATION
Probation and Parole Agent Entry	Spartanburg

SEPARATION CHECKLIST

☐ LETTER OF RESIGNATION WITH FORWARDING ADDRESS

☐ LETTER OF RESIGNATION ACCEPTANCE

RECEIVED
JUN 1 1998
HUMAN RESOURCE OFFICE

☒ LAST DAY ON PAYROLL: May 28, 1998

☒ ENDING TIME ON PAYROLL: 10:00 A.M.

☒ EMPLOYEE WILL RETURN DEPARTMENT PROPERTY PER POLICY: Keys, Badge, ID Card, Phone Card, Safety Equipment etc.

INITIALS (AIC/SUPERVISOR) Acc

☐ ANNUAL LEAVE TO BE TAKEN IN LIEU OF BEING IN THE OFFICE. N/A

IF APPLICABLE, PLEASE INDICATE THE DATES OF THE LEAVE.

FROM:	TO:

☐ LEAVE SLIPS HAVE BEEN COMPLETED AND SENT IN

SEPARATION CODES

CHOOSE APPROPRIATE CODE

☐ 01 Personal	☐ 08 Full Retirement	☐ 21 Reduction in Force
☐ 02 Different Job- Same State Agency	☐ 09 Early Retirement	☐ 22 Job Was Eliminated
☐ 03 Different Job- Different Agency	☐ 10 Disability Retirement	☒ 23 Misconduct
☐ 04 Employment Outside State Government	☐ 11 Never Reported for Work	☐ 24 Substandard Performance
☐ 05 Moved out of Job Area	☐ 12 Never Returned from Leave without Pay	☐ 25 Failure to Update Credentials
☐ 06 Returned to School	☐ 13 Declined Job Offer	☐ 26 Patient or Client Abuse
☐ 07 Military Service	☐ 20 Termination of Temporary Contract	☐ 27 Deceased

Form 1158 (Stock) Revision A Revision Date 12/11/1997

State of South Carolina

Department of Probation, Parole and Pardon Services

DAVID M. BEASLEY
Governor

STEPHEN G. BIRNIE
Director

2221 DEVINE STREET, SUITE 600
POST OFFICE BOX 50666
COLUMBIA, SOUTH CAROLINA 29250
Telephone: (803) 734-9220
Facsimile: (803) 734-9440

May 28, 1998

Mr. Ray Mitchell
Probation and Parole Agent
S. C. Dept. of Probation, Parole, and Pardon Services
180 Library Street
Spartanburg, South Carolina 29306

Dear Mr. Mitchell:

Re: Dismissal

This correspondence is to officially notify you that your employment with the South Carolina Department of Probation, Parole, and Pardon Services is terminated effective on 5-28-98. As you were informed upon initial hire, you entered state employment under a one (1) year probationary period.

This dismissal is based upon your violation of Personal Conduct Offense Nos. 25 and 27 of the Department's Progressive Discipline Policy #205 as follows:

VIOLATION # 1: Subsequent to the episode over use of the state car, you participated in an intimidation episode where you stood in front of Mr. Michael Floyd and Mr. Anthony Vitale stood behind Mr. Floyd. During this episode you used profanity toward Mr. Floyd that was, in my assessment, meant to intimidate Mr. Floyd, as evidenced by the positions of you and Mr. Vitale. This was intended to be in retaliation for Mr. Floyd not giving Mr. Vitale the state car keys. Although, you did not participate in the profanity in the episode over the keys, you were an active participant in searching for the keys and providing moral support for Mr. Vitale. Rather than distancing yourself from this conduct, you became directly involved and proceeded to curse and intimidate Mr. Floyd.

Although this incident occurred after conclusion of the night fire portion of agent safety training on April 21, 1998, you were acting at the academy as an employee of the Department and

representative of the Department. This conduct was totally unprofessional and unprovoked by Mr. Floyd. This would clearly be interpreted by Mr. Floyd as threatening.

