

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

WCC FILE NO.: 1514359

RECEIVED

Sep 03 2021

SC Court of Appeals

Rachel J. Turner,

Claimant,

v.

SC Department of Corrections - Kirkland,
Medustrial Healthcare Staffing Service,
Condustral, Inc., and/or Countrywide
Staffing Solutions,

Employer(s),

and

State Accident Fund, South Carolina Property
and Casualty Guaranty Association on behalf
of the Guarantee Insurance Company, and/or
SC Workers' Compensation Uninsured
Employers' Fund,

Carrier(s),

Defendants,

**CLAIMANT'S RENEWED MOTION TO
SUBMIT ADDITIONAL AND NEWLY
DISCOVERED EVIDENCE**

Claimant, by and through her undersigned attorney, hereby submits her **CLAIMANT'S RENEWED MOTION TO SUBMIT ADDITIONAL AND NEWLY DISCOVERED EVIDENCE** in support of her claim for workers' compensation benefits.

This motion was originally filed and served on May 4, 2021. Prior to a decision being reached, the underlying case was appealed to the Court of Appeals. On June 21, 2021, the Full Commission denied the Motion on the grounds that the Commission "lacks jurisdiction" due to the appeal to a higher court. On September 2, 2021, the Court of Appeals issued an Order granting Claimant's "motion for partial remand to the Workers' Compensation Commission to submit

additional evidence and newly discovered evidence pursuant to S.C. Code Ann. § 67-707(A) . . .”

A copy of the court’s order is attached.

As grounds for granting the motion, Claimant would show the following:

1. The Appellate Panel issued its Decision and Order on April 6, 2021 in which the Panel Affirmed in Part and Reversed in Part the Decision and Order of the Single Commissioner.

2. Claimant filed her Defendant Condustrial timely filed a MOTION TO RECONSIDER on April 12, 2021. As that motion has not been ruled upon, this matter is still pending before the Appellate Panel.

3. Claimant filed her original MOTION TO SUBMIT ADDITIONAL AND NEWLY DISCOVERED EVIDENCE on May 4, 2021.

4. Claimant appealed the Decision and Order of the Appellate Panel on . Defendant Condustrial cross-appealed on

5. On June 21, 2021, the Full Commission denied the Motion on the grounds that the Commission “lacks jurisdiction” due to the appeal to a higher court.

6. Upon receiving the Full Commission’s Administrative Order, Claimant filed a Motion for Partial Remand with the Court of Appeals. The gravamen of that motion was that “The Motion concerns newly discovered evidence that would, if accepted by the Commission, change the result on a central issue in this appeal, to wit: Turner’s entitlement to temporary total disability compensation.”

7. On September 2, 2021, the Court of Appeals issued an Order granting Claimant’s “motion for partial remand to the Workers’ Compensation Commission to submit additional evidence and newly discovered evidence pursuant to S.C. Code Ann. § 67-707(A) . . .” *Per the Order of the Court of Appeals, the Commission has been granted jurisdiction to rule on the merits*

of Claimant's Motion to Submit Additional and Newly Discovered Evidence.

9. In the Decision and Order of the Appellate Panel, the Panel affirmed the Single Commissioner's ruling that Claimant Rachel Turner was entitled to temporary total disability compensation through September 30, 2015. The Panel denied additional compensation because this finding was based on a SOVA form filled out by Turner's family doctor stating "Patient will be totally unable to work from 09/16/2015 through 09/30/2015." [Claimant's APA page 291]. The Decision and Order further stated: "There are no other out of work notes from her family doctor, and no further SOVA forms in the record that address work ability or disability" [Order, pages 27-28, Findings of Fact G 7-8].

10. The Panel further found:

The Claimant was treated at Palmetto Day Treatment from October 21, 2015 until November 20, 2015. The Claimant asked her therapist at Palmetto on October 21, 2015 if she would be able to get a note to give to her employer excusing her from work. (Claimant's APA page 38) The counseling note states that the LMSW told patient that program therapist could provide a note signed by the doctor. The record in this case does not contain such note.

[Order, pages 29-30, Finding of Fact G 12].

11. Claimant's Counsel had previously obtained what was believed to be the entire SOVA file directly from SOVA. As noted by the Appellate Panel, that file did not contain the work note referenced in the note from the LMSW.

12. At the hearing, Turner testified that other work notes existed and that she had in fact submitted additional work notes to SOVA. She testified:

They gave me 'til my follow-up appointment. Then they would say, okay, she's still not ready to go back to work, and they would issue another one. . . . I received many of these. I received all the way until \$7,000 worth of these. Do you see what I'm saying. They maximumed me out at [\$7,000]. South Carolina Association for Victim's assistance has a max out of \$7,000. But up until then I had to provide those proving that I was unable to work in order to continue funds from them.

[Tr. I, page 323, lines 8-19].

13. Turner lost all her records when she was evicted because she could not pay her rent. She testified “I’ve lost everything.” [Tr. I, page 299, line 10]. “A lot of my stuff – most of my stuff got lost. I lost pictures of my children when they were babies, too. . . . Pretty much left with the clothes on my back and a few boxes. . . . Furniture lost, car lost, everything lost.” [Tr. I, page 300, lines 4-13].

14. Upon learning of the Single Commissioner’s ruling as to the lack of additional records from SOVA, Turner personally contacted SOVA to obtain the missing out of work slips. On August 20, 2020, Turner received an email from the Compensation Recovery Coordinator at the Department of Crime Victim Compensation of the South Carolina Office of Attorney General. Attached to the email were various documents.

15. Turner reasonably presumed these documents had been sent to her attorney. However, the Compensation Recovery Coordinator misspelled the email address for her attorney’s office. The email was addressed to *records@samuelreynolds.com*. The correct address is *records@samuelsreynolds.com*. The sender left the “s” off “Samuels.” Due to the sender’s error, her attorney was unaware that these records had been sent.

16. On April 19, 2021, Turner learned that her attorney had not been sent the records in question – despite his specific records request to SOVA and her arranging for the Attorney General’s office to email their file to her attorney. She located the email from August 20, 2020 and forwarded it to her attorney on April 19, 2021.

17. The Commission’s regulations allow a party to file a motion to submit “additional evidence necessary for the completion of the record in a case on review.” S.C. Code Ann. § Reg.

67-707 A. The regulation requires:

C. The moving party must establish the new evidence is of the same nature and character required for granting a new trial and show:

(1) The evidence sought to be introduced is not evidence of a cumulative or impeaching character but would likely have produced a different result had the evidence been procurable at the first hearing; and

(2) The evidence was not known to the moving party at the time of the first hearing, by reasonable diligence the new evidence could not have been secured, and the discovery of the new evidence is being brought to the attention of the Commission immediately upon its discovery.

S.C. Code Ann. § Reg. 67-707 C.

18. The newly discovered evidence received from the AG includes various documents such as incident reports from the Department of Corrections and additional forms from SOVA. Among those forms is a document signed by Dr. Berg stating: "Patient will be totally unable to work from 10/21/15 through 11/20/15. [Exhibit page 4]. These dates coincide with the date of Turner's next appointment with her psychiatrist and counselors. An image of this statement is shown below:

Date of crime related injury 09/05/15 (must be completed)

Briefly describe the injury/injuries sustained as a direct result of the crime: diagnosed with PTSD

****Treating Physician must provide a start and end date of the disability period****

Patient will be totally unable to work from: 10/21/15 through 11/20/15

Check all that applies in accordance to the patient's ^{physical} ~~physical~~ ^{mental} ability:

- May resume work immediately without restrictions
- May resume work immediately with the following restrictions _____
- Patient may return to work at full capacity on (date) ___/___/___
- Patient may return to work at partial capacity on (date) ___/___/___
- Patient has a return appointment on (date) 11/19/15 - MD 11/20/15 - therapist
follow up appointments with therapist/MD

Type or print Treating Physician's name Stephanie Bera MD

Phone (803) 296-8765

19. The newly discovered evidence would entitle Turner to a new trial on the issue of ongoing entitlement to TTD. The evidence is neither cumulative or impeaching. As the Commission specifically based its denial of TTD on there being no such note in the record at trial, this new evidence would likely have produced a different result had it been procurable at the first hearing.

20. The evidence was unknown to the moving party at the time. While there was testimony that this record existed from Turner and it is consistent with Dr. Berg's medical records (which state "Due to incident 9/15/15, patient had not worked since that date"), this particular work note was not included in the materials Claimant's attorney obtained from SOVA.

21. As SOVA did not provide this specific note to Claimant's attorney through the normal discovery process, the new evidence could not have been secured by reasonable diligence. Furthermore, even when Turner on her own initiative obtained the records from the Attorney General's office, the records were not sent to her attorney due to the mistake by the Attorney General. As soon as Turner learned of the error in the email address by the Attorney General, she forwarded the evidence to her attorney.


22. The new evidence is being brought to the Commission's attention immediately upon discovery.

THEREFORE, As the elements of Regulation 67-707 are satisfied, Claimant moves the Appellate Panel to receive and consider this additional evidence. Claimant consents to the evidence being forwarded via remand to the Single Commissioner or for consideration by the Appellate Panel.

CONCLUSION

For the foregoing reasons, the Appellate Panel should grant the Motion to Submit Additional and Newly Discovered Evidence. The evidence should be considered by the Appellate Panel or by the Single Commissioner on Remand. Following review, the Appellate Panel should also reverse in part and hold TTD must be paid on a running award from the date of the assault.

Respectfully Submitted,



Stephen B. Samuels
SAMUELS REYNOLDS LAW FIRM, LLC
1320 Richland Street
Columbia, SC 29201
(803) 779-4000

September 3, 2021
Columbia, South Carolina

ATTORNEY FOR CLAIMANT

the 1990s, the number of people in the UK who are aged 65 and over has increased from 10.5 million to 13.5 million, and the number of people aged 75 and over has increased from 4.5 million to 6.5 million (Office for National Statistics 2000).

There is a growing awareness of the need to address the health care needs of the elderly population. The Department of Health (2000) has set out a strategy for the NHS to meet the needs of the elderly population. This strategy is based on the following principles:

- To ensure that the NHS is able to meet the needs of the elderly population.
- To ensure that the NHS is able to provide a high quality of care to the elderly population.
- To ensure that the NHS is able to provide a range of services to the elderly population.

The NHS is currently facing a number of challenges in order to meet these principles:

- A growing elderly population.
- A growing number of people with long-term conditions.
- A growing number of people with mental health problems.
- A growing number of people with learning disabilities.

The NHS is currently facing a number of challenges in order to meet these principles:

- A growing elderly population.
- A growing number of people with long-term conditions.
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The NHS is currently facing a number of challenges in order to meet these principles:

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- A growing number of people with learning disabilities.

The South Carolina Court of Appeals

Rachel J. Turner, Employee, Appellant-Respondent,

v.

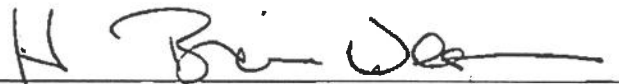
Medustrial Healthcare Staffing Service and Condustrial, Inc.; Guarantee Insurance Company; Countrywide Staffing Solutions Group, Inc.; South Carolina Department of Corrections; State Accident Fund; and South Carolina Uninsured Employer's Fund, Respondents

of which Condustrial, Inc. f/k/a Medustrial Healthcare Staffing Service, Employer, is the Respondent-Appellant.

Appellate Case No. 2021-000633

ORDER

Appellant-Respondent's motion for partial remand to the Workers' Compensation Commission to submit additional and newly discovered evidence pursuant to S.C. Code Ann. Reg. 67-707(A) is granted. Counsel for Appellant-Respondent is ordered to file the motion with the Commission within twenty days of the date of this order and provide an update to the clerk of this court every thirty days thereafter. This appeal will be held in abeyance pending the Commission's resolution of this matter.



