

BEFORE THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

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SC Court of Appeals

CASSANDRA D. STALLINGS,)
Employee,)
Appellant,)

Vs.)

ORDER OF
FULL COMMISSION PANEL B

HUBBELL POWER SYSTEMS,)
Employer,)
Respondent,)

WCC FILE NO. 1423028

AND)

LIBERTY MUTUAL INSURANCE CO.,)
Carrier,)
Respondent.)

HEARING: January 25, 2021 held electronically via the Zoom Application.

APPEARANCES: Everett K. Chandler, Esquire, Chandler Law Firm, Aiken, South Carolina for the Appellant.

Clarke W. McCants, III, Nance, McCants & Massey, Attorneys at Law, Aiken, South Carolina for the Respondents.

FULL COMMISSION: The Honorable Alisha Taylor, The Honorable Gene McCaskill and The Honorable Susan Barden, Chair.

PURPOSE OF HEARING: To determine issues set forth on the Appellant's Form 30 appeal application of Commissioner Avery B. Wilkerson, Jr.'s Decision and Order.

STATEMENT OF CASE

This matter came before the Full Commission Panel B on January 25, 2021 from Columbia, South Carolina by way of zoom to determine those issues set forth on the Form 30 submitted by the Claimant's appeal of the order of the Single Commissioner, Avery B. Wilkerson, Jr. dated September 29, 2020.

The Claimant in this case allegedly sustained injuries to her right and left wrists as a result of repetitive trauma with an alleged date of discovery of March 1, 2014 which she contends occurred by accident arising out of and in the course of her employment with Hubbell Power Systems in Aiken, South Carolina. She contends that she is entitled to receive compensation and benefits under the Act, including payment for certain medical treatment she received and compensation or permanent disability. The Claimant also stated that she is still experiencing pain in both of her wrists and believes that she needs additional medical treatment which the treating orthopedic surgeon has recommended.

The Defendants deny that the Claimant sustained any injury by accident arising out of and in the course of her employment and therefore contend that the Claimant is not entitled to compensation and benefits under the Act.

The Hearing Commissioner reviewed the medical evidence of and the testimony of the Claimant and Witnesses and issued an order of Findings of Fact and Conclusions of Law that the medical evidence submitted by the parties in this case did not support a finding of injury by accident arising out of and in the course of her employment or that she was entitled to compensation and benefits under the Act.

STIPULATIONS

1. The purpose of the Hearing was to determine the issues set forth in appellant's Form 30 and any other matters which may have timely come before the Full Commission Panel.
2. The Notice of the Hearing was timely and properly served upon all parties of interest.
3. The Claimant's compensation rate is \$519.07 based upon an average weekly wage of \$778.57.
4. The Claimant seeks relief from the Single Commissioner's order which denied an injury by accident and denied compensation and benefits pursuant to the provisions of the South Carolina Workers' Compensation Law.
5. The South Carolina Workers' Compensation Commission's file, the order of the Single Commissioner, the Appellant's Brief with APAs and the Defendant's Brief with APAs were made a part of the record.

FINDINGS OF FACT

1. The Hearing Commissioner found the purpose of the Hearing was to determine the issues set forth in the Hearing Notice and Forms 50 and 51, and any other matters which may have timely come before the Commissioner. The Full Commission Panel finds the matter set forth in the Form 30 submitted by the Claimant to have been timely filed and is proper before the Full Commission.
2. The Hearing Commissioner found the alleged date of accident in this matter is not supported or established by the medical evidence submitted by the Parties in this case, nor the testimony of the Claimant. The Full Commission Panel reverses this Finding by stating the injury is compensable bilateral repetitive trauma and they give more weight to progression of injuries over the specific dates of injury alleged.
3. The Hearing Commissioner found as a fact the medical evidence submitted by the Parties fails to Establish by a preponderance of the evidence that there is a causal connection between the work activity performed by the Claimant for the Employer and the alleged injuries she sustained to both her wrist. The Full Commission panel reverses this finding by stating the injury is

compensable bilateral repetitive trauma and they give more weight to progression of injuries over the specific dates of injury alleged.

4. The Hearing Commissioner found there is no evidence establishing that the Claimant has sustained any permanent physical impairment or disability as a result of the alleged injuries to her wrists. The Full Commission reverses this finding by stating the injury is compensable bilateral repetitive trauma and they give more weight to progression of injuries over the specific dates of injury alleged.

5. The Hearing Commissioner found the Claimant has not sustained her burden of proof in this Matter. The Full Commission Panel disagrees with this finding reversing the Single Commissioner.

CONCLUSIONS OF LAW

1. The Notice of the Hearing for this matter was timely and properly served upon all parties of interest.

2. The Claimant's compensation rate is \$519.07 based upon an average weekly wage of \$778.57.

3. The Claimant seeks compensation and benefits pursuant to the provision of the South Carolina

Workers' Compensation Law.

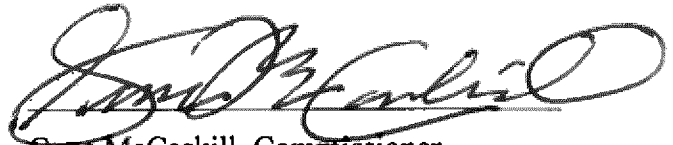
4. Pursuant to S. C. Code Ann. §§42-1-160 and 42-1-172 (1976, as amended), and other applicable law and regulation, the Claimant sustained an injury of bilateral repetitive trauma injury by accident arising out of and in the course of her employment with the Employer. The Full Commission Panel giving more weight to progression of injuries over that of specific dates of injury.
5. The Claimant is entitled to receive compensation and benefits pursuant to the terms and provisions of the Act for a bilateral repetitive trauma.

ORDER

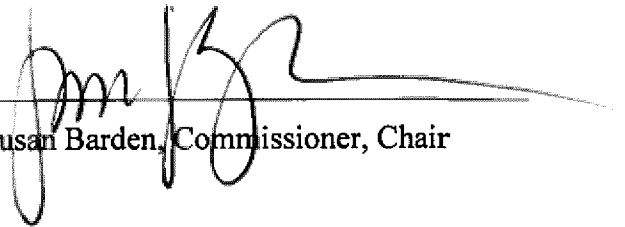
IT IS THEREFORE ORDERED the Decision and Order of the Hearing Commissioner is reversed in its entirety and the Claimant is entitled to compensation and benefits under the Act for bilateral repetitive trauma injury.



Commissioner Aisha Taylor



Gene McCaskill, Commissioner



Susan Barden, Commissioner, Chair

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of this order in the above entitled action upon all parties to this case by sending an electronic copy hereof by electronic mail addressed to the attorneys for said parties; or if there is an unrepresented party(ies), by depositing a copy hereof, postage paid in the United States mail, first class, addressed to the unrepresented party(ies) and to the attorney(s) for the represented party(ies).

By Eugenia Hollmon on August 4, 2021