VIOLATION # 2: After Mr. Floyd left the room following the intimidation exercise, you and Mr. Vitale locked Mr. Floyd out of his room for between 10 and 40 minutes. In addition, you and Mr. Vitale removed Mr. Floyd's bed linen, stood his mattress against the wall and removed the insoles from Mr. Floyd's shoes.

As in the first violation episode, this occurred after conclusion of the night fire portion of agent safety training on April 21, 1998. Again, you were acting at the academy as an employee of the Department and representative of the Department. This conduct was totally unprofessional and unprovoked by Mr. Floyd. Also, this is conduct totally unbecoming of an employee of this Department.

For the reasons stated above, your employment is terminated. You are required to turn in immediately all Department property, credentials, badge and keys issued to you. The Department Human Resource Office will be in touch with you regarding out processing matters.

You do not have any grievance rights because you are a probationary employee.

Sincerely,

Raquel Martinez
Probation and Parole Supervisor I

Charles Michaels
Probation and Parole Supervisor II

Anna C. Cash
Agent in Charge

Gene Sewell
Regional Director - Appalachian Region

CC: Ms. Ann Hyde, Assistant Deputy Director for Field Services
Mr. Ellsworth Hester, Assistant Human Resource Director

NOTICE OF EMPLOYEE SEPARATION

INSTRUCTIONS

Immediately upon the separation of any employee, record completely and accurately the information requested herein, and forward this form to R. E. Harrington, Inc. at the mailing address provided below.

IDENTIFICATION

NAME Courtney Ray Mitchell

SOCIAL SECURITY NUMBER [redacted]

FIRST DAY WORKED 1/26/98

LAST DAY WORKED 5/28/98

JOB DESCRIPTION Probation Agent

CETA FUNDED ☐

OTHER SPECIAL FUNDS

REASON FOR SEPARATION (check one and explain under remarks)

01 - LACK OF WORK

0100 No other information
0101 Reduction in force
0102 Job eliminated
0103 Reorganization
0104 End of temporary employment
0107 End of seasonal employment
0106 Project terminated
0111 Partially unemployed/reduced hours
0118 Temporary

02 - QUIT

0200 Reason unknown
0201 Abandoned job
0202 Walked off job
0203 Did not return from leave
0204 Did not return from draft
0205 Personal—not job related
0206 School
0207 Marriage
0208 Relocate
0209 Family complications
0210 Unable to obtain babysitter
0211 Transportation
0212 Accept another job
0213 Go into own business
0214 Illness
0215 Pregnancy
0216 Enter military
0217 Dissatisfaction—work hours
0218 Dissatisfaction—salary
0219 Dissatisfaction—working conditions
0220 Dissatisfaction—promotion/job review
0221 Dissatisfaction—supervision
0222 Dissatisfaction—personal

03 - DISCHARGE

0300 No other information
0301 Incompetence
0302 Violation of rules or policies
0303 Violation of safety rules
0304 Reported under influence of alcohol
0305 Reported under influence of drugs
0310 Destruction of property—willful
0311 Destruction of property—carelessness
0312 Fighting
0313 Leaving work station
0314 Falsification of employment application
0315 Dishonesty—theft/cash returns
0316 Dishonesty—unauthorized removal of property
0317 Dishonesty—monetary theft
0318 Dishonesty—other
0319 Absenteeism—unreported
0320 Absenteeism—excessive and/or unauthorized
0321 Tardiness—frequent
0322 Excessive garnishments
0323 Quality of work
0324 Quantity of work
0325 Poor performance
0326 Probationary—not qualified for job
0327 Poor judgement—not responsible
0328 Lack of technical knowledge
0329 Inability to work—illness

04 - LABOR DISPUTE

0400 No other information
0401 Member of striking union
0402 Refused to cross picket line
0403 Strike—other union
0404 Unspecified strike

05 - LEAVE OF ABSENCE

0500 No other information
0501 Illness
0502 Maternity
0503 Injury—work connected
0504 Injury—not work connected
0505 Military
0506 Family obligations
0507 Personal
0513 Illness or disablement
0514 Other

06 - RETIREMENT

0600 No other information
0601 Voluntary—with pension
0602 Voluntary—without pension
0603 Compulsory—with pension
0604 Compulsory—without pension
0611 Involuntary—with pension
0612 Involuntary—without pension
0615 Disability—job related
0616 Disability—not job related

08 - MISCELLANEOUS

0800 No information whatsoever
0801 Refused to work
0804 Disciplinary suspension
0808 Death

REMARKS Verbal fighting during Training Dept. decided to terminate.