FOR THE COURT

Columbia, South Carolina

cc:

Stephen Benjamin Samuels, Esquire

George D. Gallagher, Esquire

Beth B. Richardson, Esquire

Grady Larry Beard, Esquire

James Pål Newman, Jr., Esquire

Erin Farrell Farthing, Esquire

Lisa C. Glover, Esquire

FILED
Sep 02 2021



STEPHEN B. SAMUELS
P. JASON REYNOLDS
ATTORNEYS AT LAW

May 4, 2021

Amy Bracy, Judicial Director
South Carolina Workers' Compensation Commission
Post Office Box 1715
Columbia, South Carolina 29202-1715

**Re: Rachel Turner v. SC Department of Corrections
W.C.C. File Number: 1514359**

Dear Ms. Bracy:

Attached for filing please find *Claimant's Motion to Submit Additional and Newly Discovered Evidence* which we hereby submit on behalf of the Claimant, Ms. Rachel Turner. We have also enclosed our law firm's check made payable to the SCWCC in the amount of \$50.00 as payment for the filing fee.

By copy of this letter and attachment, we are hereby serving defense counsel with *Claimant's Motion to Submit Additional and Newly Discovered Evidence* as indicated by the attached Certificate of Service.

Thank you for your assistance in this matter. Please call us with any questions or if additional information is needed.

With kindest regards, I am

Yours very truly,


Stephen B. Samuels

SBS/wp

Attachment(s) as stated

cc: Erin Farthing, Esquire
Lisa C. Glover, Esquire
Grady L. Beard, Esquire
George D. Gallagher, Esquire
Gregory M. Alford, Esquire
T. Jeff Goodwyn, Esquire
Beth Richardson, Esquire
James P. Newman, Jr. Esquire

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SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

WCC FILE NO.: 1514359

Rachel J. Turner,

Claimant,

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SC Department of Corrections - Kirkland,
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Staffing Solutions,

Employer(s),

and

State Accident Fund, South Carolina Property
and Casualty Guaranty Association on behalf
of the Guarantee Insurance Company, and/or
SC Workers' Compensation Uninsured
Employers' Fund,

Carrier(s),

Defendants,

**CLAIMANT'S MOTION TO SUBMIT
ADDITIONAL AND NEWLY
DISCOVERED EVIDENCE**

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in support of her claim for workers' compensation benefits. As grounds for granting rehearing, Claimant would show the following:

1. The Appellate Panel issued its Decision and Order on April 6, 2021 in which the Panel Affirmed in Part and Reversed in Part the Decision and Order of the Single Commissioner.
2. Defendant Condustral timely filed a MOTION TO RECONSIDER on April 12, 2021. As that motion has not been ruled upon, this matter is still pending before the Appellate Panel.

3. In the Decision and Order of the Appellate Panel, the Panel affirmed the Single Commissioner's ruling that Claimant Rachel Turner was entitled to temporary total disability compensation through September 30, 2015. The Panel denied additional compensation because this finding was based on a SOVA form filled out by Turner's family doctor stating "Patient will be totally unable to work from 09/16/2015 through 09/30/2015." [Claimant's APA page 291]. The Decision and Order further stated: "There are no other out of work notes from her family doctor, and no further SOVA forms in the record that address work ability or disability" [Order, pages 27-28, Findings of Fact G 7-8].

4. The Panel further found:

The Claimant was treated at Palmetto Day Treatment from October 21, 2015 until November 20, 2015. The Claimant asked her therapist at Palmetto on October 21, 2015 if she would be able to get a note to give to her employer excusing her from work. (Claimant's APA page 38) The counseling note states that the LMSW told patient that program therapist could provide a note signed by the doctor. The record in this case does not contain such note. [Order, pages 29-30, Finding of Fact G 12].

5. Claimant's Counsel had previously obtained what was believed to be the entire SOVA file directly from SOVA. As noted by the Appellate Panel, that file did not contain the work note referenced in the note from the LMSW.

6. At the hearing, Turner testified that other work notes existed and that she had in fact submitted additional work notes to SOVA. She testified:

They gave me 'til my follow-up appointment. Then they would say, okay, she's still not ready to go back to work, and they would issue another one. . . . I received many of these. I received all the way until \$7,000 worth of these. Do you see what I'm saying. They maximized me out at [\$7,000]. South Carolina Association for Victim's assistance has a max out of \$7,000. But up until then I had to provide those proving that I was unable to work in order to continue funds from them. [Tr. I, page 323, lines 8-19].

7. Turner lost all her records when she was evicted because she could not pay her rent.

She testified “I’ve lost everything.” [Tr. I, page 299, line 10]. “A lot of my stuff – most of my stuff got lost. I lost pictures of my children when they were babies, too. . . . Pretty much left with the clothes on my back and a few boxes. . . Furniture lost, car lost, everything lost.” [Tr. I, page 300, lines 4-13].

8. Upon learning of the Single Commissioner’s ruling as to the lack of additional records from SOVA, Turner personally contacted SOVA to obtain the missing out of work slips. On August 20, 2020, Turner received an email from the Compensation Recovery Coordinator at the Department of Crime Victim Compensation of the South Carolina Office of Attorney General. Attached to the email were various documents.

9. Turner reasonably presumed these documents had been sent to her attorney. However, the Compensation Recovery Coordinator misspelled the email address for her attorney’s office. The email was addressed to *records@samuelreynolds.com*. The correct address is *records@samuelsreynolds.com*. The sender left the “s” off “Samuels.” Due to the sender’s error, her attorney was unaware that these records had been sent.

10. On April 19, 2021, Turner learned that her attorney had not been sent the records in question – despite his specific records request to SOVA and her arranging for the Attorney General’s office to email their file to her attorney. She located the email from August 20, 2020 and forwarded it to her attorney on April 19, 2021.

11. The Commission’s regulations allow a party to file a motion to submit “additional evidence necessary for the completion of the record in a case on review.” S.C. Code Ann. § Reg. 67-707 A. The regulation requires:

C. The moving party must establish the new evidence is of the same nature and character required for granting a new trial and show:

(1) The evidence sought to be introduced is not evidence of a cumulative or

impeaching character but would likely have produced a different result had the evidence been procurable at the first hearing; and

(2) The evidence was not known to the moving party at the time of the first hearing, by reasonable diligence the new evidence could not have been secured, and the discovery of the new evidence is being brought to the attention of the Commission immediately upon its discovery.

S.C. Code Ann. § Reg. 67-707 C.

12. The newly discovered evidence received from the AG includes various documents such as incident reports from the Department of Corrections and additional forms from SOVA. Among those forms is a document signed by Dr. Berg stating: "Patient will be totally unable to work from 10/21/15 through 11/20/15. [Exhibit page 4]. These dates coincide with the date of Turner's next appointment with her psychiatrist and counselors. An image of this statement is shown below:

Date of crime related injury 09/05/15 (must be completed)

Briefly describe the injury/injuries sustained as a direct result of the crime: diagnosed with PTSD

****Treating Physician must provide a start and end date of the disability period****

Patient will be totally unable to work from: 10/21/15 through 11/20/15

Check all that applies in accordance to the patient's ^{physical} ~~physical~~ ^{mental} ability:

- May resume work immediately without restrictions
- May resume work immediately with the following restrictions _____
- Patient may return to work at full capacity on (date) / /
- Patient may return to work at partial capacity on (date) / /
- Patient has a return appointment on (date) 11/19/15 - MD 11/20/15 - therapist
follow up appointments with therapist/MD

Type or print Treating Physician's name Stephanie Berg MD Phone (803) 296-8765

13. The newly discovered evidence would entitle Turner to a new trial on the issue of ongoing entitlement to TTD. The evidence is neither cumulative or impeaching. As the Commission specifically based its denial of TTD on there being no such note in the record at trial, this new evidence would likely have produced a different result had it been procurable at the first hearing.

14. The evidence was unknown to the moving party at the time. While there was testimony that this record existed from Turner and it is consistent with Dr. Berg's medical records (which state "Due to incident 9/15/15, patient had not worked since that date"), this particular work note was not included in the materials Claimant's attorney obtained from SOVA.

15. As SOVA did not provide this specific note to Claimant's attorney through the normal discovery process, the new evidence could not have been secured by reasonable diligence. Furthermore, even when Turner on her own initiative obtained the records from the Attorney General's office, the records were not sent to her attorney due to the mistake by the Attorney General. As soon as Turner learned of the error in the email address by the Attorney General, she forwarded the evidence to her attorney.

16. The new evidence is being brought to the Commission's attention immediately upon discovery.

THEREFORE, As the elements of Regulation 67-707 are satisfied, Claimant moves the Appellate Panel to receive and consider this additional evidence. Claimant consents to the evidence being forwarded via remand to the Single Commissioner or for consideration by the Appellate Panel.

CONCLUSION

For the foregoing reasons, the Appellate Panel should grant the Motion to Submit Additional and Newly Discovered Evidence. The evidence should be considered by the Appellate Panel or by the Single Commissioner on Remand. Following review, the Appellate Panel should also reverse in part and hold TTD must be paid on a running award from the date of the assault.

Respectfully Submitted,



Stephen B. Samuels
SAMUELS REYNOLDS LAW FIRM, LLC
1320 Richland Street
Columbia, SC 29201
(803) 779-4000

May 4, 2021
Columbia, South Carolina

ATTORNEY FOR CLAIMANT

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

WCC FILE NO.: 1514359

Rachel J. Turner,

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**SC Department of Corrections - Kirkland,
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Employer(s),

and

**State Accident Fund, South Carolina Property
and Casualty Guaranty Association on behalf
of the Guarantee Insurance Company, and/or
SC Workers' Compensation Uninsured
Employers' Fund,**

Carrier(s),

Defendants,

**SWORN AFFIDAVIT OF
STEPHEN B. SAMUELS**

PERSONALLY appeared before me, Stephen B. Samuels, who first being duly sworn, deposes and says that on the 4th day of May, 2021, that he gave the following statement:

1. My name is Stephen Samuels. I am an attorney in good standing and admitted to practice in the State of South Carolina. I was admitted to the South Carolina Bar on May 11, 1997. I am an attorney with the firm of Samuels Reynolds Law Firm, LLC, with my office located at 1320 Richland Street, Columbia, SC, 29201.

2. I represent Rachel Turner in a workers' compensation case arising out of injuries Ms. Turner sustained when she was assaulted at her place of employment on September 5, 2015. I was

retained by Ms. Turner on April 14, 2016.

3. As part of my investigation of her case, records were requested from multiple sources including SOVA. At the trial of the case, we submitted the entire file from SOVA in our possession. Specifically, this included a form filled out by Turner's family doctor stating she was unable to work from September 15, 2015 through September 30, 2015. This was the only out of work document we received from SOVA.

4. At the hearing, Turner testified that other work notes existed and that she had in fact submitted additional work notes to SOVA. She testified:

They gave me 'til my follow-up appointment. Then they would say, okay, she's still not ready to go back to work, and they would issue another one. . . . I received many of these. I received all the way until \$7,000 worth of these. Do you see what I'm saying. They maximumed me out at [\$7,000]. South Carolina Association for Victim's assistance has a max out of \$7,000. But up until then I had to provide those proving that I was unable to work in order to continue funds from them.

[Tr. I, page 323, lines 8-19].

5. Turner lost all her records when she was evicted because she could not pay her rent. She testified "I've lost everything." [Tr. I, page 299, line 10]. "A lot of my stuff – most of my stuff got lost. I lost pictures of my children when they were babies, too. . . . Pretty much left with the clothes on my back and a few boxes. . . Furniture lost, car lost, everything lost." [Tr. I, page 300, lines 4-13].

6. I informed my client of the rulings from both the Single Commissioner and Appellate Panel. Upon learning of the Single Commissioner's ruling as to the lack of additional records from SOVA, Turner personally contacted SOVA to obtain the missing out of work slips. On August 20, 2020, Turner received an email from the Compensation Recovery Coordinator at the Department of Crime Victim Compensation of the South Carolina Office of Attorney General. Attached to the email were various documents.

8. Although the email containing these document was supposed to have been sent to my office, it was not received. The Compensation Recovery Coordinator misspelled the email address for my office. The email was addressed to *records@samuelreynolds.com*. The correct address is *records@samuelsreynolds.com*. The sender left the “s” off “Samuels.” Due to the sender’s error, both me and my client were unaware that these records had been sent.

