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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Appellate Panel of the South Carolina Workers' Compensation Commission

R. Michael Campbell, II; Avery B. Wilkerson, Jr.; Aisha Taylor
South Carolina Workers' Compensation Commissioners

Case No. 1614297
Appellate Case No. 2021-000669

Kenneth D. Christian, Employee,

Appellant,

v.

Sew Eurodrive, Inc., Employer and
Great American Alliance Insurance Company, Carrier,

Respondents.

RECORD ON APPEAL

VOLUME VII

Thomas S. Phillips, Esq. (SC Bar No. 102802)
Smith Jordan, P.A.
P.O. Box 1207
Easley, SC 29641
864-855-1661
phillips@smithjordan.com
Attorney for Appellant

Benjamin M. Renfrow, Esq. (SC Bar No. 71245)
Willson Jones Carter & Baxley, P.A.
325 Rocky Slope Road, Suite 201
Greenville, SC 29607
864-527-3296
bmrenfrow@wjcblaw.com
Attorney for Respondents

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Thomas Phillips

From: Thomas Phillips
Sent: Tuesday, May 14, 2019 3:17 PM
To: James
Subject: RE: Kenneth Christian v. SEW-Eurodrive, Inc.
Attachments: Attachments.html

Dr. Pearle,

Attached are materials that will assist in your evaluation of this case. Please give me a call at your convenience prior to your review. Thank you.

Citrix Attachments

Expires November 10, 2019

- | | |
|---|----------|
| 1. Medical Records.pdf | 37.3 MB |
| 2. Medical Records - Updated Lung Center.pdf | 630 KB |
| 3. Medical Records 3 - Causation Statements.pdf | 549 KB |
| 4. Tox Report.pdf | 1.2 MB |
| 5. Voc Eval.pdf | 282.8 KB |
| 6. Depos 2016 & 2019.pdf | 3.9 MB |
| 7. Photo of Client.pdf | 413.6 KB |
| 8. Photos of Solder & Chemicals.pdf | 4.2 MB |

[Download Attachments](#)

Thomas Phillips uses Citrix Files to share documents securely.

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Attorneys at Law

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From: James [mailto:jpearlmd@hotmail.com]
Sent: Tuesday, May 14, 2019 1:22 PM
To: Thomas Phillips <phillips@smithjordan.com>
Subject: Re: Kenneth Christian v. SEW-Eurodrive, Inc.

looks good
thanks

James L. Pearle, M.D.
California Research Medical Group, Inc.
301 W. Bastanchury Road, Suite 220
Fullerton, CA 92835
714-992-2555
jpearlmd@hotmail.com

From: Thomas Phillips <phillips@smithjordan.com>
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Hello Thomas--

I am back home, not too worse for wear.
I will send you a CV and Fee Schedule and w9 (if needed)
My standard retainer is \$1500 (2 hrs work).
You can let me know if you need other information from me.
If you need a report and I can start fairly soon if/when I receive your records.

I am looking forward to working with you.

Jim

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To: jpearlcmd@hotmail.com
Cc: Penny Harrington
Subject: Kenneth Christian v. SEW-Eurodrive, Inc.

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Thomas Phillips

From: Thomas Phillips
Sent: Wednesday, May 15, 2019 5:12 PM
To: 'James'
Subject: RE: Kenneth Christian v. SEW-Eurodrive, Inc.
Attachments: Lung Center (May 2019)

Dr. Pearle,

I apologize for all the emails, but I wanted to provide you with the most recent note we received today. It is attached.

Smith Jordan PA
Attorneys at Law

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Hello Thomas--

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I will send you a CV and Fee Schedule and w9 (if needed)
My standard retainer is \$1500 (2 hrs work).
You can let me know if you need other information from me.
If you need a report and I can start fairly soon if/when I receive your records.
I am looking forward to working with you.

Jim

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714-992-2555
jpearlemd@hotmail.com

From: Thomas Phillips <phillips@smithjordan.com>
Sent: Friday, May 10, 2019 6:11 AM
To: jpearlemd@hotmail.com

Cc: Penny Harrington

Subject: Kenneth Christian v. SEW-Eurodrive, Inc.

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Thomas Phillips

From: Thomas Phillips
Sent: Monday, May 20, 2019 12:34 PM
To: James
Subject: Re: Kenneth Christian v. SEW-Eurodrive, Inc.

Hey Dr. Pearle,

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looks good
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Thomas Phillips

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Sent: Monday, May 20, 2019 2:16 PM
To: Thomas Phillips
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Hello Thomas
Out of town at am thoracic society in Dallas
Will contact you on return
Jp

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From: James <jpearlemd@hotmail.com>
Sent: Wednesday, May 29, 2019 4:37 PM
To: Thomas Phillips
Subject: Re: Kenneth Christian v. SEW-Eurodrive, Inc.

Are you available tomorrow or Friday to talk a little about this case?
Let me know what might be good for you.

Jim

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Sent: Tuesday, May 14, 2019 9:48 AM
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Sent from my iPhone

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Thomas Phillips

From: James L. Pearle, MD <jpearlemd@mail136-242.atl41.mandrillapp.com> on behalf of James L. Pearle, MD <jpearlemd@hotmail.com>
Sent: Friday, May 31, 2019 4:34 PM
To: Thomas Phillips
Subject: Invoice (#10014) From James L. Pearle, MD

James L. Pearle, MD



[View your Invoice](#)

New Invoice

#10014

If the link above doesn't work, try this URL:
<https://jpearlemd.b4tportal.com/invoice?invoice=6de9c1540155bbb188611495f0f8568a>

Powered by **Bill4Time**

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This email was sent to phillips@smithjordan.com [unsubscribe from this list](#)

Thomas Phillips

From: Thomas Phillips
Sent: Friday, May 31, 2019 4:38 PM
To: James L. Pearle, MD
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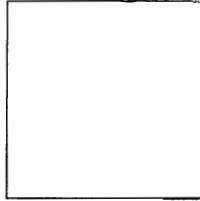
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From: James L. Pearle, MD [mailto:jpearlmd@mail136-242.atl41.mandrillapp.com] **On Behalf Of** James L. Pearle, MD
Sent: Friday, May 31, 2019 4:34 PM
To: Thomas Phillips <phillips@smithjordan.com>
Subject: Invoice (#10014) From James L. Pearle, MD

James L. Pearle, MD



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<https://jpearlemd.b4tportal.com/invoice?invoice=6de9c1540155bbb188611495f0f8568a>

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This email was sent to phillips@smithjordan.com [unsubscribe from this list](#)

Thomas Phillips

From: Thomas Phillips
Sent: Wednesday, June 5, 2019 11:36 AM
To: James L. Pearle, MD
Subject: RE: Invoice (#10014) From James L. Pearle, MD
Attachments: Copy (1)20190604_Smith Jordan.pdf

Dr. Pearle,

Attached is a copy of the check that will be mailed today. Thank you.