CERTIFICATION

DATE 12/8/97

PREPARED BY Cathy Chandler

TITLE Human Resource

AGENCY NAME S.C. Probation

AGENCY NO. 1008 PHONE NO. 803734-9244

URGENT

MAIL IMMEDIATELY
UPON SEPARATION OF ANY EMPLOYEE

To: R. E. Harrington, Inc.
c/o Office of Insurance Services
1201 Main Street, Suite 360
P. O. Box 11661
Columbia SC 29211

ORDER ADDITIONAL SUPPLIES OF THIS FORM AT THE ABOVE ADDRESS.

A DIVISION OF THE S. C. DEPARTMENT OF PUBLIC SAFETY
5400 BROAD RIVER ROAD COLUMBIA, SOUTH CAROLINA 29210-4088
ATTENTION: CERTIFICATION DEPARTMENT
PHONE: (803) 896-7802 * FAX: (803) 896-7803

PERSONNEL CHANGE IN STATUS REPORT
NOTIFICATION OF EMPLOYEE SEPARATION/TERMINATION

SC Dept. Probation, Parole, Pardon Svs. 803-734-9244 5/29/98
Reporting Department Phone # Today's Date

Birthdate 11/27/72

Courtney Mitchell [redacted]
Officer's Name Social Security # Hire Date

Current Certification Date

Probation Agent Cathy Chandler Human Resources
Classification of Officer Authorized Signature Title

*** * * * VOLUNTARY SEPARATION * * * ***

APPOINTMENT AS AN OFFICER BY THIS AGENCY HAS ENDED DUE TO VOLUNTARY SEPARATION:
~~5/28/98~~ DATE OF SEPARATION
___ Resigned (personal reasons) ___ Retired ___ Deceased
___ Accepted employment with another Law Enforcement Agency
___ Medical ___ Military ___ Administrative (please specify)_____
___ Other (please specify)_____

Certification card attached ___ YES ___ NO (if no state reason)_____
Would you rehire? ___ YES ___ NO (if no please state reason)_____

*** * * * INVOLUNTARY SEPARATION * * * ***

APPOINTMENT AS AN OFFICER BY THIS AGENCY HAS BEEN TERMINATED DUE TO INVOLUNTARY SEPARATION:
5/28/98 DATE OF TERMINATION *Please specify terms: misconduct
Verbal fighting

*** * * * TERMINATION DUE TO DISQUALIFICATION * * * ***

APPOINTMENT AS AN OFFICER BY THIS AGENCY HAS BEEN TERMINATED DUE TO THE FOLLOWING DISQUALIFICATION WHICH WOULD RENDER THE OFFICER UNCERTIFIABLE UNDER SOUTH CAROLINA TRAINING LAW, SECTION 23-6-440:
_____ DATE OF TERMINATION DUE TO DISQUALIFICATION
_____ Insufficient evidence of High School Diploma or Equivalency (23-6-440 (B)(2))
_____ Driver's License Suspension within past 5 years for DUI or equivalent, Reckless Homicide, Involuntary Manslaughter or Leaving the Scene of an Accident (23-6-440 (B)(5)(b))
_____ MISCONDUCT ***(COMPLETE REVERSE SIDE)***

FOR CJA USE ONLY: Expired: _____ Code: _____
Returned:_____ Requested: _____ Archived:_____ ID: ___ DT:___

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
PERSONNEL ADVICE FORM

Date: 11/01/97 Facility/Division: Perry Branch/Section Security

Employee Name: Courtney Mitchell S.S. #: 250-27-4888

MUST COMPLETE SCHEDULE/Regular Days OFF FOR ALL ACTIONS

SCHEDULE B-1 *Regular Days Off: _____
(12 Hr. Schedule Only) **(8 or 7.5 Hr. Schedule Only)**