9. On April 19, 2021, Turner learned that my office had not been sent the records in question – despite my previous specific records request to SOVA and my client arranging for the Attorney General’s office to email their file to her attorney. Ms. Turner located the email from August 20, 2020 and forwarded it directly to me on April 19, 2021.

10. I reviewed the documents in question. I discovered that many of the documents had not been produced to me previously despite my due diligence in attempting to obtain them through the normal channels and methods used to obtain such documents. Among these documents is a form filled out by Dr. Stephanie Berg stated Turner was completely unable to work from October 21, 2015 through November 20, 2015. This was the first time I had seen this document and become aware that it did actually exist.

11. Upon receiving the document, I realized that it was of the nature and character that it would entitle my client to a new trial of the issue of TTD payable to her. This is true because the Commission rejected her statement that the document did exist due to its unavailability at trial. I therefore drafted and filed a Motion to Submit Additional and Newly Discovered Evidence immediately upon discovery of this evidence.

12. The new evidence is necessary to ensure a fair and just result in this case.

13. Having satisfied the elements of Regulation 67-707, I request that the Motion be granted.

"A FALSE STATEMENT CONCERNING THE FACTS CONTAINED IN THIS AFFIDAVIT MAY SUBJECT THE PERSON MAKING THE FALSE STATEMENT TO CRIMINAL PENALTIES AS PROVIDED BY LAW."

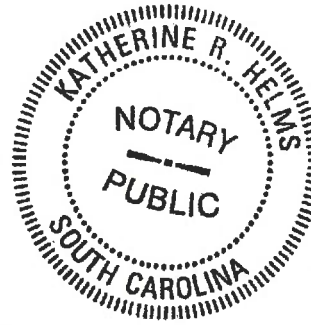

Stephen B. Samuels

Sworn before me this 4th

day of May, 2021


Notary for South Carolina

My Commission Expires: 8.19.29



SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC FILE NO.: 1514359

Rachel Turner,
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and

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and Casualty Insurance Guaranty Association on
behalf of the Guaratee Insurance Company,
and/or SC Workers' Compensation Uninsured
Employers' Fund,
Carrier,
Defendants,

CERTIFICATE OF SERVICE

This is to certify that I, Wanda Powell, paralegal for the Samuels Reynolds Law Firm, LLC, have caused a copy of the following described document to be served on the following parties via electronically on the date indicated below:

Document served: **Claimant's Motion to Submit Additional and Newly Discovered Evidence**

Person(s) served: Amy Bracy, Judicial Director
SC Workers' Compensation Commission
Post Office Box 1715, Columbia, SC 29202-1715
Via US Mail
abracy@wcc.sc.gov
judicialanalysts@wcc.sc.gov
judicial@wcc.sc.gov

Erin Farthing, Esquire
State Accident Fund
PO Box 1166
Lexington, SC 29071
efarthing@saf.sc.gov
Via email and US Mail

Gregory M. Alford, Esquire
PO Drawer 8008
Hilton Head Island, SC 29938
gregg@alfordlawsc.com
Via email and US Mail

Lisa C. Glover, Esquire
SC Uninsured Employers' Fund
PO Box 1815
Lexington, SC 29071
lglover@saf.sc.gov
Via email and US Mail

T. Jeff Goodwyn, Esquire
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Columbia, SC 29205
Jgoodwyn@Goodwynlaw.com
Via email and US Mail

Page Two
May 4, 2021

Beth Richardson, Esquire
Robinson Gray Stepp & Laffitte, LLC
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brichardson@sowellgray.com
Via email and US Mail

James P. Newman, Jr., Esquire
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jnewman@hnblaw.com
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Grady L. Beard, Esquire
Robinson Gray Stepp & Laffitte, LLC
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gbeard@robinsongray.com
Via email and US Mail

George D. Gallagher, Esquire
Speed, Seta, Martin, Trivett & Stubley
PO Box 11669
Columbia, SC 29211
ggallagher@speed-seta.com
Via email and US Mail



Wanda Powell, Paralegal

May 4, 2021

Stephen Samuels

From: rachel turner <shellyt34@gmail.com>
Sent: Monday, April 19, 2021 9:37 AM
To: Stephen Samuels
Subject: Fwd: Rachel Turner
Attachments: image001.jpg; 2014 Tax return.pdf; application.pdf; DMH letters.pdf; Incident report.pdf; Lost wages 2nd file.pdf; Lost wages.pdf; Mental Health and Lost wages report.pdf; Mental Health Counselors Report 2.pdf; Mental Health Counselors Report.pdf; Physicians Disability Report LW.pdf; Tax return 2014.pdf

----- Forwarded message -----

From: Armando Pons <APons@scag.gov>
Date: Thu, Aug 20, 2020, 10:53 AM
Subject: Rachel Turner
To: records@samuelreynolds.com <records@samuelreynolds.com>
Cc: Shellyt34@gmail.com <Shellyt34@gmail.com>

Good morning,

As per requested, If you have any question please let me know. My contact information is below.

Armando Pons

Compensation Recovery Coordinator

Department of Crime Victim Compensation

South Carolina Office of Attorney General

APons@Scag.gov

803.734.1920

803.734.1708 Fax





T R A N S M I T T A L

DATE: 11/16/15

TO: Christy

DEPARTMENT: lost wages

COMPANY: SOVA

FAX: 803-734-2261

TELEPHONE: 803-734-1900

FROM: Lauren King, LPC/I

DEPARTMENT: Day Treatment

ADDRESS: 720 Gracern Rd. Suite 120,
Columbia SC 29210

FAX: (803) 551-1254

TELEPHONE: (803) 296-8765

PAGES INCLUDING COVER SHEET: 3

MESSAGE: _____

Rachel Turner

805a67

* URGENT !!! *

P.O. BOX 2266
COLUMBIA, SC 29202-2266

www.palmettohealth.org

NOTE: The information contained in this facsimile message is privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the address at left via the U.S. Postal Service.

State Office of Victim Assistance 1205 Pendleton St., Brown Bldg., Room 401, Columbia, SC 29201 Phone: (803) 734-1900 Fax: (803) 734-2261

Today's Date 11 / 12 / 15

Victim's Legal Name Rachel Jane Turner Claimant (if a different person) _____

SS # (last 5 digits) 1 - 6 3 9 1

Crime Date 09 / 05 / 15

To the Provider: This form is used for consideration with the initial 14 mental health session's limit. To request approval/preauthorization for payment of additional sessions, the 'Additional Counseling Sessions Request Form' must be submitted.

This form must be submitted to request approval/preauthorization for payment of counseling sessions. The treatment must be directly related to the crime on which the claim is based. The information provided must include a goal-directed treatment plan and a summary of your assessment toward meeting those goals.

Approval/preauthorization is contingent upon the rationale behind the need and the details provided.

Is the trauma and the treatment a direct result of this crime? YES NO

Presenting Issue: Patient was admitted into the program after (per her report) she was assaulted and held hostage at a correctional facility. Patient was diagnosed with PTSD per MD on 10/21/15.

Description of psychological trauma as related to victimization: depressed mood, anxiety with panic attacks, hypervigilance, isolating/withdrawing, crying spells, decreased sleep with nightmares, avoiding social situations and triggers (doors closing, crowds), decreased ADLs, inability to work

Type of evidence based treatment model being used: Cognitive Behavioral therapy, Dialectical Behavioral therapy, mindfulness techniques, Exposure Therapy, group therapy, individual therapy, medication management by MD.

Payer of Last Resort Status:
 The State Office of Victim Assistance is the payer of last resort. If the victim has insurance, and the victim elects not to use his/her insurance for treatment, SOVA will not cover the cost. It is the provider's responsibility to ensure that other avenues of payments are explored and used. unlikely coverage due to lack of funds per patient report.

The following question must be answered: Does this victim have health insurance coverage? YES NO ?

If the victim has health insurance, SOVA will pay after the insurance pays. Please provide the following information along with a copy of the EOB for each DOS:

Health Insurance Carrier _____ Policy No. _____

Jam King
 Authorized Signature of Treating Therapist/Counselor

LPC-1 # 5978
 License Type and Number

Marybeth Stoltz
 Supervisor's Signature

 Printed Name of Payee

720 Gracorn Rd Suite 120
 Mailing Address

4680 LPC-5/C
 License Type and No.

(803) 296-2716
 Telephone No./Extension

Columbia, SC 29210
 City/State/Zip Code

11/16/15
 Date

SOVA | Physician's Disability Report - Lost Wages

State Office of Victim Assistance 1205 Pendleton St., Brown Bldg., Room 401, Columbia, SC 29201 Fax#: 803.734.4022
WWW.SOVA.SC.GOV Click on payment and reimbursement guide under the "For Providers" tab for more information

Criteria for Lost Wages

There are four criteria that must be met:

- (1) Employment (2) Missed time from work (3) Reportable income & (4) Disability

Your Treating Physician must complete this form to confirm your inability to work as a direct result of the incident. Your Physician should return this form directly to our office by fax 803-734-2261 or US mail (see below for address). For questions, please contact us at 803-734-1900.

Legal name of (crime victim) injured patient Rachel Jane Turner

Social Security # (Last 5 digits) 16391 Date of Birth 10/13/72

Date the patient (crime victim) was first seen by you in relation to the crime 10/21/15

Date of crime related injury 09/05/15 (must be completed)

Briefly describe the injury/injuries sustained as a direct result of the crime: diagnosed with PTSD

Treating Physician must provide a start and end date of the disability period. Patient will be totally unable to work from 10/21/15 through 11/20/15

- Check all that applies in accordance to the patient's physical ability:
May resume work immediately without restrictions
May resume work immediately with the following restrictions
Patient may return to work at full capacity on (date)
Patient may return to work at partial capacity on (date)
Patient has a return appointment on (date) 11/19/15 - MD 11/20/15 - therapist
Follow up appointments with therapist/MD

Type or print Treating Physician's name Stephanie Berg MD Phone (803) 296-8715

Signature of Treating Physician Stephanie Berg MD Date 11/16/15

Name and Address of Facility Palmetto Health Day Treatment 720 Gwacorn Rd Suite 120 Columbia, SC 29210

State Office of Victim Assistance
1205 Pendleton Street, Brown Bldg., Room 401
Columbia, South Carolina 29201

TIME RECEIVED
November 5, 2015 11:16:37 AM EST

REMOTE CSID
8035511254

DURATION
286

PAGES
9

STATUS
Received

8035511254

10:23:27 a.m. 11-05-2015

1/9



F A X
T R A N S M I T T A L

DATE: November 5, 2015

TO: ~~XXXXXX~~ ms. Hart/ms. Lareau

DEPARTMENT: _____

COMPANY: SOVA

FAX: 803-734-2261

TELEPHONE: 803-734-1900

FROM: Lauren King, LPC/I

DEPARTMENT: Day Treatment

ADDRESS: 720 Gracern Rd. Suite 120,
Columbia SC 29210

FAX: (803) 551-1254

TELEPHONE: (803) 296-8765

PAGES INCLUDING COVER SHEET: 9

MESSAGE: _____

Rachel Turner

Claim # 805267

P.O. BOX 2266
COLUMBIA, SC 29202-2266

www.palmettohealth.org

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SOVA Physician's Disability Report Lost Wages Rev. 6/06

State Office of Victim Assistance • 1205 Pendleton St., Brown Bldg. Room 401, Columbia, SC 29201 • Phone: (803) 734-1900 • Fax: (803) 734-1708

An application for assistance has been filed with our office for the crime victim listed below. Please complete this form and return it to us as soon as possible; a fax is acceptable.

Full name of injured patient Rachel Jane Turner

Social Security No. ~~116391~~ 1 1 6391

Date of Birth 10 13 1972

Date the patient was first seen by you 09 16 2015

Diagnosis: Multiple contusions on back (middle) above left elbow on right

upper arm. Pt states hands + back are tender + stiff. states she is having
issues with right shoulder, sleeping and small placostiches she is having difficulty moving.
Briefly describe extent and location of injuries. SEE above.

Did the patient sustain any disability?

Yes

No

(Please circle one.) NOT permanent physical
but appears to be associated + fearful.

If yes, is the disability solely a result of this injury?

Yes

No

(Please circle one.)