Smith Jordan ^{PA} Attorneys at Law

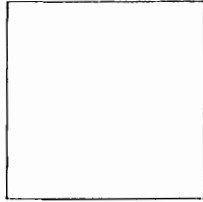
Thomas S. Phillips

Post Office Box 1207
Easley, South Carolina 29641
P. 864.343.2222
F. 864.855.1685
www.SmithJordan.com

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Thomas Phillips

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Sent: Wednesday, June 5, 2019 11:51 AM
To: Thomas Phillips
Subject: Re: Invoice (#10014) From James L. Pearle, MD

Thanks.

Will have report for you soon--

getting finalized.

James L. Pearle, M.D.
California Research Medical Group, Inc.
301 W. Bastanchury Road, Suite 220
Fullerton, CA 92835
714-992-2555
jpearlemd@hotmail.com

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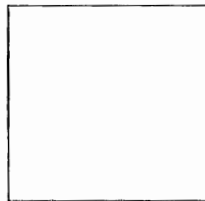
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Thomas Phillips

From: James <jpearlemd@hotmail.com>
Sent: Wednesday, June 19, 2019 3:47 PM
To: Thomas Phillips
Subject: Re: Kenneth Christian v. SEW-Eurodrive, Inc.

Hello Thomas:

My report is in final editing and will have it for you in a couple of days.

Jim

James L. Pearle, MD
California Research Medical Group, Inc.
301 W. Bastanchury Rd.
Ste. 220
Fullerton, CA 92835
714-992-2555
714-446-8702
jpearlemd@hotmail.com

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Sent: Wednesday, May 29, 2019 7:10 PM
To: James
Subject: Re: Kenneth Christian v. SEW-Eurodrive, Inc.

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Sent: Wednesday, May 29, 2019 1:54 PM
To: James
Subject: RE: Kenneth Christian v. SEW-Eurodrive, Inc.

Absolutely.

Tomorrow I am available any time except between 10:30 and 12:30 your time.

On Friday, I am available any time except between 10:30 and 11:30 your time.

Let me know what time works best for you.

Smith Jordan PA **Attorneys at Law**

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Subject: Re: Kenneth Christian v. SEW-Eurodrive, Inc.

Hello Thomas--

I am back home, not too worse for wear.
I will send you a CV and Fee Schedule and w9 (if needed)
My standard retainer is \$1500 (2 hrs work).
You can let me know if you need other information from me.
If you need a report and I can start fairly soon if/when I receive
your records.
I am looking forward to working with you.

Jim

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Fullerton, CA 92835
714-992-2555
jpearlemd@hotmail.com

From: Thomas Phillips <phillips@smithjordan.com>
Sent: Friday, May 10, 2019 6:11 AM
To: jpearlemd@hotmail.com
Cc: Penny Harrington
Subject: Kenneth Christian v. SEW-Eurodrive, Inc.

Dr. Pearle,

Thank you for taking the time to speak with me yesterday regarding the above-referenced matter. By way of background, Mr. Christian is 68-year-old male who resides in Easley, South Carolina. He began working in the maintenance department at SEW-Eurodrive in 1984. After ten (10) years in the maintenance department, Mr. Christian became an Electronics Technician, where he worked with solder and other chemicals until he was forced into retirement in 2016 as a result of hypersensitivity pneumonitis and interstitial lung disease ("ILD").

Beginning in 2001, Mr. Christian began experiencing shortness of breath. Although a lifetime non-smoker, it was initially thought to be COPD. Ultimately, however, as his symptoms continued to

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I look forward to hearing from you sometime next week, at your convenience. I hope you enjoy the rest of your vacation.

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Thomas Phillips

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Sent: Thursday, June 27, 2019 2:54 PM
To: Thomas Phillips
Subject: Re: Kenneth Christian v. SEW-Eurodrive, Inc.
Attachments: ChristianReprtXServe.pdf; Christian attachments.pdf; Pearle CV.pdf; Pearle TH-Port (1).doc

Hello Thomas--

See attached report and relevant attachments.
It took a little longer than expected to complete properly.

Jim

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Thomas Phillips

From: Thomas Phillips
Sent: Friday, June 28, 2019 2:29 PM
To: James
Subject: RE: Kenneth Christian v. SEW-Eurodrive, Inc.

Dr. Pearle,

Thank you for your hard work on this. It is very much appreciated.

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Sent: Monday, May 13, 2019 5:42 PM
To: Thomas Phillips <phillips@smithjordan.com>
Subject: Re: Kenneth Christian v. SEW-Eurodrive, Inc.

Hello Thomas--

I am back home, not too worse for wear.
I will send you a CV and Fee Schedule and w9 (if needed)
My standard retainer is \$1500 (2 hrs work).
You can let me know if you need other information from me.
If you need a report and I can start fairly soon if/when I receive your records.
I am looking forward to working with you.

Jim

James L. Pearle, M.D.
California Research Medical Group, Inc.

301 W. Bastanchury Road, Suite 220
Fullerton, CA 92835
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jpearlemd@hotmail.com

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Cc: Penny Harrington
Subject: Kenneth Christian v. SEW-Eurodrive, Inc.