A. Mark Appropriate Box
RESIGNATION (X) TERMINATION ( ) RETIREMENT ( ) DEATH ( )
TRANSFER - STATE ( ) SCHOOL DISTRICT ( )

1. Effective Date Close of Business: 10/29/97
2. Last Day Worked or Leave 10/27/97
3. Unused Annual Leave Hours: 22.15 Unused Holiday Days Hours: 14:00
4. Unused Overtime Cycle Ending 10/12/97 Hrs. 17.50
Cycle Ending 11/9/97 Hrs. 2.10

All personnel, medical, LEAVE and training files with up to date information must be submitted for the above actions with this form.

B. SUSPEND WITHOUT PAY - Attach Documentation

Effective Date Close of Business: _____ Hrs. Suspended: _____

Date to Return to Work: _____ Total Hrs. Suspended: _____

Comment, if any: _____

SUSPENSIONS must be based on an 8 OR 7.5 Hour Schedule.

C. UNAUTHORIZED ABSENCE - Attach Documentation

Date(s) with Number of Hours Per Day: _____

UNAUTHORIZED ABSENCES are to be based on scheduled hours for the work day.

D. LEAVE of ABSENCE Without PAY - Attach Request for Leave of Absence without Pay

Effective Date - Close of Business: _____ Hours To Be Paid: _____

Date Returned to Work: _____

Tom Cook 11/11/97
SIGNATURE OF RESPONSIBLE OFFICIAL DATE

***Employees on an 8 or 7.5 Hr. Schedule with rotating days off should have all days off listed for the pay period affected.**

ORIGINAL ONLY TO DIVISION OF HUMAN RESOURCES for Suspensions, Unauthorized Absences, and Leave of Absence Without Pay.

SUBMIT ORIGINAL AND COPY INTACT TO THE DIVISION OF HUMAN RESOURCES for Resignation/Termination/Transfer/Retirement/Death.

ADVICE/F/PERSONNE
SCDC 16-5
Revised September, 1995

SEE REVERSE FOR INSTRUCTIONS

10-22-97

Cpt. Robert Mclemore
Perry Correctional Institute
430 Oaklawn Dr.
Pelzer, SC 29669

Sir:

Please let this letter serve as notice to my resignation as a Correctional Officer effective October 29, 1997.

I would like to say that I have learned a lot about corrections from my stay here. I have been shown many acts of kindness that I am truly thankful for. I will carry a lot of respect for the officers who work here as I leave. I regret to leave but I must go where my many talents, education level, training and experience will be capitalized.

Thank you for your time and your service to our state.

Sincerely,
Courtney R. Mitchell

NOTICE OF EMPLOYEE SEPARATION

INSTRUCTIONS Immediately upon the separation of any employee, record completely and accurately the information requested herein, and forward this form to R. E. Harrington, Inc. at the mailing address provided below.

IDENTIFICATION

NAME Courtney Mitchell

SOCIAL SECURITY NUMBER 250-27-4888

FIRST DAY WORKED 11/12/96

JOB DESCRIPTION Cor Ofc

LAST DAY WORKED 10/29/97

CETA FUNDED OTHER SPECIAL FUNDS

REASON FOR SEPARATION (check one and explain under remarks)

VOLUNTARY QUIT

- 01 LEFT OF OWN ACCORD, NO REASON GIVEN
- 02 TO SEEK OTHER EMPLOYMENT
- 03 TO ACCEPT OTHER EMPLOYMENT
- 04 DISATISFACTION WITH JOB (SALARY, HOURS, DUTIES, ETC.)
- 05 TO GET MARRIED
- 06 LEFT OF OWN ACCORD - PERSONAL/ DOMESTIC REASON
- 07 LEFT AREA CHANGED RESIDENCE
- 08 TO ATTEND SCHOOL
- 09 MENTAL/PHYSICAL CONDITION (EXCLUDING PREGNANCY)
- 10 PREGNANCY
- 11 TRANSPORTATION DIFFICULTIES
- 12 VOLUNTARY RETIREMENT
- 13 FAILED TO APPEAR TO CALL
- 14 FAILED TO RETURN FROM LEAVE OF ABSENCE
- 15 VOLUNTARY QUIT - OTHER REASON
- 16 TO PROTECT SOC. SEC. OR PENSION BENEFITS

