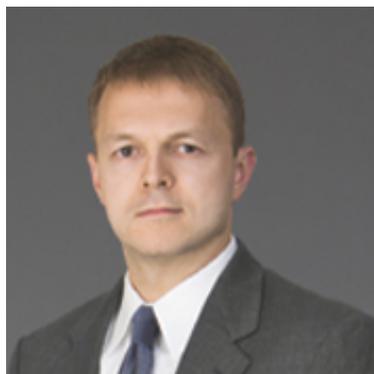


S O U T H C A R O L I N A
Workers' Comp
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WHY THE MAIL MAY STOP ON JULY 1, 2011

By July 1, 2011, mail carrying "required information" may not reach the South Carolina Second Injury Fund (SIF). With the enactment of § 42-7-320, an employer, self-insurer or insurance carrier must have submitted all required information for consideration of accepting a claim to the Second Injury Fund. According to § 42-7-320(B)(2), failure to submit all required information to the fund by June 30, 2011, shall bar an employer, self-insurer or insurance carrier from recovery from the fund.

The SIF functions within the South Carolina Workers' Compensation system. Its mission is to protect employers from the higher cost of insurance that can occur when an injury combines with a prior disability that results in substantially increased medical or disability costs.

What does this mean practically speaking? If an employer had a qualifying injury (one that meets the Act's requirements and occurred on or before June 30, 2008) and was able to submit a notice for the claim before the December 31, 2010 deadline, then the employer must provide all supporting evidence for the claim by June 30, 2011. The SIF will need medical records, pleadings, affidavits, medical questionnaires, deposition transcripts and any other evidence needed for consideration to support the claim. The SIF verified it will not accept any documents after June 30, 2011.

The SIF interprets § 42-7-320 (B)(2) to mean the information must be received by June 30, 2011. Without knowing how the Courts will interpret a challenge to this section, Collins & Lacy recommends submitting all required information in support of the claim by the June 30, 2011 deadline, just to be safe. Action (or inaction) now can make the difference in an accepted claim or a denied claim after July 1, 2011. So, send out medical questionnaires, request hearing transcripts, and send medical subpoenas immediately. Time is of the essence. Consider sending your evidence with verification of receipt, such as certified mail, tracking the delivery, or confirmation via facsimile. We also suggest you verify with the SIF what information it already has on file to make sure previously sent material reached the Fund.