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To: James
Subject: RE: Kenneth Christian v. SEW-Eurodrive, Inc.
Attachments: Expert report from Dr. Feldman.pdf

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Hello Thomas--

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Attachments: SKMBT_C36419073117490.pdf; SKMBT_C36419073117380.pdf;
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Dr. Pearle – my apologies. I was looking at your email on my phone and did not see the attachments. I have what I need and will get your retainer check to you.

Smith Jordan PA **Attorneys at Law**

Thomas S. Phillips
Post Office Box 1207
Easley, South Carolina 29641
P. 864.343.2222
F. 864.855.1685
www.SmithJordan.com

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contact the sender and delete the material from any computer. Any view expressed in this message are those of the individual sender and may not necessarily reflect the view of the company.

From: James [<mailto:jpearlemd@hotmail.com>]
Sent: Monday, May 13, 2019 5:42 PM
To: Thomas Phillips <phillips@smithjordan.com>
Subject: Re: Kenneth Christian v. SEW-Eurodrive, Inc.

Hello Thomas--

I am back home, not too worse for wear.
I will send you a CV and Fee Schedule and w9 (if needed)
My standard retainer is \$1500 (2 hrs work).
You can let me know if you need other information from me.
If you need a report and I can start fairly soon if/when I receive your records.
I am looking forward to working with you.

Jim

James L. Pearle, M.D.
California Research Medical Group, Inc.
301 W. Bastanchury Road, Suite 220
Fullerton, CA 92835
714-992-2555
jpearlemd@hotmail.com

From: Thomas Phillips <phillips@smithjordan.com>
Sent: Friday, May 10, 2019 6:11 AM
To: jpearlemd@hotmail.com
Cc: Penny Harrington
Subject: Kenneth Christian v. SEW-Eurodrive, Inc.

Dr. Pearle,

Thank you for taking the time to speak with me yesterday regarding the above-referenced matter. By way of background, Mr. Christian is 68-year-old male who resides in Easley, South Carolina. He began working in the maintenance department at SEW-Eurodrive in 1984. After ten (10) years in the maintenance department, Mr. Christian became an Electronics Technician, where he worked with solder and other chemicals until he was forced into retirement in 2016 as a result of hypersensitivity pneumonitis and interstitial lung disease ("ILD").

Beginning in 2001, Mr. Christian began experiencing shortness of breath. Although a lifetime non-smoker, it was initially thought to be COPD. Ultimately, however, as his symptoms continued to worsen, a lung biopsy was performed in August of 2016, the same of which confirmed ILD and hypersensitivity pneumonitis. To that end, the treating physician has opined that Mr. Christian's diagnoses are a result of working with solder at SEW-Eurodrive. I have also obtained a pretty extensive report by a toxicologist confirming the same.

I look forward to hearing from you sometime next week, at your convenience. I hope you enjoy the rest of your vacation.

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Thomas Phillips

From: Thomas Phillips
Sent: Wednesday, July 31, 2019 8:39 PM
To: James
Subject: Re: Kenneth Christian v. SEW-Eurodrive, Inc.

Thank you, Dr. Pearle. Please forward me an invoice for your time.

Sent from my iPhone

On Jul 31, 2019, at 8:27 PM, James <jpearlemd@hotmail.com> wrote:

See attached response and its attachments.

Jim

James L. Pearle, MD
California Research Medical Group, Inc.
301 W. Bastanchury Rd.
Ste. 220
Fullerton, CA 92835
714-992-2555
714-446-8702
jpearlemd@hotmail.com

From: Thomas Phillips <phillips@smithjordan.com>
Sent: Friday, July 26, 2019 9:16 AM
To: James <jpearlemd@hotmail.com>
Subject: RE: Kenneth Christian v. SEW-Eurodrive, Inc.

Dr. Pearle,

I hope you are doing well. I wanted to provide you with a copy of the defense's expert report. It is attached.

Smith Jordan PA
Attorneys at Law

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From: James [<mailto:jpearlemd@hotmail.com>]
Sent: Thursday, June 27, 2019 2:54 PM
To: Thomas Phillips <phillips@smithjordan.com>
Subject: Re: Kenneth Christian v. SEW-Eurodrive, Inc.

Hello Thomas--

See attached report and relevant attachments.
It took a little longer than expected to complete properly.

Jim

James L. Pearle, MD
California Research Medical Group, Inc.
301 W. Bastanchury Rd.
Ste. 220
Fullerton, CA 92835
714-992-2555
714-446-8702
jpearlemd@hotmail.com

From: Thomas Phillips <phillips@smithjordan.com>
Sent: Wednesday, May 29, 2019 7:10 PM
To: James
Subject: Re: Kenneth Christian v. SEW-Eurodrive, Inc.

Sounds good. I have it on my calendar. Look forward to speaking with you.

Sent from my iPhone

On May 29, 2019, at 9:58 PM, James <jpearlemd@hotmail.com> wrote:

I will try to call you around 1030, but if I get sidetracked, please call me if you don't hear from me.

Jim

James L. Pearle, M.D.
California Research Medical Group, Inc.
301 W. Bastanchury Road, Suite 220
Fullerton, CA 92835
714-992-2555
jpearlemd@hotmail.com

From: Thomas Phillips <phillips@smithjordan.com>
Sent: Wednesday, May 29, 2019 1:54 PM
To: James
Subject: RE: Kenneth Christian v. SEW-Eurodrive, Inc.

Absolutely.

Tomorrow I am available any time except between 10:30 and 12:30 your time.

On Friday, I am available any time except between 10:30 and 11:30 your time.

Let me know what time works best for you.

Smith Jordan PA **Attorneys at Law**

Thomas S. Phillips
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From: James [<mailto:jpearlemd@hotmail.com>]
Sent: Wednesday, May 29, 2019 4:37 PM
To: Thomas Phillips <phillips@smithjordan.com>
Subject: Re: Kenneth Christian v. SEW-Eurodrive, Inc.

Are you available tomorrow or Friday to talk a little about this case?
Let me know what might be good for you.

