

Firm News

UPDATE FROM THE SOUTH CAROLINA SUPREME COURT

Written By: Jamie George



In June, the Supreme Court issued a favorable opinion on a case I argued, which was a direct win for our client, but has broader implications for everyone in South Carolina. Essentially, we asked the court hold companies responsible for injuries they cause when hiring a contractor that is not competent to safely do the

task for which they are hired.

My argument centered on fairness. While a bit of an oversimplification, generally, if you are hurt by someone because they were negligent, that person or company is responsible for the damages. There is no reason a company hiring a contractor it knows cannot do the work safely should be treated differently or be allowed to avoid responsibility for the harms it causes.

The defendants in our case argued that allowing companies to hire unsafe contractors was the better option for South Carolina. The Chamber of Commerce and South Carolina Trucking Association both opposed our efforts to make South Carolina safer and to encourage companies to hire competent contractors.

The Supreme Court, however, rejected their arguments, and accepted my arguments that South Carolina is safer, and victims more fairly treated, when companies are responsible for their negligence.

R. LAWTON HARPER ADMITTED TO PRACTICE IN NORTH CAROLINA

Smith, Born, Leventis, Taylor & Vega, LLC is pleased to announce that Workers' Compensation Attorney R. Lawton Harper has been admitted to practice in the State of North Carolina. With this, we become a southeastern regional law firm ready to help you! We proudly represent injured people in Georgia, North Carolina and South Carolina.



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SBLTV Contact Information:

Phone: 803.258.6797

www.sbltv.law

Why did it take so long for me to get workers' compensation benefits?

Written by: Danny Vega



The question I get asked most often as a workers' compensation attorney is: "Why did my claim take so long?" Most people go to work every day assuming their day will be like most other days, never thinking today is the day I get hurt at work. When it does happen, however, life can suddenly be flipped upside down. Suddenly you are wondering, "How bad am I hurt?", "How long will I be out of work?" or, "How will I be able to pay my bills?" You go to the boss-man for answers (maybe HR) and suddenly they tell you, "Now hold on a minute, we don't know for sure we are responsible for your injury!"

"Wait a minute," you think to yourself, "I thought work comp was a no-fault system?" Then you think, "Isn't work comp there to help me!", "Are they saying I may not get workers' compensation benefits." And it is at this moment you say to yourself, "Maybe I better hire me a lawyer!" If you come to me with these questions, I can tell you the official answer is that when the General Assembly of South Carolina created the workers' compensation system in 1935, they thought they were creating a system

that would prevent hardship to both the injured employee and the employer. Great! But the next question then is, how quickly can we get this done?

The entry way into the workers' compensation system is a workers' compensation "injury." However, you must demonstrate it is an "injury by accident in the course and scope of employment." And to the extent you may need to file a claim you will have to demonstrate to all involved, including your employer, the insurance adjuster, and even possibly a commissioner, each and every one of the elements of that sentence. You must demonstrate what happened was an "accident." That there is an "injury" resulting from the accident. That you were "working" or doing "work" when you were injured. But if your employer and/or insurance carrier believes any one of these elements is missing you may get a denial of benefits. Which is why your employer originally said to you "Now hold on a minute...."

While I don't have enough space or time to explain everything necessary to help an individual with a denied claim, here are a few things you can do to ensure you have a chance of getting benefits quickly: First and foremost, tell your employer about the accident as soon as possible. Tell the line leader, supervisor, manager, HR, or whoever will listen, as soon as you can. I can tell you from experience people who hesitate because they think to themselves "I'll be ok" or "maybe I can sleep it off" usually regret doing so. The sooner you inform your employer of the injury, the better. Right after telling your employer about the injury, ask to see a doctor right away. By doing so you have already done two of the most important things you can do to help establish your claim. You now have documented both the accident and the injury. The next most important thing you can do to help yourself is document, document, document all of your activities. Keep records of your calls, texts, emails or other forms of communication. Keep copies of every piece of paper you get related to the claim from your employer, insurance company and doctor's office. Make notes on a calendar or notebook. Keep all of this information together.

Lastly, call an attorney within ten days of the accident. You may need a few days to get well and compose yourself but waiting a long time to file the claim will not help you. Get the help of an experienced attorney like our attorneys at Smith, Born, Leventis, Taylor & Vega, LLC as quickly as possible and we will help you get the benefits you need to survive what may be one of the most difficult experiences you have in your life.

Community Outreach Corner



ST. FRANCIS NICU DRIVE

In May, we hosted a drive for the NICU at St. Francis in Greenville after Attorney Jim Sproat's baby boy arrived eight weeks early and spent a month in the NICU. We wanted to give back to the place that took such wonderful care of baby James. Through the generous support we received, we were able to donate several bags and boxes of preemie and newborn clothing, baby blankets, and swaddles to the NICU in June.

Farewell to Summer

HISTORY OF LABOR DAY

Labor Day is an annual celebration of the social and economic achievements of American workers. The holiday is rooted in the late 19th century, when labor activists pushed for a federal holiday to recognize the many contributions workers have made to America's strength, prosperity, and well-being. We will be closed on Monday, September 4th to show our appreciation to our employees for their hard work and dedication to serving our clients.

HAPPY
LABOR
DAY





2801 Devine Street
Suite 300
Columbia, SC 29205

Back to School Safety

Transportation Safety Tips:

- Make sure your child is walking on the sidewalk, if one is available; when on a street with no sidewalk, they should walk facing the traffic.
- Stay alert and avoid distracted walking AND driving.
- Obey school zone speed limits and follow your child's school drop-off procedure.
- If your child is riding a bike to school, make sure they wear a properly fitted helmet and wear bright clothing.

School Safety Tips:

- Choose a backpack for your child carefully; it should have ergonomically designed features to enhance safety and comfort.
- Rolling backpacks should be used cautiously since they can create a trip hazard in crowded school hallways.
- To reduce strangulation hazards on playgrounds, have your child leave necklaces and jackets with drawstrings at home.