Please explain: however pt states she is having mental health issues due
to her altercation she is to file with RCP in 2 wks. as well as PWC.

Patient will be totally unable to work from 09 16 2015 through 09 30 2015

Patient will be partially unable to work from through

Has the patient been discharged from your care?

Yes

No

(Please circle one.)

Has payment been filed with any of the following?

Medicaid Yes No Policy # _____

Medicare Yes No Policy # _____

Workers' Compensation Yes No _____

Other insurance or program Yes No Company or Agency _____

Address _____

Type or print physician's name Mary Ward AGNP-BC

Phone (803) 716-1504

Signature of physician Mary Ward M.D.

Date 09 16 2015

Address of physician 3316 Platt Springs RD A201A 29170

SOVA Employer's Report - Lost Wages / Support Rev. 6/06

State Office of Victim Assistance ♦ 1205 Pendleton St., Brown Bldg. Room 401, Columbia, SC 29201 ♦ Phone: (803) 734-1900 ♦ Fax: (803) 734-1708

SOVA Claimant/Applicant filing for benefits (*print full name*) Rachel Jane Turner

Job Type loc. nurse Social Security No. 000000000 1 1 6 391 Date of Birth 10 / 13 / 1972

Employer: An application for assistance has been filed for the person listed above.
Please complete this form and return it to SOVA as soon as possible; a fax is acceptable.

Date the above person was first employed by you 05 / 1 / 2012

Date he/she was first absent due to crime related injuries 09 / 06 / 2015

Date he/she returned to work part time, if applicable NA

Date he/she returned to work full time NA

Date he/she was terminated, if no longer employed by you NA

Insurance Type and Policy No.	
Health/Medical # <u>Consumers Choice</u>	Disability # _____

Was this employee compensated for time absent from work? _____ If so, how much? _____

Daily Work Schedule: from _____ am/pm to _____ am/pm

Average work hours per week _____ Average overtime per week _____

Average hourly wage _____ Overtime hourly wage _____

Gross salary per week _____ Average commissions per week _____

Employer _____ Address _____ Phone No. (____) _____

Person Completing Form (*print*) _____ Signature _____

Title _____ Date _____ Comments? _____

****Further documentation may be required to receive lost wages/support, i.e., W-2, pay stubs, or tax returns. Wages will be offset by other sources such as annual or sick leave, social security or disability.**

SOVA Mental Health Counselor's Report

Rev. 6/06

State Office of Victim Assistance ♦ 1205 Pendleton St., Brown Bldg., Room 401, Columbia, SC 29201 ♦ Phone: (803) 734-1900 ♦ Fax: (803) 734-1708

Refer to instructions and stipulations on reverse side.

Today's Date 9/8/15

Victim's Legal Name Rachel Turner Claimant (if a different person) _____

Social Security No. ~~000000~~ 116391 Crime Date 9/5/15

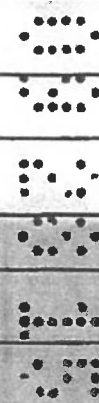
Is the trauma and the treatment a direct result of this crime? YES NO _____




Presenting Complaint Assault

Diagnosis of Record Sleepiness, night sweats, problems in confined spaces

Description of injury and/or psychological trauma as related to victimization _____

Multiple contusion on back (middle above left elbow on right upper arm (cannot completely straighten))



HEALTH INSURANCE CARRIER	<u>ST0042294</u>	
Policy #	<u>Consumer's Choice</u>	
Company Name	<u>P.O. Box 91608</u>	
Telephone No. <u>(800) 580-8736</u>	Mailing Address or P.O. Box	
	<u>Wubbock, TX 79490-1606</u>	
	City/State/Zip Code	

Authorized Signature of Treating Therapist/Counselor _____ Printed Name of Payee _____ Telephone No./Extension _____

License Type and No. _____ Mailing Address _____ City/State/Zip Code _____

Supervisor's Signature _____ License Type and No. _____ Date _____

NOTE: SOVA does NOT act as guarantor for any services rendered.

State Office of Victim Assistance 1205 Pendleton St., Brown Bldg, Room 401, Columbia, SC 29201 Phone: (803) 734-1900 Fax: (803) 734-2261

Today's Date 11 / 12 / 15Victim's Legal Name Rachel Jane Turner Claimant (if a different person) _____SS # (last 5 digits) 1 - 6 3 9 1Crime Date 09 / 05 / 15

To the Provider: This form is used for consideration with the initial 14 mental health session's limit. To request approval/preauthorization for payment of additional sessions, the 'Additional Counseling Sessions Request Form' must be submitted.

This form must be submitted to request approval/preauthorization for payment of counseling sessions. The treatment must be directly related to the crime on which the claim is based. The information provided must include a goal-directed treatment plan and a summary of your assessment toward meeting those goals.

Approval/preauthorization is contingent upon the rationale behind the need and the details provided.

Is the trauma and the treatment a direct result of this crime? YES NO Presenting Issue: Patient was admitted into the program after (per her report) she was assaulted and held hostage at a correctional facility. Patient was diagnosed with PTSD per MD on 10/21/15.Description of psychological trauma as related to victimization: depressed mood, anxiety with panic attacks, hypervigilance, isolating/withdrawing, crying spells, decreased sleep with nightmares, avoiding social situations and triggers (doors closing, crowds), decreased ADLs, inability to workType of evidence based treatment model being used: Cognitive Behavioral therapy, Dialectical Behavioral therapy, mindfulness techniques, Exposure Therapy, group therapy, individual therapy, medication management by MD.**Payer of Last Resort Status:**

The State Office of Victim Assistance is the payer of last resort. If the victim has insurance, and the victim elects not to use his/her insurance for treatment, SOVA will not cover the cost. It is the provider's responsibility to ensure that other avenues of payments are explored and used. unlikely coverage due to lack of funds per patient report.

The following question must be answered: Does this victim have health insurance coverage? YES NO ?

If the victim has health insurance, SOVA will pay after the insurance pays. Please provide the following information along with a copy of the EOB for each DOS:

Health Insurance Carrier _____ Policy No. _____

[Signature]
Authorized Signature of Treating Therapist/Counselor

LPC-1 # 5978
License Type and Number

[Signature]
Supervisor's Signature

Printed Name of Payee _____

720 Gracorn Rd Suite 120
Mailing Address

4680 LPC-5/C
License Type and No.

(803) 296-2716
Telephone No./Extension

Columbia, SC 29210
City/State/Zip Code

11/16/15
Date

SOVA Employer's Report - Lost Wages / Support Rev. 6/06

State Office of Victim Assistance • 1205 Pendleton St., Brown Bldg. Room 401, Columbia, SC 29201 • Phone: (803) 734-1900 • Fax: (803) 734-1708

SOVA Claimant/Applicant filing for benefits (print full name) Rachel Jane Turner

Job Type Rec. Nurse Social Security No. 00000 1 1 6 3 9 1 Date of Birth 10 1 13 1972

**Employer: An application for assistance has been filed for the person listed above.
Please complete this form and return it to SOVA as soon as possible; a fax is acceptable.**

Date the above person was first employed by you 05 1 2012
Date he/she was first absent due to crime related injuries 09 1 06 2015
Date he/she returned to work part time, if applicable NA
Date he/she returned to work full time NA
Date he/she was terminated, if no longer employed by you NA

Insurance Type and Policy No.
Health/Medical # Consumer's Choice Disability # _____

Was this employee compensated for time absent from work? _____ If so, how much? _____
Daily Work Schedule: from _____ am/pm to _____ am/pm
Average work hours per week _____ Average overtime per week _____
Average hourly wage _____ Overtime hourly wage _____
Gross salary per week _____ Average commissions per week _____

Employer _____ Address _____ Phone No. (____) _____

Person Completing Form (print) _____ Signature _____
Title _____ Date _____ Comments? _____

**Further documentation may be required to receive lost wages/support, i.e., W-2, pay stubs, or tax returns. Wages will be offset by other sources such as annual or sick leave, social security or disability.

SOVA Mental Health Counselor's Report

Rev. 6/06

State Office of Victim Assistance ♦ 1205 Pendleton St., Brown Bldg., Room 401, Columbia, SC 29201 ♦ Phone: (803) 734-1900 ♦ Fax: (803) 734-1708

Refer to instructions and stipulations on reverse side.

Today's Date 9/18/15

Victim's Legal Name Rachel Turner Claimant (if a different person) _____

Social Security No. ~~000000~~ 116397 Crime Date 9/15/15

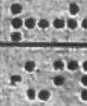
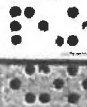
Is the trauma and the treatment a direct result of this crime? YES NO _____

Presenting Complaint Assault

Diagnosis of Record Sleepiness, night sweats, problems in confined spaces

Description of injury and/or psychological trauma as related to victimization _____

Multiple contusion on back (middle) above left elbow on right upper arm. (cannot completely straighten)



HEALTH INSURANCE CARRIER	<u>ST0042294</u>	
Policy #	<u>Consumer's Choice</u>	
Company Name	<u>P.O. Box 91608</u>	
Mailing Address or P.O. Box	<u>Kubbock, TX 79490-1606</u>	
City/State/Zip Code		

Authorized Signature of Treating Therapist/Counselor _____

Printed Name of Payee _____

Telephone No./Extension _____

License Type and No. _____

Mailing Address _____

City/State/Zip Code _____

Supervisor's Signature _____

License Type and No. _____

Date _____

NOTE: SOVA does NOT act as guarantor for any services rendered.

Mental Health Counseling Reimbursement

DEFINITION

803-896-7250 Dana Williams

Mental health counseling for compensation purposes means "the assessment, diagnosis and treatment of an individual's mental and emotional functioning that is required to alleviate psychological trauma resulting from a compensable crime." This definition is in accordance with state statutes that afford reimbursement for medical expenses on behalf of eligible victims.

SUPPORTING DOCUMENTS REQUIRED

- ◆ Mental Health Counselor's Report form must be completed by the victim's counselor and must certify whether the psychological trauma being addressed is a direct result of the crime.
- ◆ Itemized bill in the victim's name from the mental health counselor detailing the actual dates of service, type provided (i.e. individual, group, medication management); the CPT code assigned, and the amount charged.

LICENSED PROFESSIONAL

This office provides reimbursement for trauma treatment (generally considered as a medical expense) only when such service is rendered by a professional who is licensed in a specialty which includes mental health counseling; this includes medical doctors, psychiatrists, and psychologists.

LIMITATIONS

- ◆ Reimbursement amount is based on a fixed fee scale determined by this office.
- ◆ Financial aid is limited to any number of sessions within 180 days of the first charged visit (up to the allowable recovery amount including other benefits) or 20 sessions scheduled as needed for resurfacing trauma, whichever is greater.
- ◆ This office pays the outstanding balance from bills not fully covered by existing medical insurance; if a victim has private or public medical insurance, bills must first be filed with applicable companies/ carriers before submission to this office for possible payment.

State Office of Victim Assistance 1205 Pendleton St., Brown Bldg., Room 401, Columbia, SC 29201 Phone: (803) 734-1900 Fax: (803) 734-2261

Today's Date 12 / 11 / 15Victim's Legal Name Rachel Turner Claimant (if a different person) _____SS # (last 5 digits) ^(MS) 1 - 6391Crime Date 9/5/2015

To the Provider: This form is used for consideration with the initial 14 mental health session's limit. To request approval/preauthorization for payment of additional sessions, the 'Additional Counseling Sessions Request Form' must be submitted.

This form must be submitted to request approval/preauthorization for payment of counseling sessions. The treatment must be directly related to the crime on which the claim is based. The information provided must include a goal-directed treatment plan and a summary of your assessment toward meeting those goals.

Approval/preauthorization is contingent upon the rationale behind the need and the details provided.

Is the trauma and the treatment a direct result of this crime? YES NO Presenting Issue: Post-traumatic stress disorder - generalized anxiety, fear of closed spaces and being trapped, low appetite, hopelessness, low appetite, startle response, flashbacks, nightmares + nightsweatsDescription of psychological trauma as related to victimization: Rachel was held hostage for 5 hours while working. She was beaten, threatened, and forced to take drugs found. Since she has lost her job and medical insurance, this furthers trauma because:Type of evidence based treatment model being used: financial stress trauma focused-cognitive behavioral therapy**Payer of Last Resort Status:**

The State Office of Victim Assistance is the payer of last resort. If the victim has insurance, and the victim elects not to use his/her insurance for treatment, SOVA will not cover the cost. It is the provider's responsibility to ensure that other avenues of payments are explored and used.