Jim

James L. Pearle, M.D.
California Research Medical Group, Inc.
301 W. Bastanchury Road, Suite 220
Fullerton, CA 92835
714-992-2555
jpearlemd@hotmail.com

From: Thomas Phillips <phillips@smithjordan.com>
Sent: Monday, May 20, 2019 9:33 AM
To: James
Subject: Re: Kenneth Christian v. SEW-Eurodrive, Inc.

Hey Dr. Pearle,

Hope you had a good weekend. I just wanted to follow up and make sure you received the check and medical records. Look forward to hearing from you.

Thomas

Sent from my iPhone

On May 14, 2019, at 1:21 PM, James <jpearlemd@hotmail.com> wrote:

looks good
thanks

James L. Pearle, M.D.
California Research Medical Group, Inc.
301 W. Bastanchury Road, Suite 220
Fullerton, CA 92835
714-992-2555
jpearlemd@hotmail.com

From: Thomas Phillips <phillips@smithjordan.com>
Sent: Tuesday, May 14, 2019 9:44 AM
To: James
Subject: RE: Kenneth Christian v. SEW-Eurodrive, Inc.

Attached is the check that will go out in today's mail. If you would like it to go to a different address than the one on there, please let me know.

Smith Jordan PA
Attorneys at Law

Thomas S. Phillips

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Easley, South Carolina 29641
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From: James [<mailto:jpearlemd@hotmail.com>]
Sent: Tuesday, May 14, 2019 9:48 AM
To: Thomas Phillips <phillips@smithjordan.com>
Subject: Re: Kenneth Christian v. SEW-Eurodrive, Inc.

Thanks

Sent from my iPhone

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<phillips@smithjordan.com> wrote:

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Sent: Monday, May 13, 2019 5:42 PM
To: Thomas Phillips <phillips@smithjordan.com>
Subject: Re: Kenneth Christian v. SEW-Eurodrive, Inc.

Hello Thomas--

I am back home, not too worse for wear.
I will send you a CV and Fee Schedule and w9 (if needed)
My standard retainer is \$1500 (2 hrs work.
You can let me know if you need other information from me.
If you need a report and I can start fairly soon if/when I receive your records.
I am looking forward to working with you.

Jim

James L. Pearle, M.D.
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301 W. Bastanchury Road, Suite 220
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jpearlemd@hotmail.com

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Sent: Friday, May 10, 2019 6:11 AM
To: jpearlemd@hotmail.com
Cc: Penny Harrington
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Beginning in 2001, Mr. Christian began experiencing shortness of breath. Although a lifetime non-smoker, it was initially thought to be COPD. Ultimately, however, as his symptoms continued to worsen, a lung biopsy was performed in August of 2016, the same of which confirmed ILD and hypersensitivity pneumonitis. To that end, the treating physician has opined that Mr. Christian’s diagnoses are a result of working with solder at SEW-Eurodrive. I have also obtained a pretty extensive report by a toxicologist confirming the same.

I look forward to hearing from you sometime next week, at your convenience. I hope you enjoy the rest of your vacation.

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<SKMBT_C36419073117330.pdf>

9-27-11

9-27-11

AP ALG 100 MBOS

Mucinex - 6 days

Nexium
ASA 81 mg
B-vit

W: CBCUA Lipid panel
C: Comp PE

S: Here for complete phys.
He's a 61 yo white male with PMH + for lacerated scrotum at 8 years of age due to an accident. Sinus surgery in 2000, CAD s/p stent in 2001, colonoscopy with no abnormalities noted in 2007.

FH: mother died at aged 55 of CA. Doesn't know what organ. On her side of the family history of heart attacks. Father died at aged 38 of CA. He doesn't know what type. On his side of the family he has no history. He has 5 brothers. One died of heart attack, 2 died of CA, 1 died of occupational lung disease. Has 5 sisters, 1 with heart attack, 1 died as a newborn, 1 had stroke. He has 1 child who's alive & well.

Social history: been married for 38 years.
Education: Assoc. degree in Electronic Eng. at Greenville Tech. He has worked at Sew Eurodrive for 29 years.

Hobbies: computer games, landscaping.
Habits: neg.

Meds: pt. is taking Mucinex for the last 6 days, Lipitor 10 mg qd, Nexium 40 mg qd, Flex seed oil, ASA 81 mg qd & B-vitamins.

No known allergies.

ROS: + for decreased hearing, esp. when wife is talking. Sinus congestion for the past 2 weeks, taking Mucinex. Constipation controlled with fiber. Dribbling on urination. Decreased stream, pain on top of L foot this past week but feels like it's getting better. ED but the med. such as Viagra cause him to have severe HA & he doesn't want to take it.

O: Generally WDOWN white male INAD. Skin: GTT. He has numerous seb. keratoses. Has a tattoo on L forearm. HEENT: normal. Neck: supple. Chest: clear. CV exam: RRR. S-1, S-2: normal, no murmurs. Pulses: 2+ & equal. BP: 90/60. Abd: soft, w/o masses. Genitalia: normal, uncircumcised male. Testicles descended. He has some capillary hemangiomas on the scrotum. Rectal exam reveals no enlargement of prostate. Extre: GS & ROM. Neuro: intact.

A: (1) CAD, s/p stent. (2) Dyslipidemia. (3) URI with sinusitis/bronchitis. (4) Constipation. (5) BPH. (6) ED.

P: Phy. measures to control these things outlined.
He's going to increase his Lipitor to 20 mg qd by taking half of 40 or 2 10's. Encouraged to continue his exercises.
Follow phy. measures for the URI. If not improved, will add Doxycycline 100 mg b.i.d. x 10 days. He's going to add stool softeners to prevent constipation problem. He'll return to see us prn or 2 months for RC on lipids.

RWK:dwc



9-30-11 Copied & Mailed O.V + no card taken to Dr. ...
in Atlanta Card. ... 1/8/11

-110/00)

JUN 03 2015

Date _____ Age _____
F _____ P _____ BP _____
WT _____ HT _____ HC _____
LMP _____ ALG _____ MEDS _____

CC: SR

S: Here for removal of sutures. States he's doing well. No complaints.

O: Wounds are healed nicely. Sutures removed w/o difficulty.