DISCHARGE/SUSPENSION

- 20 VIOLATION OF COMPANY RULE OR POLICY
- 21 EXCESSIVE ABSENTEEISM/TARDINESS
- 22 DISCIPLINARY SUSPENSION
- 23 MISCONDUCT; DISHONESTY; INSUBORDINATION
- 24 DELIBERATE UNSATISFACTORY PERFORMANCE
- 25 UNSATISFACTORY PERFORMANCE/NOT QUALIFIED
- 26 FALSIFIED RECORDS
- 27 MENTAL/PHYSICAL CONDITION (EXCLUDING PREGNANCY)
- 28 PREGNANCY
- 29 DISCHARGE - OTHER REASON
- 30 REFUSED TO FOLLOW INSTRUCTIONS
- 31 INTOXIFICATION
- 32 IMMORAL CONDUCT
- 33 REFUSAL TO ACCEPT TRANSFER
- 34 PERMANENT LACK OF WORK
- 35 TEMPORARY LACK OF WORK

OTHER SEPARATION

- 40 COMPANY RETIREMENT
- 41 POSITION CHANGE FROM FULL-TIME TO PART-TIME
- 42 OTHER REASON
- 43 AUTHORIZED LEAVE OF ABSENCE
- 44 INDUSTRIAL CONTROVERSY
- 45 JOB REFUSAL
- 46 NO BASE PERIOD EARNING
- 47 HIGH SCHOOL OR WORK/STUDY STUDENT
- 48 EMERGENCY EXTENDED BENEFITS

REMARKS

CERTIFICATION

DATE 11/4/97

PREPARED BY Darlene Harmon

TITLE Hum Res Spec

AGENCY NAME Department of Corrections

AGENCY NO. NO4 PHONE NO. 896-1646

URGENT

MAIL IMMEDIATELY

UPON SEPARATION OF ANY EMPLOYEE

TO: R. E. HARRINGTON, INC.
P.O. BOX 724086
ATLANTA, GEORGIA 30339-1086

ORDER ADDITIONAL SUPPLIES OF THIS FORM AT THE ABOVE ADDRESS.

97-05-168

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT

Page 1 of 1

Institution/Center: Perry Correctional Inst.	Date of Report: 5/12/97
Reporting Official: R Abston	Date of Incident: 4/1/97 - 5/12/97
Location of Incident: Supervisors office	Time of Incident: Approximately 6:00 A/M

Inmate(s)/Resident(s) SCDC# Age Race Sex	Employee(s) Involved
1. N/A	1. C/O Courtney Mitchell W/M
2.	2.
3.	3.

Detail of Incident:

On the following dates C/O Courtney Mitchell reported for work late. On 3/28/97 C/O Mitchell was issued an oral warning for Reporting for work late; failure to observe assigned work Hours. C/O Mitchell has repeatedly been counseled on the importance of reporting to work when scheduled but has failed to make any improvement

4/1/97 1 hour late
4/5/97 10 mins late
4/6/97 1 hour late
4/13/97 1.5 hours late
4/17/97 11 hours late
4/22/97 30 mins. late
5/5/97 1 hour late
5/12/97 1.25 hours late

Copy of prior oral warning attached.

