

Appendix 13

(Chapter 13-Lump Sum Payments)

1. Transcript of Lump Sum Testimony.
2. Commuted Value Tables.
3. Lump Sum Order—With Utica-Mohawk Language.

- 1 A Yes, sir.
- 2 Q Are you on any kind of medication now?
- 3 A I take a tablet at night that's supposed to help me
4 rest--
- 5 Q Okay--
- 6 A --and that's all.
- 7 Q --and that's all you take?
- 8 A Well, I take a lot of Goody powders, that type thing,
9 but as far as prescribed for the doctor, just that one
10 tablet.
- 11 Q You don't take anything like Elavil or any of those
12 psychotropic medicines?
- 13 A No, sir.
- 14 Q Okay.
- 15 MR. EADON: I don't have any other questions,
16 Commissioner.
- 17 THE COURT: Mr. Harrell.
- 18 MR. HARRELL: Commissioner, just a few
19 questions.
- 20 CROSS EXAMINATION
- 21 BY MR. HARRELL:
- 22 Q Mrs. Williams, as far as your first concern that you
23 stated and that is weekly checks, since I got involved in
24 this case in June of 1989, have you had any problems getting
25 your weekly checks?

1 A No, sir, it got better here lately.

2 Q Okay.

3 A It was at that last hearing, I think.

4 Q And as to the amount, the Commission initially
5 determined that your compensation rate was approximately
6 \$200, is that not correct?

7 A (Pause)

8 Q You went to a hearing with an attorney and then you
9 were receiving checks in the amount of approximately \$200 a
10 week?

11 A To begin with you mean?

12 Q Right.

13 A Yes, sir.

14 Q All right, and then notwithstanding the fact there was
15 a binding Commission Order, I agreed to stipulate to the
16 fact that your compensation rate had been misdetermined,
17 that you were in fact entitled to approximately \$290 a week,
18 correct?

19 A Yes, sir.

20 Q Okay, and after I agreed to that, I also agreed--

21 MR. EADON: Commissioner, I'm gonna object. If
22 Mr. Harrell wants to testify, he's gonna have to go under
23 oath and be subject to cross examination because--

24 MR. HARRELL: I'll rephrase it.

25 MR. EADON: --what we agreed to was subject to a

1 pending hearing. I just object to--

2 MR. HARRELL: I'll rephrase the question.

3 THE COURT: All right, please do.

4 MR. HARRELL: I'd like to mark this one.

5 THE COURT: Is this something you want in?

6 MR. HARRELL: Yes.

7 MR. EADON: And I have no objection,
8 Commissioner.

9 THE COURT: All right, make it Defense Exhibit
10 1.

11 (DEFENDANTS EXHIBIT 1 MARKED)

12 Q (By Mr. Harrell) Mrs. Williams, I'm gonna show you a
13 document that's dated July 31 of 1990. Does this document
14 reflect that amount you received for your previous
15 underpayment of temporary total disability benefits?

16 A Yes, sir, I think so, yes.

17 Q And so on July 31st you received approximately
18 \$16,000, the exact amount was \$15,823.05?

19 A Yes, sir.

20 Q What did you do with that money?

21 A I paid off some bills that we had got behind in during
22 the beginning when I first fell and got hurt and I still
23 have 11 or 12,000. I put it in the savings account.

24 Q Okay.

25 A It's in savings at my bank because I'm gonna need--I

1 have two children and I'm gonna need some help with their
2 education and so that's put aside for that.

3 Q Okay, so you invested a good bit of that money?

4 A Yes, sir, I have it in savings at my bank.

5 Q Okay, and in your application for lump sum award, you
6 indicated that you have several bills you want to get paid
7 off. What are those bills?

8 A Well, there's a few things we got behind on that--and
9 we had to go and borrow some money and get straight with
10 that, so that's--my husband went and borrowed it one time
11 and my car--there's a couple of things that I need to do.
12 The car needs some work on it. Those types things--I know
13 my husband will probably go ahead and go out there and
14 borrow for it, but I just--I'm afraid for him to do it.