The following question must be answered: Does this victim have health insurance coverage? YES NO

If the victim has health insurance, SOVA will pay after the insurance pays. Please provide the following information along with a copy of the EOB for each DOS:

Health Insurance Carrier _____ Policy No. _____

Manaly Burgett, MA
Authorized Signature of Treating Therapist/Counselorn/a

License Type and Number

Harris (Susank. Harris, EdS., LPC)
Provider's Signature

Printed Name of Payee

301 Palmetto Park Blvd

Mailing Address

SC 2752License Type and No.
P14(803) 996-1500
Telephone No./ExtensionColumbia, SC 290

City/State/Zip Code

12/11/15

Date

SOVA Physician's Disability Report Lost Wages Rev. 6/06

State Office of Victim Assistance • 1205 Pendleton St., Brown Bldg. Room 401, Columbia, SC 29201 • Phone: (803) 734-1900 • Fax: (803) 734-1708

An application for assistance has been filed with our office for the crime victim listed below.
Please complete this form and return it to us as soon as possible; a fax is acceptable.

Full name of injured patient Rachel Jane Turner

Social Security No. ~~000000~~ 1 1 6391

Date of Birth 10 13 1972

Date the patient was first seen by you 09 16 2015

Diagnosis: Multiple contusions on back (middle) above left elbow on right upper arm. Pt. states hands + back are tender + stiff. states she is having issues with night sweats, sleeping, and small plaques on skin that are difficult to see.
Briefly describe extent and location of injuries. See above.

Did the patient sustain any disability? Yes No (Please circle one.) not permanent physical but appears to be associated + healed.
If yes, is the disability solely a result of this injury? Yes No (Please circle one.)

Please explain: however pt. states she is having mental health issues due to her altercation she is to file with RCP in 2 weeks. as well as HHS.

Patient will be totally unable to work from	<u>09 16 2015</u>	through	<u>09 30 2015</u>
Patient will be partially unable to work from	_____	through	_____

Has the patient been discharged from your care? Yes No (Please circle one.)

Has payment been filed with any of the following?
Medicaid Yes No Policy # _____
Medicare Yes No Policy # _____
Workers' Compensation Yes No _____
Other insurance or program Yes No Company or Agency _____
Address _____

Type or print physician's name Mary Ward AGNP-BC Phone (803) 796-1501

Signature of physician Mary Ward MD-BC Date 09 16 2015

Address of physician 3316 Platt Springs Rd A201A 29170



T R A N S M I T T A L

DATE: 11/17/15

TO: _____

DEPARTMENT: Case management

COMPANY: SOVA

FAX: 803-734-2261

TELEPHONE: 803-734-1900

FROM: Lauren King, LPC/I

DEPARTMENT: Day Treatment

ADDRESS: 720 Gracern Rd, Suite 120,
Columbia SC 29210

FAX: (803) 551-1254

TELEPHONE: (803) 296-8765

PAGES INCLUDING COVER SHEET: 6

MESSAGE: _____

Rachel Turner

805267

* URGENT!! *

P.O. BOX 2266

COLUMBIA, SC 29202-2266

www.palmettohealth.org

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*State of South Carolina
Department of Mental Health*

MENTAL HEALTH COMMISSION:

Alton Y. Evans, PsyD, Chair
Joan Meera, Vice Chair
Jane E. Jones
Edward Rudodge, PhD
J. Burton Teay

STATE DIRECTOR
John H. Magill

Lexington County Community
Mental Health Center
301 Palmetto Park Blvd.
Lexington, SC 29072
Information: (803) 966-1500
Richard L. Acton, ACSW, Executive Director

12/11/2015

To whom it may concern:

This letter is to verify that Rachel Turner, DOB: 10/13/1972, has been a client with Lexington County Mental Health Clinic since 11/25/2015. She has seen the counselor and care coordinator since her admission date. LCCMHC is currently trying to employ another psychiatrist. The earliest appointment for the psychiatrist or nurse practitioner is 4/27/2015. Rachel has an appointment on that date at 2pm. She has been added to the emergency list for cancelled appointments. If someone were to cancel his/her appointment she will be contacted to replace their appointment time.

Thanks

Mandy Burgett

Mandy Burgett, Case Manager
Mental Health Therapist II



Claim# 8052101
County Richland
Status Processing
Owner Cent. Location

December 28, 2015

RE: Rachel Turner

Rachel Turner attended the Palmetto Health Day Program from 10/21/15 to 11/20/15 under the care of Dr. Stephanie Berg for PTSD. At discharge, patient was recommended for continued outpatient care: Lexington County Community Mental Health.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephanie Berg".

Stephanie Berg, MD

TIME RECEIVED
November 5, 2015 11:16:37 AM EST

REMOTE CSID
8035511254

DURATION
286

PAGES
9

STATUS
Received

8035511254

10:23:27 a.m. 11-05-2015

1/9



T R A N S M I T T A L

DATE: November 5, 2015

TO: ~~XXXXXX~~ ms. Hart/ms. Laneau

DEPARTMENT: _____

COMPANY: SOVA

FAX: 803-734-2261

TELEPHONE: 803-734-1900

FROM: Lauren King, LPC/I

DEPARTMENT: Day Treatment

ADDRESS: 720 Gracern Rd. Suite 120,
Columbia SC 29210

FAX: (803) 551-1254

TELEPHONE: (803) 296-8765

PAGES INCLUDING COVER SHEET: 9

MESSAGE: _____

Rachel Tuxner

Claim # 805267

P.O. BOX 2266
COLUMBIA, SC 29202-2266
www.palmettohealth.org

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SOVA Physician's Disability Report Lost Wages Rev. 6/06

State Office of Victim Assistance • 1205 Pendleton St., Brown Bldg. Room 401, Columbia, SC 29201 • Phone: (803) 734-1900 • Fax: (803) 734-1708

An application for assistance has been filed with our office for the crime victim listed below. Please complete this form and return it to us as soon as possible; a fax is acceptable.

Full name of injured patient Rachel Jane Turner

Social Security No. ~~000000~~ 1 1 6391

Date of Birth 10 13 1972

Date the patient was first seen by you 09 16 2015

Diagnosis: Multiple contusions on back (middle) above left elbow on right

upper arm. Pt states hands + back are tender + stiff. states she is having
issues with night sweats, sleeping and small placostates she is having difficulty
Briefly describe extent and location of injuries: SEE above.

Did the patient sustain any disability?

Yes

No

(Please circle one.) NOT permit physical
but appears to be anxious + fearful.

If yes, is the disability solely a result of this injury?

Yes

No

(Please circle one.)

Please explain: however pt states she is having mental health issues due
to her altercation she is to file with RCP in 2 wks. as well as RHC

Patient will be totally unable to work from	<u>09 16 2015</u>	through	<u>09 30 2015</u>	:
Patient will be partially unable to work from	<u> </u>	through	<u> </u>	:

Has the patient been discharged from your care?

Yes

No

(Please circle one.)

Has payment been filed with any of the following?

Medicaid Yes No Policy # _____

Medicare Yes No Policy # _____

Workers' Compensation Yes No _____

Other insurance or program Yes No Company or Agency _____

Address _____

Type or print physician's name Mary Ward AGNP-BC

Phone (803) 746-1541

Signature of physician Mary Ward MD-BC

Date 09 16 2015

Address of physician 3316 Platt Springs RD A-201A 29170

SOVA Employer's Report - Lost Wages / Support Rev. 6/06

State Office of Victim Assistance • 1205 Pendleton St., Brown Bldg. Room 401, Columbia, SC 29201 • Phone: (803) 734-1900 • Fax: (803) 734-1708

SOVA Claimant/Applicant filing for benefits (print full name) Rachel Jane Turner

Job Type h.c. nurse Social Security No. 0110 1 1 6 391 Date of Birth 10 1 13 1972

Employer: An application for assistance has been filed for the person listed above.
Please complete this form and return it to SOVA as soon as possible; a fax is acceptable.

Date the above person was first employed by you 05 1 2012
Date he/she was first absent due to crime related injuries 09 1 2015
Date he/she returned to work part time, if applicable NA
Date he/she returned to work full time NA
Date he/she was terminated, if no longer employed by you NA

Insurance Type and Policy No.
Health/Medical # Consumer's Choice Disability # _____

Was this employee compensated for time absent from work? _____ If so, how much? _____
Daily Work Schedule: from _____ am/pm to _____ am/pm
Average work hours per week _____ Average overtime per week _____
Average hourly wage _____ Overtime hourly wage _____
Gross salary per week _____ Average commissions per week _____

Employer _____ Address _____ Phone No. () _____

Person Completing Form (print) _____ Signature _____
Title _____ Date _____ Comments? _____

**Further documentation may be required to receive lost wages/support, i.e., W-2, pay stubs, or tax returns. Wages will be offset by other sources such as annual or sick leave, social security or disability.

SOVA Mental Health Counselor's Report

Rev. 6/06

State Office of Victim Assistance ♦ 1205 Pendleton St., Brown Bldg., Room 401, Columbia, SC 29201 ♦ Phone: (803) 734-1900 ♦ Fax: (803) 734-1708

Refer to instructions and stipulations on reverse side.

Today's Date 9/18/15

Victim's Legal Name Rachel Turner Claimant (if a different person) _____

Social Security No. ~~000000~~ 11 6391 Crime Date 9/15/15

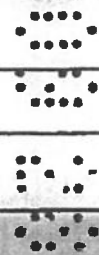
Is the trauma and the treatment a direct result of this crime? YES NO _____




Presenting Complaint Assault

Diagnosis of Record Sleepiness, night sweats, problems in confined spaces

Description of injury and/or psychological trauma as related to victimization _____

Multiple contusion on back (middle) above left elbow on right upper arm (cannot completely straighten)



HEALTH INSURANCE CARRIER	<u>ST0042294</u>	
Policy #		
<u>(800) 580-8736</u>	<u>Consumer's Choice</u>	
Telephone No.	Company Name	
	<u>P.O. Box 91608</u>	
	Mailing Address or P.O. Box	
	<u>Wubbock, TX 79490-1606</u>	
	City/State/Zip Code	

Authorized Signature of Treating Therapist/Counselor _____ Printed Name of Payee _____ Telephone No./Extension () _____

License Type and No. _____ Mailing Address _____ City/State/Zip Code _____

Supervisor's Signature _____ License Type and No. _____ Date _____

NOTE: SOVA does NOT act as guarantor for any services rendered.

State Office of Victim Assistance . 1205 Pendleton St., Brown Building Room 401, Columbia, SC 29201 . 1(800) 220-5370 or (803) 734-1900
Use a separate form for each person filing a claim.

SECTION 1 Person Receiving Services Victim or family member requesting assistance.

Check one: Mr. Mrs. Ms. Full Legal Name of Individual Receiving Services/Benefits Rachel Turner
Social Security # [redacted] / 6591 Date of Birth 10-13-77 Sex: Male Female
The person receiving services is the Victim (as identified on the incident report upon which this claim is based)
OR the Victim's Spouse Parent Sibling Child Other
Check services requested: Medical Counseling Lost Wages / Support Burial Other
Please call a local victim advocate or our office for help with completing this form.

SECTION 2 Victim Information The Victim is the same person listed as a victim on the law enforcement incident report.

Check one: Mr. Mrs. Ms. Name as it appears on the incident report Rachel Turner
Social Security # [redacted] - 6391 Date of Birth 10-13-72 Victim is: deceased incompetent under 17 disabled
Home Mailing Address (city, state, zip) 135 Villas crt #A . w. Col SC 29170
Home phone # 707-863-1963 Other contact #(s)
(For statistical purposes only and is optional) Sex: Female Male
Race: Caucasian African American Hispanic Native American Asian or Pacific Islander Other

SECTION 3 Claimant Information Complete only if: The Claimant is the adult assuming responsibility for the crime-related bills and/or the adult that has physical custody of a minor.