A: Seb. keratoses x 2 on her back, healed. Sutures removed.

P: Return to see us prn.

RWK:dwc

AUG 25 2015

Date _____ Age 65
P 97 P 64 BP 110/72 (C)

WT 162 HT 69" HC _____

LMP _____ ALG _____ MEDS _____

CC: Camp PE

Flonase
ASA 8mg
Nexium 40mg every other day
Super B complex
Fish oil
vit-D

labs removed
chest x ray
TBS

S: Here for yearly phys.
PMH: positive for lacerated scrotum at 8 years of age due to accident, sinus surgery in 2000, coronary disease s/p stent in 2001, colonoscopy with no abnormalities in 2007. Pt. has had several skin lesions removed that were benign.

PH: mother died at aged 55 of CA. He does not know what organ. On her side of the family there is history of heart attacks. Father died at aged 38 of CA, he doesn't know what organ. On his side of the family there is no history of health problems that he's aware of. He has 5 brothers. One died of a heart attack, 2 died of CA, one died of an occupational lung disease & one has coronary artery by-pass surgery. Has 5 sisters. One with a heart attack, one died as a newborn, one had a stroke & one with sign. illness, but he doesn't know exactly what that illness is. Pt. has one child who has bipolar disease. No grandchildren.

Social history: been married for 42 years.

Education: associates degree in Electronic Eng. from Greenville Tech. He has worked at Sew Eurodrive for 33 years.

Hobbies: computer games, landscaping & wood working.

Habits: negative.

Meds: pt. takes Flonase, Lipitor, ASA, Nexium every other day. Super B Complex vitamin & Vit. D & fish oil. He has no known allergies.

ROS: + for decreased hearing. 5th fingers of his hands have been slightly tender. Has been using some Tiger balm on it & that has helped. His indigestion is controlled with Nexium every other day. Constipation, taking Benebiber on a regular basis with some good results. Frequency at night, 1-2 times. Urgency during the day & ED.

J: Generally WDMW white male INAD. Skin: GTT. He has some SK's & surgical scars where SK's were removed. HEENT: reveals the L lid to be lagging slightly & the L eye seems to be cont;

DOB: 08/13/1950

ENCOUNTER DATE: 03/28/2016

ASSESSMENT & PLA
IgE pending

ASSESSMENT & PLAN: (Medical Decision Making)

	ICD-9	ICD-10	CM
1. Pulmonary infiltrate: s/p bronchoscopy with high eosinophil count as well as CD4:CD8 >5. <u>Aspergillus skin test +</u> , though other Aspergillus Abs negative. Patient declines empiric steroid therapy given lack of symptoms of dyspnea or progressive lung function decline. We will re-image in Dec 2016. He should have cPFTs at that time as well.	R91.8	J93.19	CT CHEST WO CONT
2. Cough: Continue singulair, chlorpheniramine, flonase for cough thought due to post-nasal drip and possibly bronchiectasis.			

F/u in 6 mos or earlier if symptoms develop or worsen

Orders Placed This Encounter

- AMB POC SPIROMETRY
- CT CHEST WO CONT
- montelukast (SINGULAIR) 10 mg tablet

Julia G Payne, MD
Electronically signed

Instructions

- Return in about 6 months (around 9/28/2016).
- To Take With You (Printed 3/28/2016)

Additional Documentation

Vitals: BP 117/71 Pulse 59 (Abnormal) Temp 97 °F (36.1 °C) (Oral) Resp 20 Ht 5' 9" (1.753 m)
 Wt 163 lb 1 oz (74 kg) SpO2 97% BMI 24.08 kg/m2 More Vitals

Encounter Info: Billing Info, History, Allergies, Detailed Report

Orders Placed

- CT CHEST WO CONT
- AMB POC SPIROMETRY (Resulted 3/28/2016)

Medication Changes

As of 3/28/2016 4:52 PM

	Refills	Start Date	End Date
Added: montelukast (SINGULAIR) 10 mg tablet Take 1 Tab by mouth daily. - Oral	6	3/28/2016	6/6/2016

Visit Diagnoses

Primary: Interstitial lung disease (HCC) J84.9
Cough R05

PULMONOLOGY-LUNG CTR
200 Patewood Drive, Ste B300
Greenville SC 29615-6338
Amb Encounter Report

CHRISTIAN, KENNETH DORSEY
MRN: 970179298
DOB: 8/13/1950, Sex: M
Enc. Date: 08/23/16

Progress Notes (continued)

Justin Wayne Gregg, MD at 8/23/2016 3:12 PM (continued)

Patient is holding all meds except Lipitor and Nexium

HPI~ Kenneth Dorsey Christian is a 66 y.o. male who presents today for pre-operative evaluation prior to VATs bx Friday 8/26/16. Pt reports no changes in his health since last visit which is summarized as SOB with inclines and stairs for the past 2 years. He is not limited with flat ground. He has chronic cough and congestions for longer than the SOB and gets thick clear jelly phlegm worse in the AM. He has no fevers and chills and occasional chest discomfort isolated from his SOB. He has CT showing peripheral ILD with thus far negative work-up including ANA, hypersensitivity panel, and prior bronchoscopy. +skin test to mold. He was previously tried on prednisone with great success, but wants a dx prior to restarting steroids. He is scheduled for VATs on Friday. He has not had any exacerbations and no abx in the past month. He is oxygenating well without any other complaint.