15 THE COURT: So you want to have your car worked
16 on. What else?

17 A Well, like I say, my house, I need a couple of things
18 out of my house. The back door's got rained in and it needs
19 to be repaired and I've to take the ceiling and everything
20 out and I know it sounds like little things, but those
21 things cost a lot whenever you have to have somebody come in
22 and do that.

23 THE COURT: Okay, you've got some house repairs.
24 What else?

25 A Like I say, I wanted to put some money aside for my

1 children's education.

2 THE COURT: All right, how much you got put
3 aside for education?

4 A I don't know. With the costs going up every year, I
5 don't know how--what it'll cost. I probably need to have
6 somebody talk to me about that. I definitely want to put
7 enough aside for both my children so I'll know that I'll
8 have that taken care of. I want them hopefully go to get
9 some schooling and things like that.

10 THE COURT: All right, so you're gonna put some
11 aside for your children. What else?

12 A Well, I guess just put it in a savings and that way
13 I'll just know that I'll have it rather than my husband
14 going out and--

15 THE COURT: Have you done any accounting on how
16 much money you're gonna need to spend on getting your car
17 fixed and your house fixed and what's gonna be left?

18 A No, I haven't. I haven't even--I've just been driving
19 it the way it is and I haven't even checked into all that,
20 but--

21 THE COURT: Okay, but you don't have any
22 estimates on repairs?

23 A No, sir, I don't. It's a '78 so it's probably gonna
24 need a few things.

25 THE COURT: What about your house, any estimates

1 on that?

2 A No, sir, I've just been putting them off.

3 THE COURT: Okay, go ahead.

4 Q (By Mr. Harrell) With the expenses that you're
5 referring to, Mrs. Williams, you still have about \$12,000
6 left of this money that you could apply to those expenses if
7 you wanted to, is that not correct?

8 A Yes, sir, that's true.

9 Q What have you been using your weekly checks for?

10 A Helping with the bills, like I've always done and
11 while these--we combined and I've always helped pay the
12 bills.

13 Q Do y'all rent or own your home?

14 A We own our home.

15 Q How much is your mortgage payment?

16 A 300.

17 Q \$300 a month?

18 A More like \$312 I think.

19 Q What do utilities run you on average?

20 A Gosh, I don't know, light bill, phone bill. I have an
21 air conditioner payment and we have some furniture payments
22 and the light bill is usually higher in the wintertime. I
23 think it's a hundred and something--

24 THE COURT: If you took your husband's income
25 without the weekly checks you've been getting, would you be

1 able to pay your bills?

2 A I don't know. There again, he's not working right now
3 as much as usually. He usually works five and six days and
4 they're down a little bit. I would hope so.

5 THE COURT: How many days is he working now?

6 A Four and five, sometimes. That goes up and down, too.
7 It's according to the way the line and all is running, what
8 the orders are at the company--

9 THE COURT: Yeah, I understand.

10 Q (By Mr. Harrell) But basically the weekly checks that
11 you've been receiving, you've been using those to help out
12 with the general household expenses?

13 A Yes, sir.

14 Q Do you think that your family would be able to manage
15 the usual expenses without those weekly checks that have
16 been coming in?

17 A I hope so. I would think so, yes.

18 Q How much is your husband--

19 A It would be real, you know, tight for him, but I think
20 he could do it.

21 Q Y'all have car payments?

22 A Yes, sir, we have a truck payment.

23 Q Okay, and two children that live with you?

24 A No, just my daughter lives with me. My step-son comes
25 on weekends.

1 MR. HARRELL: That's all I've got.

2 THE COURT: Anything else?

3 MR. EADON: Yes, sir, just a second.

4 REDIRECT EXAMINATION

5 BY MR. EADON:

6 Q Teresa, the first--let me back up a second. You said
7 that you had an air conditioner payment, furniture payment,
8 are y'all paying interest on those?