Check one: Mr. Mrs. Ms. Full Legal Name Rachel Turner
Relationship to Victim self Social Security # [redacted] - 6391 Date of Birth 10-13-72
Home Mailing Address (city, state, zip) 135 Villas Crt #A . w. Col SC 29170
Home phone # 707803 1963 Other contact #(s)

SECTION 4 Crime Information Attach a copy of the law enforcement incident report.

If law enforcement was not contacted, an incident report was not written within 48 hours of the crime, or if you are not filing this claim with SOVA within 180 days of the crime, please explain why.
Date of Crime 9/5/15 Date Reported 9/5/15 Law Enforcement Agency SLED
Address of Crime Kirland Correctional Inst. City/County Col. SC State SC
Incident Report # Name(s) of Offender(s) Tessner, Floyd
Was suspect arrested? Yes No Type of Crime and injury sustained: Hostage, Assault - Physical Emotional
Relationship of Offender(s) to Victim I'm patients Warrant #(s) Has the case gone to court? Yes No
Please indicate the type of court: Magistrate Municipal General Sessions PTI
If yes, how much restitution was ordered None or Amount Ordered \$ Amount Paid to Date \$

SECTION 5 Crime-Related Expense Information*

Attach copies of itemized bills (detailed bills, UB92 or HCFA 1500).

Dalmetto Health & Richmond LP 09/05/15
 Name of Doctor/Hospital Services Provided from (date) to (date) Phone# Fax#

Springdale Family Practice 09/19/15
 Counselor Services Provided from (date) to (date) Phone# Fax#

Funeral Home Services Provided from (date) to (date) Phone# Fax#

SECTION 6 Health Insurance / Benefits Information

List insurance policies including Medicaid and Medicare. Health insurance must be submitted to provider.

Consumers Choice ST0642294 800-530-9736

SECTION 7 Lost Wages / Support Information*

If you have not been able to work for at least two weeks in a row, submit last two paystubs. If self-employed, submit prior year's tax return.

Employer's Name Medustrial Phone # 803-454-1378 Fax # _____ Employee's Name Rachel Turner

Name & Address of Company/Business (list other employers on additional sheet) _____

If injured on the job, does your employer have Workers' Compensation? Yes No

Have you, or will you, file for Social Security disability (SSI)? Yes No?

Is your household losing income/paychecks due to the crime? Yes No

Are you missing work to care for the victim? Yes No

SECTION 8 Civil Action Information

Have you hired a lawyer to settle with insurance or file a lawsuit? Yes No

If yes, please provide: Name of Lawyer Jeremy Canape Todd Rutherford

Mailing Address _____ Phone # 770-803-2563003

SECTION 9 Referral Source Information

Solicitor LEVA Hospital/Dr. Counselor Other

Name/Title of Professional Assisting with Application SPECIAL AGENT GIANNA WILLIAMS

Phone # 803-896-7250 Fax # 803-896-7259 Agency/Office SLRD

Mailing Address (P.O. Box or Street) P.O. Box 21398

City and County COLUMBIA, RICHLAND COUNTY State SC Zip 29221

SECTION 10 Legal Authorization & Signature

This document is in compliance with the HIPAA guidelines.

I understand that I am responsible for all bills and the compensation program is designated to pay certain costs not covered by another source. Submitting this application does not entitle me to benefits. I authorize the State Office of Victim Assistance (SOVA) to request, obtain, and release any information or records to determine the eligibility of my claim or to obtain restitution for a period not to exceed the full processing of this application. I further understand that there is a potential for me to no longer be protected by the Privacy Rule, and that I have the right to revoke this authorization in writing at any point I so desire. I agree to repay SOVA if I receive money from another source, up to the amount paid on my behalf. This includes any payment I may receive from the offender, any insurance policy or settlements, judgments, or civil law suits. I authorize SOVA to request and obtain any information including settlement disbursements, negotiated medical bills, and all other records related to subrogation from myself or representatives acting on my behalf. I agree to notify SOVA of any changes, such as address or phone numbers, to maintain accuracy in the processing of this claim.

This information I have provided is true and correct to the best of my knowledge under penalty of law (§16-3-1280).

Original Signature of Victim/Claimant _____ Date 9/18/15

(Legal representative must sign if the Victim is under 12, legally declared incompetent or deceased.)

Print Name of Above Victim/Claimant Rachel Turner

* See Supplemental Forms booklet (<http://www.oepv.sc.gov/sova-suppforms.pdf>) to request counseling or Lost Wages/Support

Victim Support Checklist

Name: Rachel Turner County: Richard
Claim #: 805267

Date Received: 9.28.15 Date Entry Date: 10.1.15
Date Screened/Reviewed: 10.5.15
Date ROA Letter Mailed: 10.5.15
Date App Returned: _____
Date Returned App Received: _____

INCIDENT REPORT REQUEST

Incident Report/TR-310/MAIT Included
 Incident Report/TR-310/Not Included
 1st Request Victim/Claimant Date: _____
 2nd Request Date: _____ Agency/Name: _____
 3rd Request Date: _____ Agency/Name: _____
 MAIT Report Not Included

1st Request-Victim/Claimant Date: _____
2nd Request- 3 Months Victim SChP Date: _____
3rd Request- 6 Months SChP Troop Date: _____
7th Month Reassign to ES Date: _____

DOCUMENTS INCLUDED (Check All That Apply)

Incident Report TR-310
 Warrants LE/Referral Letters Pictures
 Funeral Bill Guardianship Documentation Power of Attorney Letter of Authorization
 Insurance Information if Applicable Medical Claim Forms/Medical Bills
 Voluntary Statement Death Certificate
 Affidavit Supplemental IR

VICTIM SUPPORT CHECKLIST

SUPPLEMENTAL REPORTS INCLUDED: (Check All That Apply)

- Mental Health Counselors Report (Incomplete) RB 10.1.15
- Employers Report (Incomplete) RB 10.1.15
- Paystubs
- Physician's Disability Report
- Funeral Bill Case Status Form
- Memorandum of Understanding
- Self Employment
- Additional Counseling Sessions Request Form
- Certificate of Clinical Necessity

Other Documents Included with Application: IR from Dept. of Corrections (Victim's Employer)
Emails

COMPANION/CROSS REFERENCE CLAIMS INFORMATION:

Name: _____ Claim #: _____
Name: _____ Claim #: _____
Name: _____ Claim #: _____
Name: _____ Claim #: _____

RETURNED APPLICATION:

*Was the application returned? Yes No

If yes, explain: _____

Comments: _____

Lead CSR Initials: _____ (If Returned)

CSR: RB

Checked by CSR Initials: RB

McDuffie, LaToya

From: Tom Sears <tsears@condustrial.com>
Sent: Tuesday, October 06, 2015 12:35 PM
To: McDuffie, LaToya
Cc: 'Ishoemaker'; 'Tony Durham'
Subject: FW: Scanned image from Condustrial Inc.
Attachments: 20151006_043446.pdf

Ms. McDuffie,

We are sending this e-mail to you at the request of Barbara Grissom with SCDC, concerning the incident with the inmates at Kirkland on 9/5/15, involving one of our contractors, Rachel Turner.

Please be advised that Ms. Turner has always been an Independent Contractor with us, since she signed up with our company in February 2013. She reaffirmed this Independent Contractor Status when she signed a SECOND Independent Contractor Agreement when she renewed her credentials in October 2014.

At no time has she ever been an employee of Medustrial or Condustrial, where she has been free to turn down assignments and work with other agencies during her entire tenure.

Please advise if you need further discussion or information.
Thank you.

Thomas M. Sears, Jr.
General Counsel and
Vice President of Administrative Services Condustrial, Inc.
514 E. North Street
Greenville, SC 29601
864-235-3619 (ofc), ext. 1102
864-517-8845 (cell)
864-235-4042 (fax)

The preceding e-mail message (including any attachments) contains information that may be confidential, be protected by the attorney-client or other applicable privileges, or constitute non-public information. It is intended to be conveyed only to the designated recipient(s). If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete it from your system. Use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

-----Original Message-----

From: copier@condustrial.com [<mailto:copier@condustrial.com>]
Sent: Tuesday, October 06, 2015 11:35 AM
To: tsears@condustrial.com
Subject: Scanned image from Condustrial Inc.

Reply to: copier@condustrial.com <copier@condustrial.com> Device Name:
MX-2600N @ Condustrial Inc.
Device Model: MX-2600N
Location: Copy Room

File Format: PDF MMR(G4)

Resolution: 200dpi x 200dpi

Attached file is scanned image in PDF format.

Use Acrobat(R)Reader(R) or Adobe(R)Reader(R) of Adobe Systems Incorporated to view the document.

Adobe(R)Reader(R) can be downloaded from the following URL:

Adobe, the Adobe logo, Acrobat, the Adobe PDF logo, and Reader are registered trademarks or trademarks of Adobe Systems Incorporated in the United States and other countries.

<http://www.adobe.com/>



SOVA Compensation Claim File Log

Victim: Rachel Turner

Claim Number: 805267

Created On: 10/1/2015

Closed On:

Created By: Regina Bynum

Status: OPEN

Old Claim Number:

Victim/Claimant Information:

Victim Address Information:

135 Villas Court, Apartment A

West Columbia, SC 29170-1384

Claimant Name:

What is the Claimant's Relationship to the Victim: Victim

Services Requested: Medical, Counseling, Lost Wages/Support

Crime Information:

Offense: Kidnapping

Date of Incident From: 9/5/2015 Date of Incident To: 9/5/2015 Incident Time: 02:50

Injuries Sustained: lost wages/medical/emotional

Premise: Other/Unknown

Law Enforcement Agency: SC DEPT OF CORR COLUMBIA(SCD0C0000)

Responding Officer:

Incident Report #:

Date Incident Report: 9/5/2015

Incident Type: Kidnapping

Suspect Information:

Suspect: Wesley Floyd Dob: Sex: Male Race: Caucasian

Relationship: Identified:

Arrested:

Warrant #:

Direct/Indirect Victim Information:

Direct Victim's Name: Rachel Turner

Indirect Victim's Name:

Relationship:

Waiver Reasons:

48 Hour Waiver Reason:

180 Day Filing Requirement Waiver:

Waiver Requirement Reason:

\$100,000 Threshold:

js 10.15.11

Incident Narrative:

-The Department of Corrections & SLED responded to a hostage situation at Kirkland R&E Center which is part of the Department of Corrections. This victim (Rachel Turner) & another employee were held hostage by the two above inmates. The officers at DOC observed nurse Rachel Turner being held by one suspect & the other suspect was trying to get into the pill room. The suspect had a sharp object held to the victims (Turners) throat. The inmates were later captured by law enforcement.

A news article in Turners file states that the officers responded to a hostage situation at Kirkland Correctional Institute. The suspects held two employees hostage at the location. The article states the employees were not seriously hurt.

(10/15/15) Talked with Sled Agent Williams who stated the above info was correct. She is not sure about the charges since these subjects have long sentences. (subjects not in the PI)

SUBROGATION: There is an attorney listed on the application.

Workers Compensation: Barbara Grissiom (advocate) left LaToya a voice message that the victim was an independent contractor & is not covered under the workers compensation program. There is a note in the file that this victim is not entitled to benefits. The application states the victim does not have workers compensation.

NOTE: Multiple suspects are attached to this file, but did not print. Please view the suspects screen in the system for additional suspects.

CWL

Outcome:

Recommendation: Eligible Claim

Other:

Reduction:

Denial Code:

Denial Reason:

SOVA Information:

Investigator: Charles Long

Date: 10/15/2015

Approved: Genita L. Snipes

Date: 10/15/2015

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT**

Institution/Center: Kirkland R&E Center				Date of Report: September 05, 2015	
Reporting Official (Full Name): Sgt. Kyle Betterly				Time of Report: approx. 2:30pm	
Employee ID #: 053688				Date of Incident: September 05, 2015	
Location of Incident: Unit 2 Hallway				Time of Incident: approximately 10:00am	
Inmate(s)/Resident:	SCDC#	Age	Sex	Race	Employee(s)/Witnesses Involved:
1.	Clowney, Tilton	324687	BM		1. Ofc. Richard Sims
2.					2. Ofc. Tony Thomas
3.					3.
4.					4.
5.					5.