Medications

Current outpatient prescriptions:

- atorvastatin (LIPITOR) 40 mg tablet, Take 40 mg by mouth daily Indications: Hypercholesterolemia. , Disp: , Rfl:
- esomeprazole (NEXIUM) 40 MG capsule, Take 40 mg by mouth 2 (two) times a day Indications: Heartburn. , Disp: , Rfl:
- aspirin (ECOTRIN) 81 mg EC tablet, Take 81 mg by mouth daily Indications: Myocardial Infarction Prevention. , Disp: , Rfl:
- cholecalciferol, vitamin D3, 1,000 unit tablet, Take 1,000 Units by mouth daily Indications: Prevention of Vitamin D Deficiency. , Disp: , Rfl:
- CYANOCOBALAMIN, VITAMIN B-12, (VITAMIN B-12 ORAL), Take 1,000 mcg by mouth daily. , Disp: , Rfl:
- DOCOSAHEXANOIC ACID/EPA (FISH OIL ORAL), Take 1,200 mg by mouth daily., Disp: , Rfl:
- fluticasone (FLONASE) 50 mcg/actuation nasal spray, , Disp: , Rfl: 3
- MAGNESIUM OXIDE (MAG-OXIDE ORAL), Take 10 mL by mouth daily., Disp: , Rfl:
- NITROSTAT 0.4 mg SL tablet, 0.4 mg every 5 (five) minutes as needed. , Disp: , Rfl: 99
- ONETOUCH DELICA LANCETS 33 gauge, , Disp: , Rfl: 3
- ONETOUCH ULTRA TEST, , Disp: , Rfl: 3
- VITAMIN B COMPLEX & VIT C NO.4 (SUPER B COMPLEX + C ORAL), Take 1 tablet by mouth daily. , Disp: , Rfl:

Past Medical History

- HLD (hyperlipidemia)
- Stented coronary artery 2002
no problems since
- Coronary artery disease
MI (no damage to heart) 2002 w/ stent
- Other PULMONARY Hx
CT of chest on EPIC from 8/10/16; 6 minute walk test on EPIC from 6/28/16
- Other PULMONARY Hx
SOB on exertion

Past Surgical History

- Colonoscopy 2007; 2016
scattered diverticula, sm int hemorrhoids-Dr. Rinkliff

		water
Wine-grower's lung	<i>Botrytis cinerea</i> mold	Moldy grapes
Woodworker's lung	<i>Alternaria, Penicillium</i> spp	Wood pulp, dust

The list does not include the types of exposures that Mr. Christian would have in an electrical equipment repair lab. The products Mr. Christian was exposed to in soldering were primarily inorganic products. The soldering flux was inorganic. The soldering pen was inorganic. Additionally, Mr. Christian was repairing 3-4 units/day for 220 work days/year. Of these 660-880 units/year, it was estimated about half required soldering. Even if he never used his ventilation suction fan, the amount of solder fume exposure would have been rather minimal in my opinion.

I did find one case report of HP in a soldering worker. Hameed et al. report on a 42 year old worker who did an average of 6 hours a day of soldering without any protective equipment. He worked at his job for one year and developed HP symptoms presenting with shortness of breath and hypoxia. This amount of soldering is very different from what Mr. Christian experienced.

There are multiple other potential causes for Mr. Christian's HP. Allergy Partners of the Upstate was concerned enough about fungal exposure to do an Aspergillus pinprick test. This test came back positive. Aspergillus is a well-known trigger for fungal HP. It is thought to be related to HP in compost exposed workers, hay exposed workers, moldy barley exposed workers, and moldy tobacco exposed workers. This fungus is one of the most commonly known substances mediating HP. In the over 1000 pages of medical records that I reviewed, no one documents the moisture conditions in Mr. Christian's home. I am very interested in Mr. Christian's home and the possibility of water damage and/or mold contamination. Hurricane Joaquin caused historic flooding in South Carolina in 2015 and the possibility exists that Mr. Christian's home or secondary residence may have been flooded or had moisture damage.

Mr. Christian is reported to have been a woodworker. *Alternaria* and *Penicillium* fungi have been known to cause HP in woodworkers via wood pulp dust. Redwood sawdust has been known to cause HP. Cedar, oak, mahogany, pine, and spruce wood dust have also been reported to cause HP. More information is needed about Mr. Christian's woodworking in the 2012-15 time period.

The lack of improvement in Mr. Christian's respiratory condition after removal from work argues against a work related causative factor for his HP. One of the characteristics of HP is that it typically gets better when removed from the trigger. If the trigger had been his work related exposures (solder, cleaning materials, and solder removal products) then he should have improved in late 2016 after removal from work. He worsened in late 2016.

PULMONOLOGY-LUNG CTR
200 Patewood Drive, Ste B300
Greenville SC 29615-6338
Amb Encounter Report

CHRISTIAN, KENNETH DORSEY
MRN: 970179298
DOB: 8/13/1950, Sex: M
Enc. Date: 06/28/16

Progress Notes (continued)

Edward Bert Knight III, MD at 6/28/2016 2:32 PM (continued)

exercise temps down. He eventually had an evaluation at St. Francis Hospital and underwent CT scanning and bronchoscopy. His records are available to review and CT scan was not consistent with IPF but more consistent with an SIEP for hypersensitivity pneumonitis. Patient according to the records from St. Frances was reluctant to repeat test prednisone. He has not had any exposure to medications or animal dander, but because of being an engineering technician. He has some metal fume exposure and various chemicals with his soldering. Does not appear that he has had a vacation from this exposure.

Recently the patient has had a cardiology evaluation including stress test and echocardiogram and does not show any evidence of ischemic disease or congestive heart failure.

Review of his medical records from Palmetto pulmonary and St. Frances are quite extensive, but I do not see any evidence of hypersensitivity pneumonitis precipitants, rheumatoid factor, ANA, etc.

Medications:

Non-Pulmonary Medications

aspirin (ECOTRIN) 81 mg EC tablet	
atorvastatin (LIPITOR) 40 mg tablet	
cholecalciferol, vitamin D3, 1,000 unit tablet	Take 1,000 Units by mouth daily.
CYANOCOBALAMIN, VITAMIN B-12, (VITAMIN B-12 ORAL)	Take 2,500 mcg by mouth daily.
DOCOSAHEXANOIC ACID/EPA (FISH OIL ORAL)	Take 1,200 mg by mouth daily.
esomeprazole (NEXIUM) 40 MG capsule	Take 40 mg by mouth 2 (two) times a day.
NITROSTAT 0.4 mg SL tablet	
ONETOUCH DELICA LANCETS 33 gauge	
ONETOUCH ULTRA TEST	
VITAMIN B COMPLEX & VIT C NO.4 (SUPER B COMPLEX + C ORAL)	Take by mouth daily.
fluticasone (FLONASE) 50 mcg/actuation nasal spray	
MAGNESIUM OXIDE (MAG-OXIDE ORAL)	Take 10 mL by mouth daily.