9 A Yes, sir.

10 Q Okay, Mr. Harrell asked you if you had any problems
11 with the checks coming in on time and compensation rate and
12 those type things prior to the time he'd gotten into the
13 case. Your problems were when you were dealing with the
14 company and the adjuster?

15 A I guess so.

16 Q Okay, do you have anything to indicate that after this
17 case is over and this hearing is over that Mr. Harrell's
18 gonna stay in this case, be involved in this case?

19 A No--

20 THE COURT: I think we've beginning to wonder a
21 little bit and let me--I'm sure your attorney can explain
22 this to you in detail. If the insurance company doesn't pay
23 you right and handle this right, we can assist with that and
24 if they stop your compensation without a Form 17 or an Order
25 of the Commission, we can assess a 25 percent penalty for

1 that. If they don't pay on time like they should, we can
2 assess penalties for that, so there are means for that if
3 they were to default on paying you like they should have.

4 A Yes, sir, is that what happened the last time then?

5 MR. EADON: Could I state for the record that
6 that has not been done in the previous hearings,
7 Commissioner, just--

8 THE COURT: I don't know what happened there. I
9 don't know--

10 MR. EADON; --I understand. We've asked for
11 'em--

12 MR. HARRELL: If I may respond--

13 THE COURT: One at a time. Since we're on the
14 record, I don't know the situation there, but it certainly
15 may be that perhaps it was not warranted. I don't know.

16 MR. EADON: I understand.

17 THE COURT: Let's deal just with the lump sum.

18 MR. EADON: Yes, sir, I understand. I don't
19 have any other questions.

20 THE COURT: Okay, anything else?

21 MR. HARRELL: Nothing further, Commissioner.

22 THE COURT: All right, any other witnesses?

23 MR. EADON: I have no other witnesses.

24 THE COURT: Anything for the defense?

25 MR. HARRELL: No, sir.

13-10

PRESENT WORTH TABLE

(Compound Interest - 2% per annum on each installment yet to mature)

WEEKS	PRESENT WORTH	WEEKS	PRESENT WORTH	WEEKS	PRESENT WORTH
1	.9996	36	35.7451	71	70.0260
2	1.9988	37	36.7310	72	70.9987
3	2.9977	38	37.7164	73	71.9711
4	3.9961	39	38.7016	74	72.9430
5	4.9942	40	39.6863	75	73.9146
6	5.9919	41	40.6707	76	74.8858
7	6.9892	42	41.6546	77	75.8566
8	7.9862	43	42.6382	78	76.8270
9	8.9827	44	43.6215	79	77.7971
10	9.9789	45	44.6043	80	78.7668
11	10.9746	46	45.5868	81	79.7362
12	11.9700	47	46.5689	82	80.7051
13	12.9651	48	47.5506	83	81.6737
14	13.9597	49	48.5319	84	82.6419
15	14.9539	50	49.5129	85	83.6098
16	15.9478	51	50.4934	86	84.5772
17	16.9413	52	51.4736	87	85.5443
18	17.9344	53	52.4535	88	86.5111
19	18.9271	54	53.4329	89	87.4774
20	19.9194	55	54.4120	90	88.4434
21	20.9114	56	55.3907	91	89.4090
22	21.9030	57	56.3690	92	90.3743
23	22.8942	58	57.3469	93	91.3391
24	23.8850	59	58.3245	94	92.3036
25	24.8754	60	59.3017	95	93.2677
26	25.8655	61	60.2785	96	94.2315
27	26.8551	62	61.2550	97	95.1949
28	27.8444	63	62.2310	98	96.1579
29	28.8333	64	63.2067	99	97.1206
30	29.8219	65	64.1820	100	98.0828
31	30.8100	66	65.1570	101	99.0447
32	31.7978	67	66.1315	102	100.0062
33	32.7852	68	67.1057	103	100.9674
34	33.7722	69	68.0795	104	101.9282
35	34.7588	70	69.0530	105	102.8887