On the above date and approximate time; Sgt. Kyle Betterly while responding to unit F2 arrived in the unit to see Inmate Clowney, Tilton SCDC #324687 in front of the pill room with an edged weapon in his hand. I Sgt. Betterly heard Inmate Clowney state, "ya'll can't be taking those nurses", as he tried to enter the pill room. I Sgt. Betterly then approached Inmate cautiously and grabbed ahold of the inmate's right hand and I was able to subdue the inmate. I then gave him a directive to drop the weapon in which he complied. Ofc. Richard Sims picked the weapon up and secured it at this time. Inmate Clowney was then escorted to the holding cell with the assistance of Ofc. Tony Thomas.

Signature: *[Handwritten Signature]* Title: *Sgt.*

Evidence:

Disposition of Evidence:

Supervisor's Comments: *Inmate Clowney should be charged accordingly*

Printed Name: *[Handwritten Name]*

Signature: *[Handwritten Signature]* Title: *Cpt* Date/Time: *approx 4:00 pm 9/5/15*

Major/Responsible Authority:

Printed Name:

Signature: Title: Date:

STG Related - Refer to STG Committee

() Yes () No () Unknown

This incident is DRUG related

() Yes () No () Unknown

Responsible Authority Action Taken

() Informal Resolution

() Administrative Resolution

() Refer to Disciplinary Hearing

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT**

Institution/Center: Kirkland R&E Center				Date of Report: September 05, 2015
Reporting Official (Full Name): Ofc. Kristian James				Time of Report: approx. 2:15pm
Employee ID #: 055731				Date of Incident: September 05, 2015
Location of Incident: Unit F2 Hallway				Time of Incident: approximately 10:00am
Inmate(s)/Resident: SCDC#	Age	Sex	Race	Employee(s)/Witnesses Involved:
1. Floyd, Wesley 147442	WM			1. Ofc. Richard Sims
2. Tessner, Eric Dale 317137	WM			2. Ofc. Tony Thomas
3. Clowney, Tilton 324687	BM			3. Sgt. Kyle Betterly
4.				4. Lt. Travis Pressley
5.				5. Nurse Rachel Turner
<p>On the above date and approximate time: Ofc. Kristian James after conducting a security check in unit F2 A-wing was alerted by inmates screaming that I needed to report to the hallway. I Ofc. K. James ran into the hallway and observed Inmate Tessner, Eric Dale SCDC #317137 holding Nurse Rachel Turner in a choke hold with a long sharp object to her throat. At this time Inmate Clowney, Tilton SCDC #324687 was trying to gain entrance to the pill room with a sharp object in his hand stating, "It's not going down like this". Sgt. Betterly then subdued the inmate and myself along with Ofc. Tony Thomas assisted in restraining inmate Clowney. Once Inmate Clowney was removed from the area. Lt. Travis Pressley to report back on the wing because Inmate Floyd, Wesley SCDC #147442 had requested that only Lt. Pressley be in the hallway. ---End of Report---</p>				
Signature: <i>Ofc. Kristian James</i>				Title: <i>Correctional Officer 2</i>
Evidence:				
Disposition of Evidence:				

Supervisor's Comments: <i>the above listed inmates should be charged</i>	
Printed Name: <i>Yolanda Brown</i>	Date/Time: <i>approx 1:30p 9/5/15</i>
Signature: <i>[Signature]</i>	Title: <i>Capt</i>
Major/Responsible Authority:	
Title:	Date:

<p align="center">STG Related - Refer to STG Committee</p> <p align="center"> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown </p> <p align="center">This incident is DRUG related</p> <p align="center"> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown </p> <p align="center">Responsible Authority Action Taken</p> <p align="center"> <input type="checkbox"/> Informal Resolution <input type="checkbox"/> Administrative Resolution <input type="checkbox"/> Refer to Disciplinary Hearing </p>

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT**

Institution/Center: Kirkland R&E Center				Date of Report: September 05, 2015
Reporting Official (Full Name): Ofc. Richard Sims				Time of Report: approx. 12:30pm
Employee ID #: 014960				Date of Incident: September 05, 2015
Location of Incident: Unit F2 pill room				Time of Incident: approximately 10:05am
Inmate(s)/Resident:	SCDC#	Age	Sex	Race
1.	Floyd, Wesley	147442	WM	
2.	Tessner, Eric	317137	WM	
3.				
4.				
5.				
				Employee(s)/Witnesses Involved:
				1. Lt. Travis Pressley
				2. Ofc. Kristian James
				3.
				4.
				5.
<p>On the above date and approximate time: After the yard opened I, Ofc. Richard Sims was letting inmates out when I observed an inmate signaling for me to come to the hallway area. As I Ofc. Sims entered the hallway I observed 2 inmates in the pill room with what appeared to be weapons. The inmates were: Wesley Floyd #147442 and Eric Tessner #317137. I then activated Kirkland's 1st responders and started clearing the hallway. I directed all F2 inmates back to their assigned sides. I informed Ofc. Kristian James to get the inmates on the a-side and secure his wing. Upon 1st responders reporting Lt. Travis Pressley took charge of the incident and I went on the B-wing and secured all inmates in their assigned cells.</p>				
<p>Signature: <i>Richard Sims</i> Title: <i>Ofc</i></p>				
<p>Evidence:</p>				
<p>Disposition of Evidence:</p>				

Supervisor's Comments: <i>Forwarded to Major Eckert</i>		
Printed Name: <i>J.P. Brown</i>	Title: <i>Cpt</i>	Date/Time: <i>approx 12:30p 9/5/15</i>
Major/Responsible Authority:		
Printed Name:		
Signature:	Title:	Date:

<p align="center">STG Related – Refer to STG Committee</p> <p align="center"> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown </p> <p align="center">This incident is DRUG related</p> <p align="center"> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown </p>
<p align="center">Responsible Authority Action Taken</p> <p align="center"> <input type="checkbox"/> Informal Resolution <input type="checkbox"/> Administrative Resolution <input type="checkbox"/> Refer to Disciplinary Hearing </p>

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT**

Institution/Center: Kirkland R&E Center		Date of Report: September 05, 2015	
Reporting Official (Full Name): Sgt. Kyle Betterly		Time of Report: approx. 2:50pm	
Employee ID #: 053688		Date of Incident: September 05, 2015	
Location of Incident: Unit F2 Hallway		Time of Incident: approx. 10:05am	
Inmate(s)/Resident: SCDC#	Age	Sex	
1. Floyd, Wesley 147442 WM		Employee(s)/Witnesses Involved:	
2. Tessner, Eric 317137 WM			1. Lt. Travis Pressley
3.			2.
4.			3.
5.			4.
On the above date and approximate time: After the hallway of F2 was cleared of inmates I, Sgt. Kyle Betterly observed 2 inmates had taken control of the F2 pillroom with 2 nurses. Lt. Travis Pressley was in front of the pill room speaking with the inmates. I then contacted the control room to inform them of the situation when I heard one of the inmates state that he did not want to see anyone in the hallway but Lt. Pressley. Lt. Pressley then instructed me to step on the a-wing. I then confirmed the names of the 2 inmates involved. The inmates were: Wesley Floyd SCDC #147442 and Eric Tessner SCDC #317137.		5.	
Signature: <i>K. Betterly</i>		Title: Sgt.	
Evidence:			
Disposition of Evidence:			
Supervisor's Comments: Forwarded to Major Jackson			
Printed Name: <i>Holanda Brown</i>			
Signature: <i>[Signature]</i>	Title: <i>Cpt</i>	Date/Time: <i>9/5/15 3:00 pm</i>	
Major/Responsible Authority:			
Printed Name:			
Signature:	Title:	Date:	