Signature: R Abston	Title: Sgt.
Comments: C/O Mitchell did after the oral warning for a couple of days report to work on time	* This Incident is STG related: ( ) Yes ( ) No ( ) Unknown
	This Incident is DRUG related: ( ) Yes ( ) No ( ) Unknown
Signature: CN Blanding Title: CT	Signature:

Action Taken
___ Counseling
___ Forfeit 20 Days Good Time
___ Refer to Adjustment Committee
___ * Refer to STG Committee
___ Other: _____

Comment: Lewis, please call Linda see if a write up is appropriate

Signature: _____ Title: _____

☐ JUVENILE OFFENDER

COMMONWEALTH OF KENTUCKY * Added Charge *

UNIFORM CITATION

KSP 206 (REV 2/1/06)

COURT

OFFENDER / VIOLATOR

AGENCY: Daviess Co. Detention Center | ORI: KY 0300130

NAME (L-F-M) SKIP A SPACE BETWEEN NAMES: Mitchell - Courtney - Ray | ATTN: ☐ | HOME PHONE: 864-634-8242

ALIAS: Unknown | EMERGENCY PHONE: 864-947-9027

ADDRESS (RFD/STREET/APT. NO., ETC.): 902 Pecan Rd. | KENTUCKY RESIDENT STATUS: F. ☐ FULL TIME P. ☐ PART TIME N. ☑ NON RESIDENT

CITY: Abbeville | STATE: SC | ZIP: 29620 | MARITAL STATUS: Single

I.D. TYPE/STATE: — | I.D. NUMBER: — | S.S. NUMBER: 250-27-4888 | VICTIM'S RELATIONSHIP TO OFFENDER: None.

DATE OF BIRTH	SEX	RACE	ETHNIC ORIGIN
11 27 72	☑ MALE ☐ FEMALE	☑ WHITE ☐ BLACK ☐ AM. INDIAN OR ALASKAN ☐ ASIAN	☐ HISPANIC ☑ NON HISPANIC

PLACE OF EMPLOYMENT / OCCUPATION: Unemployed | CITY | STATE

HEIGHT	WEIGHT	HAIR COLOR	EYE COLOR
601	210	BLK	BRO

VEHICLE

VEH. MAKE	VEH. TYPE	VEH. YEAR	COLOR TOP/BOTTOM	ALCOHOL/DRUG INVOLVEMENT (SPECIFY) ☐ NO ☐ YES ☑ UNK
—	—	—	—	

REG. STATE	REG. YEAR	REGISTRATION NO.	VEHICLE IDENTIFIERS	MPH	IN MPH ZONE	VOL. KEY
—	—	—	—	—	—	—

DATE / TIME

VIOLATION DATE	VIOLATION TIME	EXACT LOCATION OF VIOLATION / ARREST	B.A. RESULTS
12 30 08	0945	3337 Nwyn 60 East	—

DATE OF ARREST	TIME OF ARREST	MILES	DIRECTION	CITY	COUNTY OF VIOLATION	SECTOR
12 31 08	1345	—	—	Owensboro	030	1

CHARGE(S)

VIOLATION CODE	ASCF	STATUTE / ORD.	CHARGES	#	PLEA	FINDING	FINAL VIOLATION CODE	DISPN. CODE	FINE	COSTS	FEE	JAIL / PRISON	PROB. TIME
00822		508.080	Terroristic Threatening	1									
02400		525.060	Disorderly Conduct	2									
				3									
				4									

COURT

COURT DATE	COURT TIME	COURT LOCATION	COURT CASE NO.	DISPN. DATE	TRIAL	CLERK'S INITIALS
N/R	☑ AM ☐ PM	PAYABLE ☐ COURT	09-M-30		☐ B ☐ J ☐ N	

POST-ARREST COMPLAINT

POST-ARREST COMPLAINT

① Terroristic Threatening 3rd Degree

① On the above listed date during multiple incidents, the above subject made threats towards Sgt. Ken Ehlschide by stating that he was going to rip his throat out with his hands and that he was going to kill him. The above subject continued this same behavior on 12/31/08.

② Disorderly Conduct 2nd Degree

② On the above listed date, the above subject continuously beat on doors and windows, yelled, made threats, and caused disturbances. The above subject had to be restrained with mechanical restraints multiple time due to his behavior.