106 103.8487
107 104.8084
108 105.7677
109 106.7267
110 107.6853

111 108.6435
112 109.6013
113 110.5588
114 111.5159
115 112.4727

116 113.4290
117 114.3850
118 115.3407
119 116.2959
120 117.2508

121 118.2054
122 119.1595
123 120.1134
124 121.0668
125 122.0199

126 122.9726
127 123.9249
128 124.8769
129 125.8285
130 126.7797

131 127.7306
132 128.6811
133 129.6312
134 130.5810
135 131.5304

136 132.4795

PRESENT WORTH TABLE

(Compound Interest - 5% per annum on each installment yet to mature)

WEEKS	PRESENT WORTH	WEEKS	PRESENT WORTH	WEEKS	PRESENT WORTH
1	.9990	36	35.3759	71	68.6556
2	1.9971	37	36.3416	72	69.5910
3	2.9943	38	37.3065	73	70.5256
4	3.9904	39	38.2704	74	71.4593
5	4.9857	40	39.2335	75	72.3922
6	5.9799	41	40.1956	76	73.3243
7	6.9733	42	41.1569	77	74.2556
8	7.9657	43	43.1173	78	75.1860
9	8.9571	44	43.0769	79	76.1156
10	9.9476	45	44.0355	80	77.0443
11	10.9372	46	44.9932	81	77.9722
12	11.9258	47	45.9501	82	78.8993
13	12.9135	48	46.9061	83	79.8256
14	13.9002	49	47.8612	84	80.7511
15	14.8861	50	48.8155	85	81.6757
16	15.8709	51	49.7689	86	82.5995
17	16.8549	52	50.7214	87	83.5225
18	17.8379	53	51.6730	88	84.4447
19	18.8200	54	52.6238	89	85.3661
20	19.8012	55	53.5737	90	86.2866
21	20.7815	56	54.5227	91	87.2064
22	21.7608	57	55.4709	92	88.1253
23	22.7392	58	56.4182	93	89.0434
24	23.7168	59	57.3647	94	89.9607
25	24.6933	60	58.3102	95	90.8773
26	25.6690	61	59.2550	96	91.7930
27	26.6438	62	60.1989	97	92.7079
28	27.6176	63	61.1419	98	93.6220
29	28.5906	64	62.0841	99	94.5353
30	29.5626	65	63.2054	100	95.4478
31	30.5337	66	63.9659	101	96.3595
32	31.5040	67	64.9055	102	97.2704
33	32.4733	67	65.8443	103	98.1805
34	33.4417	69	66.7822	104	99.0898
35	34.4093	70	67.7193	105	99.9983

106	100.9061	146	136.5824	186	171.0785
107	104.8130	147	137.4588	187	171.9264
108	102.7192	148	138.3345	188	172.7737
109	103.6245	149	139.2095	189	173.6202
110	104.5291	150	140.0838	190	174.4661
111	105.4329	151	140.9573	191	175.3113
112	106.3359	152	141.8301	192	176.1558
113	107.2382	153	142.7021	193	176.9997
114	108.1396	154	143.5735	194	177.8428
115	109.0403	155	144.4441	195	178.6853
116	109.9402	156	145.3140	196	179.5271
117	110.8393	157	146.1831	197	180.3682
118	111.7377	158	147.0515	198	181.2086
119	112.6353	159	147.9192	199	182.0484
120	113.5321	160	148.7862	200	182.8875
121	114.4281	161	149.6525	201	183.7259
122	115.3234	162	150.5180	202	184.5636
123	116.2179	163	151.3829	203	185.4007
124	117.1116	164	152.2470	204	186.2371
125	118.0046	165	153.1104	205	187.0728
126	118.8968	166	153.9734	206	187.9078
127	119.7882	167	154.8350	207	188.7422
128	120.6789	168	155.6963	208	189.5759
129	121.5688	169	156.5568	209	190.4090
130	122.4580	170	157.4166	210	191.2413
131	123.3464	171	158.2758	211	192.0731
132	124.2340	172	159.1342	212	192.9041
133	125.1209	173	159.9919	213	193.7345
134	126.0070	174	160.8489	214	194.5642
135	126.8924	175	161.7052	215	195.3933
136	127.7771	176	162.5608	216	196.2217
137	128.6609	177	163.4157	217	197.0495
138	129.5441	178	164.2699	218	197.8766
139	130.4265	179	165.1234	219	198.7030
140	131.3081	180	165.9762	220	199.5288
141	132.1890	181	166.8283	221	200.3540
142	133.0692	182	167.6797	222	201.1785
143	133.9486	183	168.5305	223	202.0023
144	134.8272	184	169.3805	224	202.8255
145	135.7052	185	170.2298	225	203.6480

