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SC Court of Appeals

FORM 13
BRIEF OF APPELLANT* AMENDED

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

[IN THE SUPREME COURT]

APPEAL FROM SOUTH CAROLINA

WORKERS' COMPENSATION COMMISSION

Commissioner Aisha Taylor

Commissioner Susan Barden

Commissioner Gene McCaskill

Appellate Case No. 2021-000517

Shelia Hutchins, Employee,

Appellant,

V.

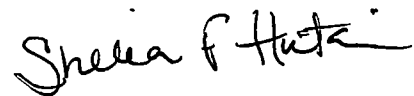
Security Group, Inc., Employer, and Hartford Accident and Indemnity Co.,

Carrier,

Respondents.

[INITIAL] BRIEF OF APPELLANT AMENDED

Shelia F. Hutchins



1391 Wilcox Ave

Gaffney, S.C. 29341

864-490-2367

JULY 21, 2021

july 21, 2021

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STATEMENT OF ISSUES ON APPEAL

1. Did the Full Commission fail to see the evidence of a doctor's notes and change of medication right before the mediation? Did the full commission fail to see doctor's note stated appellant was not in a mental state to be making a legal decision? Did the full commission fail to see the evidence of were the appellant ask to see the doctor right before mediation due to being forced into mediation? Did the full commission fail to see a witness statement?

2. Did the Full Commission fail to see all the evidence of appellant's counsel not being truthful to the appellant. Did full commission fail to see appellant's counsel not advising her of her rights? Did the Full commission fail to see where appellant made her counsel aware of her mental state the day before mediation? Did the full commission fail to see witness statement? Is this a competent counsel?

3. Did the Full Commission fail to see the S.C. law? Did the Full Commission fail to see no evidence of were the settlements were mailed in or received by the commission? Did the Full Commission fail to see in the settlement papers it states subject to Worker's Compensation Commission approval?

4. Did the Full Commission fail to see this is one sided? Did the Full Commission fail to see the appellant never got due process? Did the Full Commission fail to see the Appellant ask for a chance of a hearing to tell my side due to appellant counsel not advising her of her rights? Did full commission fail to see that appellant's motion to compel for medical treatment was denied while it was approved by Worker's Comp Commission. The respondent motion to compel was granted and wasn't

approved by Worker's comp Commission?

5. Did the Full Commission feel to see that the information on the form 70 was incorrect? Did the full commission feel to see all the evidence in case? Did the Full commission feel to see witness statement? Did the Full commission feel to see the respondents delayed and delayed medical treatment?

STATEMENT OF THE CASE

In January, 2020 I had not received any medical treatment since April, 2019. So, Thomas Phillips my former counsel sent in a form 50 for treatment. The next thing, I get is a letter stated that we had mediation on April 29, 2020. I had just signed a agreement about my knee case. The letter stated it was mediation on my knee. I emailed Thomas he advise me that Penny his paralegal just mixed up the numbers. That the mediation is only for mental claim. I said I don't want to go and I am not signing this because I don't agree to it. Thomas Phillips then calls me and so I put him on speaker and Thomas Phillips knew he was on speaker with Joe Wilson and I both. Thomas said that the commission kicked it back and said we had to go to mediation. Thomas Phillips said it's the law look it up. I said I was asking for medical treatment and payment of medication. As soon As Thomas Phillips filed form 50. The defense got me into a Forensic physician within a month away. Thomas Phillips kept telling me that I had to go or I couldn't go in front of a commissioner. I made aware the nurse case manager that I was being forced to go to mediation and that I needed to see a doctor asap. She told me in a text that the physician had left the practice and they don't have another one yet. I told her I was having panic attacks and anxiety attacks. I also emailed Thomas Phillips the day before to let him know I wasn't in a mental shape to go to mediation. He then called while I put him on speaker again with Joe Wilson and myself. Thomas said well we can't go in front of a commissioner until you go to this mediation. Well, I felt I had no choice but to go to mediation. We got at mediation at 9am and stayed til 6pm. I kept

telling all of them my counsel, defense and mediator that I wasn't in a good mental shape and Joe Wilson also voiced to them that I was in no mental shape. Mediator said no one is forcing you to be here. So, I raised my hand I said yes I was told that this is for my mental claim only and that I had to be here. I was told that the Judge signed off forcing me to mentation. Tracy Tiddy spoke up and said that, I think she is talking about the laws. I kept saying no settlement and I didn't even know we were talking about my knee case. We had just made agreement on the knee case. I feel Thomas Phillips didn't not give me proper counsel. At one point of the mediation my counsel and mediator and defense were all in a room without me. I kept voicing saying I was done and that, I didn't need to be here nor wanted to be here. Because, I can't think straight to make a best decision for myself. I was having panic attacks going downstairs to my car. My anxiety was awful that day. The doctor had just changed my medications. I felt trapped and would say or do whatever to get out of there. Thomas said are you done for today and I said yes. I said can you please find out about them getting me into a doctor for my knee surgery. Thomas goes into the room they are all together and then comes back with trying to settle again. By this time it's been an all day with panic attacks, major headache, anxiety attacks. I just gave in cause I couldn't handle it anymore. Thomas didn't let me read over the settlement. He kinda told me some and when I voiced my thought he said it's just the language they have to put. I then the next morning woke up in a panic attack. I called Thomas Phillips and told him that I was revoking my employee agreement. Thomas said if you do that they may not honor your settlement. I then revoked my employee agreement which I had 7 days to do. I then voiced that I no longer wanted to go ahead with the agreement. I emailed Worker's comp commission and it had not been received that they couldn't process the paperwork. Tracy Tiddy then states that she wants to file a motion to compel. Thomas Phillips mailed off paperwork on three different dates to be relieved of counsel. He final was relieved of counsel on May 22, 2020 for knee case and May 28, 2020 for the knee claim. Meanwhile, before he was relieved of counsel Tracy Tiddy filed