CDL

CDL LICENSE	☐ No ☐ Yes	PLACARDED HAZARDOUS VEHICLE	☐ No ☐ Yes
COMMERCIAL VEHICLE	☐ No ☐ Yes	CDL CLASS	☐ A ☐ B ☐ C

YEAR: 08

CASE

NAME OF WITNESS: Lt. Jack Jones | ADDRESS CITY/STATE: DCDC

NAME OF WITNESS: Dep. James Wyatt | ADDRESS: DCDC

CONTROL NUMBER: J369794

CASE NO. 1	2	3	4

CARRIED FOR UCR BY CONTRIBUTOR: ☐ OTHER AGENCY: ☐ SPECIFY — | ☐ IN-CAR VIDEO | ☐ FINGERPRINTS ☐ PHOTOS | EVIDENCE HELD: N

TYPE: J

OFFICER'S SIGNATURE	BADGE / I.D. NUMBER	ASSIGNMENT
X Capt. Billings	3	DCDC

~~GUILTY PLEA DISPOSITION RECOMMENDATIONS~~

DEFENDANT: Courtney Mitchell CASE NO.: 08-M-02915 09-M-00030

CT 1 08-02915 – Assault 4 – guilty – Alford plea

CT 2 – Terr. Threat " " "

CT 3 – FTA – dismissed

~~CT 4~~

CT 1 09-00030 – Terr. Threat – guilty – Alford plea

CT 2 – Disorderly – dismissed (merged)

CT 7

JAIL TIME:

TOTAL: 12 mo. w/ CREDIT FOR: time served since 12/29/08 ~~BALANCE TO SERVE:~~

Balance probated/suspended on condition of no further violations and

FINE:

TOTAL: $ 500 on each TO PAY: $ ZERO AMOUNT SUSPENDED: $ 500 on each

Condition of suspension:

DUE DATE FINE & COURT COSTS: Merged – due: 6 Months

DRIVER'S LICENSE SUSPENSION PERIOD (KRS 189A.090)

PD FEE: Amount: $ Due Date:

RESTITUTION:

Amount: $ Due Date:

Payable to:

DEFERRED PROSECUTION:

Length of Time: on the condition of no further violations, and

CONFISCATE ITEMS:

HIV TESTING (KRS 529.090 & 510.320)

OTHER: * Can't read Holbrook's writing, but what the hey!)

DATE: 1-9, 2009

COMPLAINING WITNESS

COMPLAINING WITNESS

1-9-09

MB
PROSECUTOR

Courtney Mitchell
DEFENDANT

Allen Holbrook
DEFENDANT'S ATTORNEY

EMAIL FROM SCWCC DIRECTOR EUGENIA HOLLMON TO COUNSELS ALEIGH GUNBY, SHAYNE WILLIAMS AND DONALD SMITH

November 5, 2019

Helen Hiser

From: Hollmon, Eugenia <EHollmon@wcc.sc.gov>
Sent: Tuesday, November 05, 2019 4:05 PM
To: Aleigh Gunby
Cc: Shayne Williams; 'attorneydonaldsmith@gmail.com'
Subject: RE: [External] RE: Mitchell - 1322347

No, a brief was never received and the file has been returned to general files.

Genia

Eugenia Hollmon
Judicial Docketing Director
803-737-5737
ehollmon@wcc.sc.gov

The Commission's new IT system "KERMIT" will go live December 4. The current system will go off-line November 23. Get all the updates including critical deadlines at https://www.wcc.sc.gov/it-kermit-system-updates.

From: Aleigh Gunby <aleigh.gunby@mgclaw.com>
Sent: Tuesday, November 5, 2019 10:35 AM
To: Hollmon, Eugenia <EHollmon@wcc.sc.gov>
Cc: Shayne Williams <shayne.williams@mgclaw.com>; 'attorneydonaldsmith@gmail.com' <attorneydonaldsmith@gmail.com>
Subject: [External] RE: Mitchell - 1322347

Good morning!

Could you please confirm if a brief was ever received by the Commission from Appellant, as it is not listed on eCase and we never received one.

---

mgc | INSURANCE DEFENSE

Aleigh Gunby, *Paralegal*
aleigh.gunby@mgclaw.com
55 E. Camperdown Way Suite 300
Greenville, SC 29601
Main:864-239-4000 | **Direct**:864-239-6728 | **Fax**:864-242-3199
VCARD

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