226	204.4699	266	236.8253	306	268.2069
227	205.2911	267	237.6214	307	268.9795
228	206.1117	268	238.4170	308	269.7515
229	206.9317	269	239.2119	309	270.5229
230	207.7510	270	240.0063	310	271.2938
231	208.5697	271	240.8000	311	272.0641
232	209.3877	272	241.5932	312	272.8338
233	210.2050	273	242.3857	313	273.6029
234	211.0218	274	243.1776	314	274.3715
235	211.8379	275	243.9689	315	275.1395
236	212.6533	276	244.7597	316	275.9070
237	213.4682	277	245.5498	317	276.6739
238	214.2824	278	246.3393	318	277.4402
239	215.0959	279	247.1283	319	278.2060
240	215.9088	280	247.9166	320	278.9715
241	216.7211	281	248.7043	321	279.7358
242	217.5328	282	249.4915	322	280.4999
243	218.3438	283	250.2780	323	281.2634
244	219.1542	284	251.0640	342	282.0264
245	219.9639	285	251.8494	325	282.7888
246	220.7731	286	252.6341	326	283.5506
247	221.5816	287	253.4183	327	284.3119
248	222.3895	288	254.2019	328	285.0726
249	223.1967	289	254.9849	329	285.8328
250	224.0033	290	255.7674	330	286.5924
251	224.8093	291	256.5492	331	287.3515
252	225.6147	292	257.3304	332	288.1100
253	226.4195	293	258.1111	333	288.8680
254	227.2236	294	258.8912	334	289.6254
255	227.0272	295	259.6707	335	290.3823
256	228.8301	296	260.4496	336	291.1386
257	229.6323	297	261.2279	227	291.8944
258	230.4340	298	262.0057	338	292.6496
259	231.2351	299	262.7829	339	293.4043
260	232.0355	300	263.5595	340	294.1584
261	232.8353	301	264.3355	341	294.9120
262	233.6345	302	265.1109	342	295.6650
263	234.4331	303	265.8858	343	296.4175
264	235.2311	304	266.6601	344	297.1695
265	236.0285	305	267.4338	345	297.9209