form 21 and motion to compel. Thomas just sent it to me with advising me of my right to respond within ten days. Nor did Thomas respond to either. Then the cases got mixed up and assigned to two different commissioners. I did have another counsel Charlie Hodge for the knee claim before Thomas Phillips took over. We were set to go to court for the knee claim and the day before I went to Charlie Hodge's office. I voiced my concern that I wasn't settling and that I wanted a hearing. Well the day of the hearing I go in and was blindsided by Charlie Hodge. I was told this is what is going to happen and I said I don't understand. He got angry and said it's the law. We went to the hearing and all of the supervisor's, VP, and others' that had been harassing me at work were let into the court room. I am panic and frozen cause the two main women standing back there whispering and laughing. I stopped the hearing and talk with Charlie he said you not going to get anything else. I did refuse to sign the paperwork but then did after they made some changes to it. I feel that I didn't have counsel willing to do what my wishes were. So, they took advantage of my situation of the panic attacks, anxiety attacks, and PTSD. It says in the settlement subject to Worker's Comp commission. No proof of anything being mailed to workers comp commission.

Arguments

1. Because appellant was under psychiatrist care and couldn't make a good sound judgement. Which the appellant ask to see the doctor before the mediation due to mental state and was denied. Appellant's counsel and respondent and also the mediator all new of appellant's mental state. 2

2. Because appellant had counsel that lied and not advising appellant of her rights..... 2

3. Because Mackey v. Kerr-McGee Chemical Co., 280 SC 265, 312 S.E.2d 565. Which was required approval by commission to be binding. Which in the settlement it states this is subject to approval by the commission. No evidence of the settlement being mailed to the commission, or the commission ever received them. I asked for proof of this and never received an response..... 2

4. Because appellant feels this is one sided. Because my benefits were cut off with no hearing. appellant wrote the commissioner to explain that when the form 21 was filed and the motions that appellant's counsel never advise the appellant of the need to respond to it within ten days nor did counsel. Appellant did find out later that she needed to and wrote the commissioner to hold a hearing or to at least tell my side and that didn't happen. Appellant also filed a motion to compel for medical treatment which is in a previous settlement that was made just a few months before the mediation. Which by the way I was unaware of the mediation and don't know who filed for mediation. Appellant was lied to about mediation by both sides. One sided is we had settlement of where they were to provide

medical treatment to appeallant within responable amount of time for surgery. Appeallant was denied medical treatment for over a year and half due to hardware issues. Commissioner denied appeallant motion to compel but, granted their's. Which is like saying I am going to hold you to your settlement along with not even giving me a chance to tell my side. (Due process). But, I am not going to hold them to their settlement..... 2

5. Because the form 70 was incorrect..... 2

6. Because how does the commissioners' go by laws in a different state and not S.C. laws..... 2

Conclusion

For the Reasons stated, this Court should reverse the judgment of the Worker's Compensation Full Commission court.

July 21,2021

Respectfully Submitted,



Shelia F Hutchins

1391 Wilcox Ave

Gaffney, S. C. 29341

Appellant

Form 7

**PROOF OF SERVICE OF THE INITIAL BRIEF OF APPELLANT & DESIGNATION
OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

(In the Supreme Court)

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JUL 26 2021

SC Court of Appeals

Appeal From SC Workers' Compensation Commission

Commissioner Aisha Taylor

Commissioner Susan Barden

Commissioner Gene McCaskill

Case No. 2021-000517

Hartford Accident and Indemnity Co,

&

Respondent,

Security Group, INC.

V.

Shelia F. Hutchins

Appellant,

PROOF OF SERVICE AMENDED

I certify that I have served the Notice of Initial brief of appellant & Designation of matter to be included on record on appeal on Hartford Accident and Indemnity co & Security Group inc and SC Workers' Compensation commission by depositing a copy of it in the United States Mail. postage prepaid, on July 21, 2021 addressed to their attorney of record, Tracy Welsh Tiddy, 325 Rocky Slope Road Suite 201, Greenville, SC 29607. Depositing a copy of it to Amy Bracy for South Carolina workers' Compensation commission, PO Box 1715 1333 Main Street suite 500, Columbia SC 29202-1715. South Carolina Courts of Appeals, Jenny Abbott Kitchings, Clerk, PO Box 11629 Columbia SC 29211.

July 21, 2021

Shelia Hutchins
1391 Wilcox Ave
Gaffney SC 29341



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