ROS

Review of Systems

Constitutional: Positive for unexpected weight change. Negative for fever and chills.

HENT: Negative for nosebleeds, postnasal drip and sinus pressure.

Respiratory: Positive for cough (white production) and shortness of breath.

Cardiovascular: Negative for chest pain and palpitations.

Gastrointestinal: Negative for nausea, vomiting and diarrhea.

Vitals

Filed Vitals:

Report: SEW Eurodrive
Project #: 201701-0
March 12, 2017

Executive Summary

Palmetto EHS conducted industrial hygiene sampling for various chemicals at SEW Eurodrive in Lyman, SC on March 1, 2017.

The results of the chemical sampling indicated that all of the chemical samples were below the respective Permissible Exposure Limits (PELs) established by the Occupational Safety and Health Administration (OSHA), as well as below the American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Values (TLVs) and Short Term Exposure Limits (STELs).

Recommendations are provided in the "Conclusions and Recommendations" section of this report.

OSHA requires employers to notify employees of sample results within 15 days of the employer's receipt of results. We recommend using the Exposure Notification Forms (provided in Appendix II of this report) to share exposure results with employees. Employees should sign these forms and they should be maintained as a record of the notification.

Scope of Work

The purpose of the monitoring was to assess employee exposure to various chemicals at SEW Eurodrive in Lyman, SC on March 1, 2017. Samples were collected as full shift personal samples for comparison to the OSHA PELs and ACGIH TLVs. Fifteen-minute personal samples for acetone, ethanol, n-Propyl acetate, isopropyl alcohol, hexane isomers (2,3-Dimethylbutane, 2-Methylpentane, and 3-Methylpentane), methanol, and PGME were also collected for comparison to the respective ACGIH STELs.

Materials and Methods

Chemical Sampling

Air sampling for antimony, copper, silver, and tin were performed using air sampling pumps and chemical specific sampling media. Pumps were pre-calibrated and calibration was also verified after the sampling was complete. Samples were analyzed by *Galson Laboratories Inc.*, which is accredited by the American Industrial Hygiene Association (AIHA).

Air samples for acetone, ethanol, n-Propyl acetate, isopropyl alcohol, hexane isomers (2,3-Dimethylbutane, 2-Methylpentane, and 3-Methylpentane), methanol, PGME, pentane, and n-hexane were collected on *Sensors Safety* passive diffusion badges affixed to the employee's collar. Personal air samples were collected in the employees' breathing zones. The samples were analyzed by *Sensors Safety*, which is accredited by AIHA.

Report: SEW Eurodrive
Project No. 2017020
March 17, 2017

Antimony, Copper, Silver, & Tin

Personal exposure monitoring was performed for antimony, copper, silver, and tin on one employee working as an Electronic Repair Supervisor in the Electronics Lab on March 1, 2017. The employee was evaluating and repairing electronics during the sampling period. The employee wears personal protective equipment including safety glasses, a lab coat, steel toed shoes, and cut resistant gloves as necessary for the task. The sample results were below the respective OSHA PELs and ACGIH TLVs for antimony, copper, silver, and tin on the day of the sampling.

Conclusion and Recommendations

The results of the monitoring indicate the following:

- The results of the chemical sampling indicated that all of the chemical samples were below the respective OSHA PELs, ACGIH TLVs, and ACGIH STELs.
- OSHA requires employers to notify employees of sample results within 15 days of the employer's receipt of results.
 - o We recommend using the Exposure Notification Forms (provided in Appendix II of this report) to share exposure results with employees. Employees should sign these forms and they should be maintained as a record of the notification.

WEEKLY REPAIR NUMBERS			
AUGUST 12, 2006 - AUGUST 18, 2006			
WEEKLY #	RGA #	INSPECTED	REPAIRED
1	R045657	8/12/2006	8/12/2006
2	R044645	8/12/2006	
3	R045360	8/12/2006	8/12/2006
4	RO45167	8/14/2006	8/14/2006
5	R045223	8/14/2006	8/14/2006
6	R045709	8/14/2006	8/14/2006
7	R045132	8/14/2006	8/15/2006
8	R045327	8/15/2006	8/15/2006
9	R045042	8/15/2006	8/15/2006
10	R045654	8/15/2006	8/15/2006
11	R044539	8/16/2006	8/16/2006
12	R044538	8/16/2006	8/16/2006
13	R044882	8/16/2006	8/16/2006
14	R045410	8/17/2006	8/17/2006
15	R045122	8/17/2006	8/17/2006
16	R045813	8/17/2006	8/17/2006
17	R045794	8/18/2006	8/18/2006
18	R045195	8/18/2006	8/18/2006
19	R045411	8/18/2006	8/18/2006
20	RO43675	8/18/2006	8/18/2006
21	RO43676	8/18/2006	8/18/2006

Soldering Required		Summary
YES	NO	
	X	21 repairs over 6 work days, 4 repairs required soldering
	X	
	X	
	X	
X		
	X	
	X	
	X	
X		
	X	
X		
	X	
	X	
	X	
	X	
	X	

DISABILITY INCOME CLAIM

ACS Benefit Services, Inc.
8025 North Point Blvd. Ste. 100
Winston-Salem, NC 27106
Telephone: (336) 759-2013

INSTRUCTIONS TO EMPLOYEE

- (1) This form is to be filed as soon as it appears that you will qualify for disability benefits.
(2) Complete the Employee Statement below and Part A on the reverse side. Have your physician complete Part B on the reverse side.
(3) Return form to your employer.

EMPLOYEE STATEMENT

Your name: Kenneth Christian Telephone number: 864-569-9673
Address of Employee: 104 Woodland Circle, Gosley SC 29640
Your occupation: Electrician Date of birth: 08-13-60 Social Security No.: 260-84-1468
Date you last worked: 8-24-16

Is disability due to accident or sickness. (If accident, describe, including date and place. If sickness, when did symptoms first appear?)