346	298.6718	386	328.2719	426	357.0549
347	299.4221	378	329.0012	427	357.7644
348	300.1719	388	329.7300	428	358.4734
349	300.9212	389	330.4584	429	359.1820
350	301.6699	391	331.1862	430	359.8900
351	302.4181	391	331.9135	431	360.5976
352	303.1657	392	332.6403	432	361.3047
353	303.9128	393	333.3666	433	362.0113
354	304.6594	394	334.0924	434	362.7174
355	305.4054	395	334.8177	435	363.4231
356	306.1509	396	335.5424	436	364.1282
357	306.8959	397	336.2667	437	364.8329
358	307.6403	398	336.9905	438	365.5372
359	308.3843	399	337.7138	439	366.2409
360	309.1276	400	338.4365	440	366.9442
361	309.8705	401	339.1588	441	367.6470
362	310.6128	402	339.8806	442	368.3493
363	311.3546	403	340.6019	443	369.0512
364	312.0959	404	341.3226	444	369.7526
365	312.8366	405	342.0429	445	370.4535
366	313.5768	406	342.7627	446	371.1539
367	314.3165	407	343.4820	447	371.8539
368	315.0557	408	344.2008	448	372.5534
369	315.7943	409	344.9190	449	373.2524
370	316.5324	410	345.6368	450	373.9510
371	317.2700	411	346.3541	451	374.6491
372	318.0071	412	347.0710	452	375.3467
373	318.7437	413	347.7873	453	376.0439
374	319.4797	414	348.5031	454	376.7406
375	320.2152	415	349.2184	455	377.4368
376	320.9502	416	349.9333	456	378.1326
377	321.6847	417	350.6476	457	378.8279
378	322.4187	418	351.3615	458	379.5227
379	323.1521	419	352.0749	459	380.2171
380	323.8851	420	352.7878	460	380.9110
381	324.6175	421	353.5002	461	381.6045
382	325.3494	422	354.2121	462	382.2975
383	326.0808	423	354.9235	463	382.9900
384	326.8116	424	355.6345	464	383.6821
385	327.5420	425	356.3449	465	384.3737

466	385.0648
467	385.7555
468	386.4458
469	387.1356
470	387.8249
471	388.5138
472	389.2022
473	389.8902
474	390.5777
475	391.2674
476	391.9513
477	392.6375
478	393.3232
479	394.0085
480	394.6933
481	395.3776
482	396.0615
483	396.7450
484	397.4280
485	398.1105
486	398.7927
487	399.4743
488	400.1555
489	400.8363
490	401.5167
491	402.1966
492	402.8760
493	403.5550
494	404.2336
495	404.9117
496	405.5894
497	406.2666
498	406.9434
499	407.6198
500	408.2957

Rice
11/24/99

**SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION**

W.C.C FILE NUMBER: 9609523

Donald Rice, Employee)
Claimant)
)
-vs.-)
)
Bell South Telecommunications,)
Employer)
)
and)
)
Self-Insurer,)
Defendant)
_____)

ORDER

Hearing: Held in Anderson, South Carolina on November 9, 1999.

Appearances: Claimant represented by BOWEN, MCKENZIE & BOWEN, L.L.P., Attorneys at Law, Greenville, South Carolina, with C. Ben Bowen, Esquire, appearing.

Defendants represented by Young, Clement, Rivers & Tisdale, LLP, Columbia, South Carolina, with Edwin P. Martin, Jr. Esquire, appearing.

Purpose of Hearing: To determine if a lump sum application should be approved and allocation of the lump sum payment pursuant to the Utica Mohawk Mill formula.

Order: G. Bryan Lyndon, Commissioner

FILED: November 23, 1999

RECEIVED

APR 10 2000

STIPULATIONS

1. That notice of hearing was timely and properly served upon all parties of interest.
2. That venue in Anderson County was proper.
3. That the Claimant sustained an injury by accident, arising out of and in the course of his employment on January 23, 1996.
4. That the Claimant's weekly compensation rate is \$437.79.
5. That the South Carolina Workers' Compensation Commission has jurisdiction of the parties and subject matter.

APA SUBMISSIONS

By The Claimant

- Exhibit 1. South Carolina Workers' Compensation Commission file (by reference).
- Exhibit 2. South Carolina Workers' Compensation Commission Order (dated 6/29/99).
- Exhibit 3. Social Security Administration (Notice of Award) 12/15/98, 3 pages.

By The Defendant

NONE

STATEMENT OF THE CASE

By the Order dated June 29, 1999, Commissioner Donald Var. Riper awarded the Claimant Donald Rice, permanent and total disability as the result of his work related injury on January 23, 1996. pursuant to Section 42-9-10 and Section 42-9-30 (19) of the Workers' Compensation Act. He ordered the Defendants to pay the Claimant \$437.79 a week until such time as they have paid him 500 weeks compensation with the Defendants taking credit for workers' compensation payments previously made.