STG Related – Refer to STG Committee

() Yes () No () Unknown

This incident is DRUG related

() Yes () No () Unknown

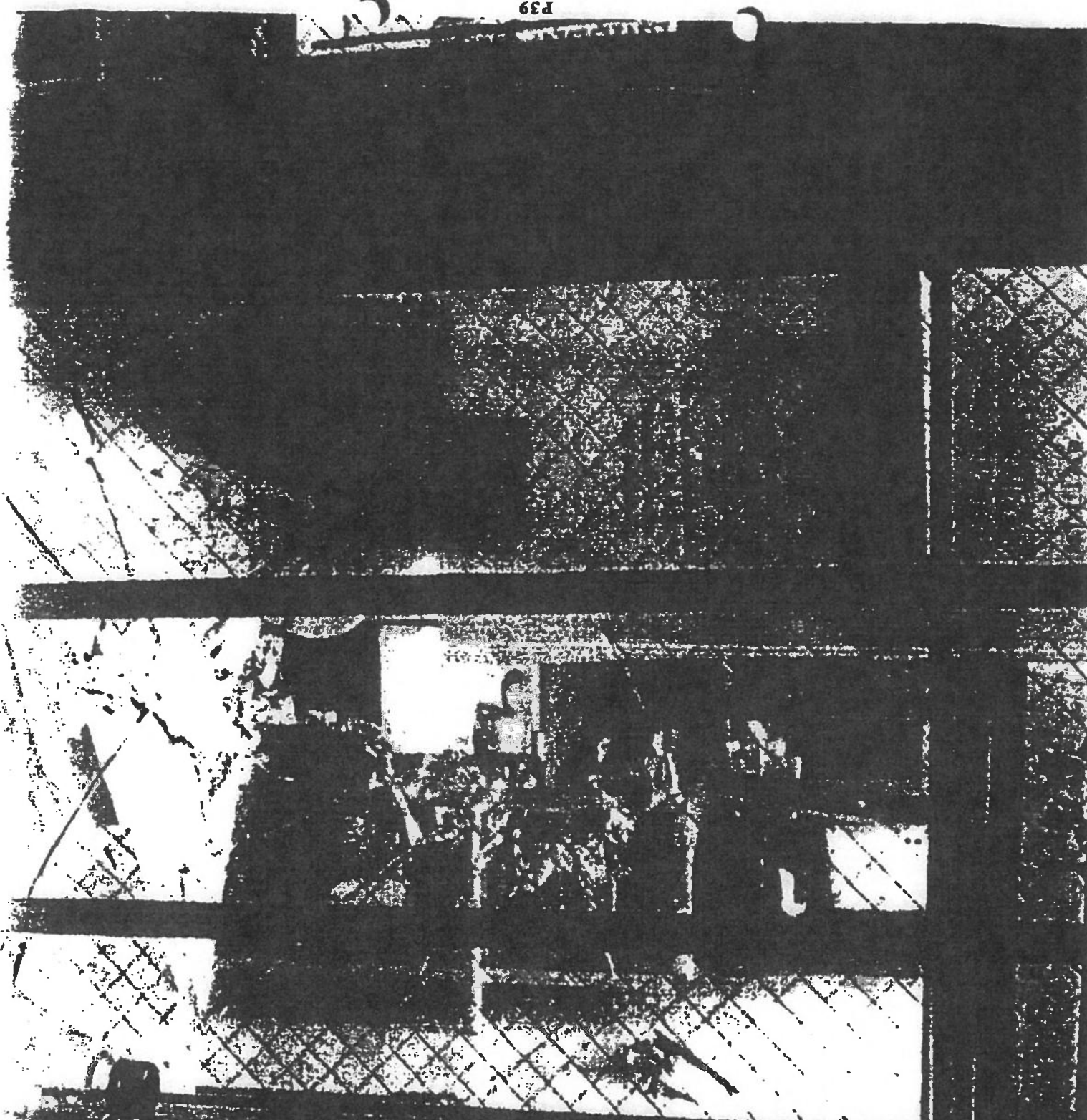
Responsible Authority Action Taken

() Informal Resolution

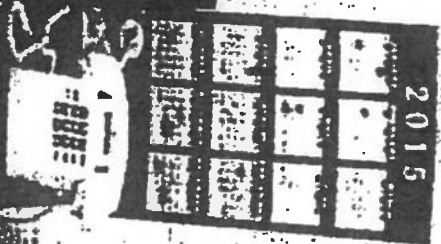
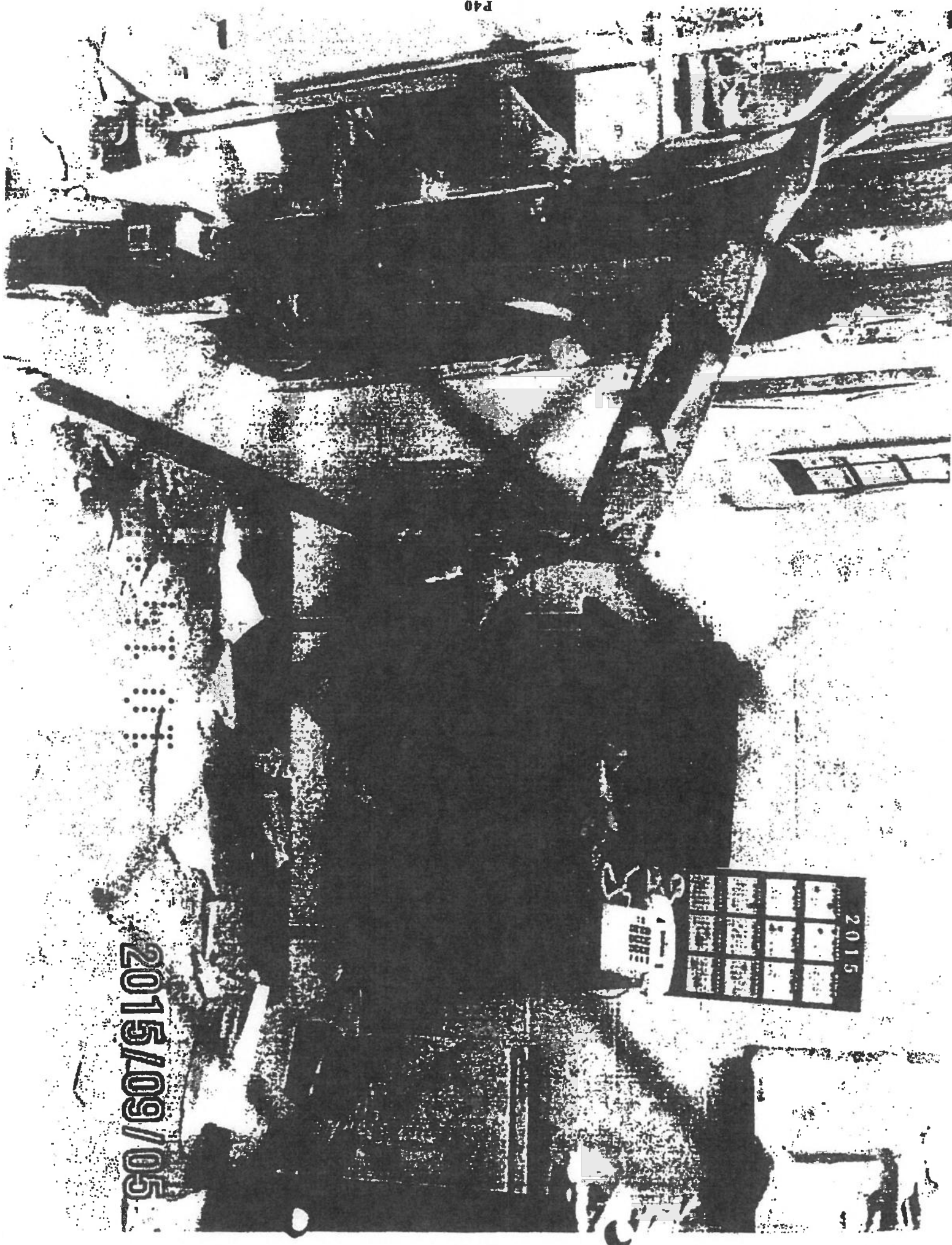
() Administrative Resolution

() Refer to Disciplinary Hearing

2015/09/05

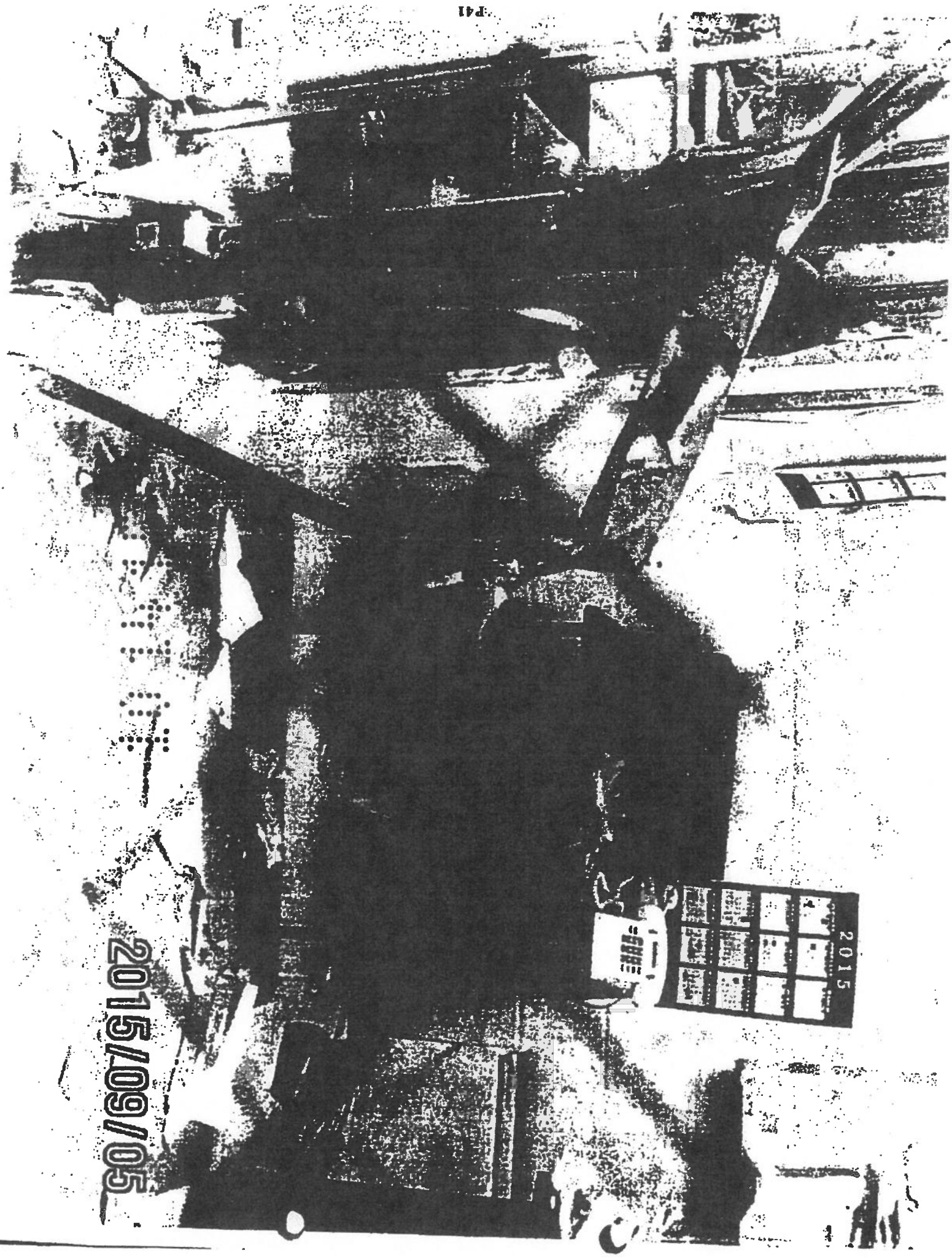
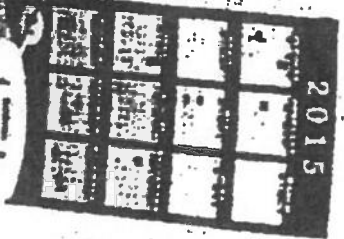


2015/09/05



2015/09/05

2015/109/05



Evidence

2015/09/05

25

Officers Respond to Hostage Situation at Kirkland Correctional Institution

Charles Ringwalt, WLTX 3:10 p.m. EDT September 6, 2015



(Photo: WLTX)

Columbia, SC (WLTX) - The South Carolina Department of Corrections and the State Law Enforcement Division responded to a hostage situation at Kirkland Correctional Institute Saturday.

According to South Carolina Department of Corrections spokesperson, Stephanie Givens, at approximately 10:30 am two inmates held to employees hostage until around 5 pm when the situation was successfully resolved.

Givens said the employees were not seriously injured.

SLED is continuing to investigate the incident.

Read or Share this story: <http://on.wltx.com/1E1763F>

TOP VIDEOS



[859892299001/45261186300](#)

Campaign to Stop Child Bullying Happens Sunday

</videos/news/2859892299001/452602065500>
03:15



[Soda City Comic Con Starts Tomorrow](#)

</videos/news/2859892299001/452602065500>
</videos/news/2859892299001/4526020655001>
03:47



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SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC FILE NO.: 1514359

Rachel Turner,
Claimant,
v.

SC Department of Corrections - Kirkland,
Medustrial Healthcare Staffing Service,
Condustrial, Inc.
Employer,

and

State Accident Fund, South Carolina Property
and Casualty Insurance Guaranty Association on
behalf of the Guarantee Insurance Company,
and/or SC Workers' Compensation Uninsured
Employers' Fund,
Carrier,
Defendants,

CERTIFICATE OF SERVICE

RECEIVED

Sep 03 2021

SC Court of Appeals

This is to certify that I, Wanda Powell, paralegal to attorney Stephen B. Samuels, have served a copy of the following described document by mailing a copy of same in the United States mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

Document served: **Claimant's Renewed Motion to Submit Additional and Newly Discovered Evidence**

Amy Bracy, Judicial Director
SC Workers' Compensation Commission
PO Box 1715
Columbia, South Carolina 29202-1715

The Honorable Jenny Abbot Kitchings
Clerk of the SC Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Erin Farthing, Esquire
State Accident Fund
efarthing@saf.sc.gov

Gregory M. Alford, Esquire
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Robinson Gray Stepp & Laffitte, LLC
brichardson@sowellgray.com

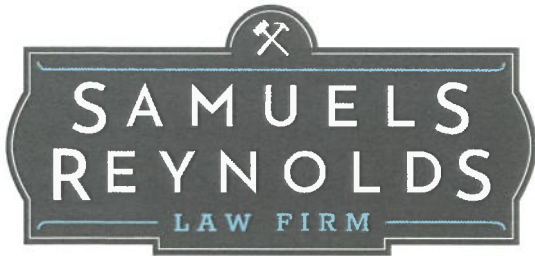
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George D. Gallagher, Esquire
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September 3, 2021


Wanda Powell, Paralegal



STEPHEN B. SAMUELS
P. JASON REYNOLDS
ATTORNEYS AT LAW

September 3, 2021

Amy Bracy, Judicial Director
S.C. Workers' Compensation Commission
Post Office Box 1715
Columbia, South Carolina 29202-1715

RECEIVED

Sep 03 2021

SC Court of Appeals

Re: Rachel J. Turner v. SC Dept of Corrections, et al.
WCC No.: 1514359

Dear Ms. Bracy:

Enclosed please find **Claimant's Renewed Motion to Submit Additional and Newly Discovered Evidence** which we hereby submit for filing on behalf of the Claimant, Ms. Rachel Turner. We have also enclosed our law firm's check made payable to SCWCC in the amount of \$50.00 as payment of the filing fee.

By copy of this letter and enclosures, we are hereby serving counsel for the Defendants with a copy of **Claimant's Renewed Motion to Submit Additional and Newly Discovered Evidence**. Thank you for your assistance in this matter.

With kindest regards, I am

Yours very truly,

Wanda Powell
Paralegal to Stephen B. Samuels

/wp
Enclosure(s) as stated

cc: T. Jeff Goodwyn, Jr., Esq.
Erin Farthing, Esq.
Lisa C. Glover, Esq.
Gregory M. Alford, Esquire
Beth Richardson, Esquire
Grady L. Beard, Esquire
James P. Newman, Jr., Esquire
George D. Gallagher, Esquire

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