Symptoms began to appear 2014

Have you been hospital confined during this disability period?

No If yes, when? From To

Name of hospital

Did disability result from employment? Yes No If yes, give details

Do you have disability coverage with other companies? Yes No If yes, give name of companies and policy numbers:

These statements are true and complete to the best of my knowledge. I authorize any insurer, benefit administrator, physician, or hospital to disclose any information regarding my coverage or medical history.

Date: 11-14-16 Signature of Employee: Kenneth D Christian

EMPLOYER STATEMENT

Employee's Name: Kenneth Christian S.S. No.: 260-84-1468 Eif. Date of Coverage: 9/24/84
Coverage Class: Hire Date: 09/24/1984

Was this person employed by you when disability began? Yes No Occupation

Was coverage in force when disability began? Yes No Date Employee was first unable to work because of this disability? 8/25/2016

Is Employee's Coverage still in force? Yes No Has Employee returned to work? N/A Yes No

If no, give date of termination If yes, give date returned

Employee's Salary: Weekly \$ 1426.00 or Monthly \$ Is Employee eligible for shift premium? Yes No

Employer: SEW-Eurodrive Group No.: 90131 SEW-Eurodrive Division No.: 6

Date: 7/21/2016 By: Eric Brunner Title: HR MGR Telephone #: 846611228

(Signature)

2016-07-19 11:44

Surgical Oncology 8644551485 >> 8646611293

P 6/7

GROUP DISABILITY CLAIM

PART A TO BE COMPLETED BY PATIENT (EMPLOYEE)

AUTHORIZATION TO RELEASE INFORMATION: I hereby authorize the undersigned Physician to release any information acquired in the course of my examination or treatment.

SIGNED (PATIENT OR PARENT IF MINOR) Kenneth W. Whitman DATE 7-14-16

PARTS ATTENDING PHYSICIAN'S STATEMENT

1. HISTORY

- (a) When did symptoms first appear or accident happen? Mo. 6 Day 28 2016
- (b) Date patient ceased work because of disability? Mo. 8 Day 25 2016
- (c) Has patient ever had same or similar condition? Yes No Yes state when and describe
- (d) Is condition due to injury or sickness arising out of patient's employment? Yes No Unknown

2. DIAGNOSIS (Including any complications)

- (a) Diagnosis (including any complications) interstitial lung disease J84.9
- (b) Subjective symptoms weight loss, cough, shortness of breath
- (c) Objective findings (including current X-rays, EKG's, Laboratory Data and any clinical findings, or attach additional documentation as needed)

3. DATES OF TREATMENT

- (a) Date of first visit Mo. 7 Day 6 2016
- (b) Date of last visit Mo. Day 20
- (c) Frequency Weekly Monthly Other (Specify)

4. NATURE OF TREATMENT (including surgery and medications prescribed, if any)

Surgery 8-25-16

5. PROGRESS

- (a) Has patient Recovered? Improved? Unchanged? Retrogressed?
- (b) Is patient Ambulatory? House confined? Bed confined? Hospital confined?
- (c) Has patient been hospital confined? Yes No If yes, give Name and Address of Hospital Greenville Memorial Hospital 701 Grove Rd Confined from through

6. PROGNOSIS

- (a) Is patient now totally disabled? PATIENT'S JOB ANY OTHER WORK Yes No Yes No
- (b) What duties of patient's job is he/she incapable of performing? No lifting, no pushing, no pulling, no reaching
- (c) Estimated return to work date? 10-6-16
- (d) Is patient still under your care for this condition? Yes No

Remarks

PLEASE PRINT

William Bolton, MD 57-1004971 Surgical 8644551200
 Physician's Name Tax ID number Specialty Telephone
 890 W. Lewis Rd #320 Greenville SC 29605
 Street Address City State or Province Zip Code
 Date 7/14/16 Signature [Signature]

Allergy Partners of the Upstate
48 Creekview Court Greenville, SC 29616
864-458-7431 Fax: 864-458-7463

October 14, 2016
Page 3
Office Visit

Kenneth Christian Patient ID: 904509, Home: (864) 569-9673
66 Years Old Male, DOB: 08/13/1950 Provider: Andrea Lantz MD Ins: Cigna/M (7433) Grp: 90131

clubbing, edema are present.

LYMPHATIC

No submandibular or cervical adenopathy noted. No supraclavicular adenopathy.

MUSCULOSKELETAL

Normal gait and motion appropriate for age. No clubbing, cyanosis, or peripheral edema.

DERM

No rashes, lesions. Normal turgor. No induration noted.

MENTAL STATUS

Judgment insight are appropriate for age. Oriented to time, place, and person. Intact for recent and remote events. No depression, anxiety, or agitation.

Skin Test Results

Other: Positive ID to aspergillus with appropriate controls.
Skin test results reviewed with patient/family and all questions were answered.

Impression

- Pulmonary infiltrate.
- Interstitial lung disease.
- Chronic rhinitis.

Plan

- Positive intradermal to aspergillus
- Followup with Dr. Payne

Electronically Signed by Andrea Lantz MD on 01/14/2016 at 2:55 PM

RECEIVED

Dec 09 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Appellate Panel of the South Carolina Workers' Compensation Commission

R. Michael Campbell, II; Avery B. Wilkerson, Jr.; Aisha Taylor
South Carolina Workers' Compensation Commissioners

Case No. 1614297
Appellate Case No. 2021-000669

Kenneth D. Christian, Employee,

Appellant,

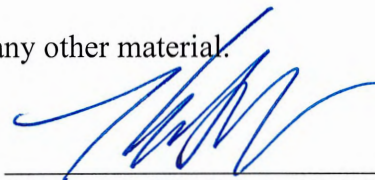
v.

Sew Eurodrive, Inc., Employer and
Great American Alliance Insurance Company, Carrier,

Respondents.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.



Thomas S. Phillips, Esq. (SC Bar No. 102802)
Smith Jordan, P.A.
P.O. Box 1207
Easley, SC 29641
864-855-1661
phillips@smithjordan.com
Attorney for Appellant

November 17, 2021
Easley, South Carolina