Commissioner Van Riper further ordered the Defendants to pay all medical, surgical, doctors and nurses bills incurred from the date of the employees compensable injury, arising out of and in the course of his employment on January 23, 1996 and continuing thereafter for the life of the Claimant, pursuant to Section 42-15-60 of the Workers' Compensation Act.

Pursuant to said Order, the Defendants have been paying the Claimant \$437.79 a week.

The Claimant filed a Form 24, dated August 6, 1999, requesting a lump sum payment of the remaining amount due under the Order of Commissioner Van Riper and requesting that the lump sum payment be allocated pursuant to the Utica Mohawk Mill formula.

The Defendants deny that the lump sum payment would be in the Claimant's best interest and question the authority of the Commission to authorize allocation of the payment pursuant to the Utica Mohawk Mill formula.

The Commission file, with exception of self-serving declarations and unstipulated medical reports, was made a part of the record in the case.

EVIDENCE IN THE CASE

The Claimant, Donald Rice, testified as to the exigencies of his work with the telephone company and that on January 23, 1996, he sustained an injury by accident, arising out of and in the course of his employment. He related that he is 52 years old, married and has two children at home, a daughter 14 and a son 18 years of age; that his wife is employed.

He further related that he was receiving weekly workers' compensation benefits from the employer and also receiving social security disability benefits from the government.

He testified that as a result of the weekly workers' compensation benefits, social security disability payments have been substantially reduced because of the offset between social security disability and workers' compensation.

The Claimant further testified that he desired to receive the money in a lump sum payment so that he could pay off indebtedness on his home and vehicles and he further asserted that it would be in his best interest to receive the funds in a lump sum as opposed to weekly payments.

The Claimant was fully cross-examined as to his physical status, his income, and his reasons for desiring a lump sum payment of the workers' compensation award.

The Defendants did not present any witness in the case.

Section 42-9-301 of the Workers' Compensation Act provides for a lump sum payment of an award when the Commission deems it not to be contrary to the best interest of the employee or his dependents or when it will prevent undue hardship on the employer or his insurance carrier without prejudicing the interest of the employee or his dependents.

Based upon the evidence in this case, I am convinced that the Claimant is entitled to a lump sum payment of the remaining amount of the award issued by Commissioner Van Riper on June 29, 1999

Section 42-9-220 of the Workers' Compensation Act provides that compensation shall be paid periodically, promptly and directly to the persons entitled thereto, unless otherwise specifically provided. Section 42-9-240 provides payment of compensation payable under an award of the Commission and states that, "Hereafter compensation shall be paid in installments weekly, except when the Commission determines that payments and installments shall be made monthly or in some other manner."

Pursuant to the Form 18 submitted by the employer in this matter, the Claimant has been paid 73.6 weeks of compensation benefits in the amount of \$437.79 a week, thereby leaving 426 weeks to be commuted. The commuted value of 426 weeks is 357.0549 weeks and that number of weeks times his compensation rate of \$437.79 is \$156,315.06.

The Claimant Donald Rice requested the Commission to approve the allocation of the aforementioned payment in a lump sum remaining under the Order issued by Commissioner Van Riper on June 29, 1999 as follows: \$0 designated as future medical benefits for the specific purpose of paying any deductible and medical excesses or expenses for medical treatment and prescription drugs over and above the payments by group health carriers, Medicaid, Medicare, and any other insurance coverage to be paid at the rate of \$0 per week for his life expectancy, pursuant to Section 19-1-150 of the South Carolina Code of Laws which is 22.89 years or 1,190.28 weeks and Section 42-15-60 of the Workers' Compensation Act; \$103,843.68 of future disability benefits at the rate of \$87.24 per week, commencing on November 7, 1999 and continuing thereafter for 1,190.28 weeks which is his life expectancy, pursuant to Section 19-1-150 of the South Carolina Code of Laws; \$52,105.02 of the total of \$156,315.06 as attorney's fees in the case plus costs of \$366.36.

