

DECISION AND ORDER OF THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

WCC FILE NO. 1815744

Alicia Ruffin,)
Employee,)
Claimant,)
vs.)
Builders Firstsource, Inc.,)
Employer,)
and)
Liberty Mutual Insurance Company,)
Carrier,)
Defendants.)

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SC Court of Appeals

DECISION AND ORDER

HEARING:

Held via Court Call, South Carolina on September 16, 2020.

APPEARANCES:

Claimant appeared *pro se*.

Defendants represented by Amanda E. Neely, Esquire of Willson Jones Carter & Baxley, P.A., Greenville, South Carolina.

PURPOSE OF HEARING:

To determine the issues as set forth on the Form 21.

DECISION AND ORDER:

By T. Scott Beck, Commissioner

FILED:

Dec 10, 2020.

I. APA SUBMISSIONS

Under the Administrative Procedures Act, the following records were submitted into evidence at the time of the hearing:

Defendants' APAs:

- APA #1: Records of VCU Health System, dated November 29, 2011 to November 30, 2011, consisting of pages 1-26.
- APA #2: Records of Henry Chiropractic Clinic, dated December 5, 2011 to February 17, 2012, consisting of pages 27-40.
- APA #3: Records of Greer Memorial Hospital, dated December 12, 2011 to June 15, 2019, consisting of pages 41-83.
- APA #4: Records of Teleradiology, dated October 4, 2018 to October 22, 2018, consisting of pages 84-85.
- APA #5: Reports of Doctors Care, dated October 8, 2018 to November 14, 2018, consisting of pages 86-114.
- APA #6: Records of Emergency MD, dated October 26, 2018, consisting of pages 115.
- APA #7: Records of Carolina Orthopaedic & Neurosurgical Associates – Dr. Mitchell, dated November 16, 2018 to July 26, 2019, consisting of pages 116-159.
- APA #8: Records of Piedmont Imaging, dated November 26, 2018, consisting of pages 160-161.
- APA #9: Records of Piedmont Comprehensive Pain Management, dated May 17, 2019 to August 23, 2019, consisting of pages 162-169.
- APA #10: Records of Piedmont Physical Medicine and Rehabilitation, dated June 19, 2019, consisting of pages 170-171.
- APA #11: Records of Southeastern Neurosurgical and Spine Institute – Dr. Kanos, dated July 22, 2019 to September 26, 2019, consisting of pages 172-179.

Defendants Exhibit #1: Dr. Kanos Deposition Transcript, dated February 17, 2020.

Claimant's APAs:

- APA #12: Records of Carolina Ortho/Dr. David Mitchell, dated April 12, 2019 to June 9, 2020.

IV. EVIDENCE OF THE CASE

Medical Evidence

Defendants submitted medical records from VCU Health System, dated November 29, 2011 to November 30, 2011, when Claimant was admitted to the emergency room after being involved in a motor vehicle accident. She complained of neck, back, left hip, and left leg pain. She was diagnosed with a cervical strain and lumbar strain. (Defendants' APA #1, pp. 1-26.)

On December 5, 2011, Claimant presented to Henry Chiropractic Clinic with complaints of low back and neck pain following a November 29, 2011 motor vehicle accident. On January 3, 2012, it was mentioned that Claimant was scheduled to see a cardiologist for elevated blood pressure. Claimant treated at Henry Chiropractic Clinic for low back and neck pain until February 6, 2012. (Defendants' APA #2, pp. 27-40.)

On December 12, 2011, Claimant presented to Greer Memorial Hospital with complaints of neck and low back pain following a motor vehicle accident. (Defendants' APA #3 at pp. 41-54.)

On February 19, 2018, Claimant presented to Greer Memorial Hospital Emergency Room after she fell and broke her left wrist. Her blood pressure taken in the ER was 174/118. (Defendants' APA #3 at pp. 55-62.)

On June 15, 2019, Claimant presented to Greer Memorial Hospital Emergency Room and requested a refill of her Robaxin prescription. She reported bouncing around in a truck in October which caused pain in her neck and back. (Defendants' APA #3 at pp. 62-83.)

Claimant presented to Doctors Care on October 4, 2018 and reported back pain after driving a truck where she was "jostled" around due to bad roads. She was diagnosed with a lumbar contusion and low back pain. Claimant was given work restrictions and referred to physical therapy. Claimant followed up with Doctors Care on November 5, 2018 and reported ongoing back and neck pain. She

4. Under § 42-15-60, Claimant was entitled to medical, surgical, hospital and other authorized treatment until July 22, 2019, the date on which Claimant reached maximum medical improvement, but not thereafter, there being no evidence that any additional medical treatment would tend to lessen the period of her disability.

5. Under § 42-9-30, Claimant has sustained 15% permanent partial disability to the back. From such award, Defendants are entitled to a credit for the overpayment of temporary total compensation since February 19, 2020, the date of filing of the Form 21.

VII. ORDER/AWARD

IT IS HEREBY ORDERED that the Application of Employer/Carrier to stop payment of temporary total compensation is hereby granted, effective February 19, 2020, the date on which Defendants filed a Form 21, requesting a hearing.

IT IS FURTHER ORDERED that as a result of Claimant's accidental injury occurring on October 4, 2018, she has sustained 15% permanent partial disability to the back, for which she is entitled to 45 weeks of compensation, at the compensation rate of \$602.45 per week totaling \$27,110.25. From this amount, the Defendants are entitled to a credit or offset for the overpayment of temporary total compensation in the amount of \$24,098.00, which represents 40 weeks of overpayment from February 19, 2020 to November 24, 2020.

IT IS FURTHER ORDERED Claimant reached maximum medical improvement on July 22, 2019, and as such Defendants are not liable for any additional medical, surgical, hospital or other medical treatment to Claimant after said date, until and unless further ordered by this Commission.

No hearing costs are assessed in this instance.

IT IS SO ORDERED.

S.C. Workers' Compensation Commission
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Columbia, SC 29201