After reviewing all the evidence submitted in this case, I am convinced that it is not contrary to the Claimant, Donald Rice's best interest to receive the remaining amount under the award issued by Commissioner Van Riper on June 29, 1999 in a lump sum payment pursuant to Section 42-9-301 of the Workers' Compensation Act. I am further convinced that the allocation of the lump sum, pursuant to the Utica Mohawk Mill formula should be authorized and approved.

A record such as is necessary for a decision was made of the proceedings in this matter and after a careful consideration and study of all the evidence, the following findings of facts are accordingly made.

FINDINGS OF FACT

It is found as a fact that:

1. All parties to this proceeding are subject to and bound by the terms and provisions of the South Carolina Workers' Compensation Act, 1976 as amended with Bell South Telecommunications, Inc. as the employer and self-insurer.
2. That the Claimant, Donald Rice received an injury by accident, arising out of and in the course of his employment to his back, left shoulder, left upper extremity and left leg, which resulted in severe chronic pain and limitation of motion in the Claimant's back, left shoulder, arm and left lower extremity.
3. That Commissioner Donald Van Riper issued an Order in the case on June 29, 1999, awarding the Claimant permanent and total disability benefits pursuant to Section 42-9-10 and Section 42-9-30 (19) of the Workers' Compensation Act and medical care and treatment for life pursuant to Section 42-15-60.
4. That the Claimant is entitled to be paid a lump sum payment for the remaining amount due under the award of Commissioner Van Riper.
5. That the allocation of the lump sum amount as requested by the Claimant is in his best interest and should be granted.
6. That the Claimant has been paid 73.6 weeks of benefits through November 6, 1999, thereby leaving 426 weeks to be commuted and the commuted value of 426 weeks is 357.0549 weeks and that number of weeks times his compensation rate of \$437.79 renders a commuted value of \$156,315.06.
7. That the Claimant's average weekly wage was \$1001, thereby rendering a weekly compensation rate of \$437.79.

CONCLUSIONS OF LAW

Accordingly, as provided by the South Carolina Workers' Compensation Act, 1976 as amended, it is the determination of this Commissioner that Section 42-9-301 controls, "LUMP - SUM PAYMENTS", and Section 42-9-240 controls how payments of compensation shall be made to the Claimant.

ORDER

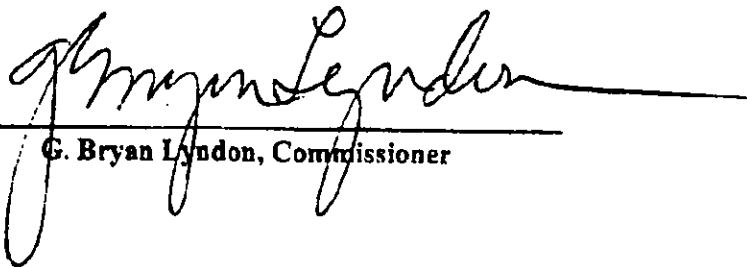
IT IS THEREFORE ORDERED, that the Defendant Bell South Telecommunications, Inc. shall pay to the Claimant, Donald Rice, in a lump sum \$156,315.06.

IT IS FURTHER ORDERED, that the allocation of the lump sum payment, as requested by the Claimant, pursuant to the Utica Mohawk Mill formula should be and is hereby approved.

IT IS FURTHER ORDERED that the medical care provided to the Claimant, pursuant to the Order of Commissioner Van Riper, pursuant to Section 42-15-60 for life shall continue in full force and effect.

IT IS FURTHER ORDERED that no hearing costs are assessed in this instance.

South Carolina Workers' Compensation Commission


G. Bryan Lyndon, Commissioner

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, postage paid, in the United States mail addressed to the attorney or attorneys for said parties.

CBB
EPM

This 23 day of November, 1999.
BY Jamora Morris
Administrative Assistant to the Commissioner