

SUPREME COURT OF SOUTH CAROLINA

Holmes v. National Service Industries, Inc., 395 S.C. 305

717 S.E.2d 751 (2011) · No. No. 27059 · Decided October 24, 2011

SUMMARY

The South Carolina Supreme Court affirmed the Court of Appeals’ holding that Carolyn Holmes’s workers’ compensation claim was barred by the applicable two-year statute of limitations. The court held that substantial evidence supported the Workers’ Compensation Commission’s finding that Holmes knew or should have known of her compensable injury more than two years before filing. A dissent argued that the limitations period did not begin until a physician linked Holmes’s respiratory conditions to her employment.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Acting Chief Justice Pleicones; Justice Kittredge; Justice Beatty; Acting Justice E.C. Burnett, III; Acting Justice James E. Moore
JURISDICTION	South Carolina
DECIDED	October 24, 2011
DOCKET	No. 27059
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petition for certiorari review of the South Carolina Court of Appeals' affirmance of the South Carolina Workers' Compensation Commission's determination that Holmes's workers' compensation claim was barred by the statute of limitations.
STANDARD OF REVIEW	The Workers' Compensation Commission is the ultimate fact finder, and its findings must be affirmed if supported by substantial evidence. Substantial evidence is evidence which, considering the record as a whole, would allow reasonable minds to reach the agency's conclusion; appellate courts may not substitute their judgment for that of the Commission.
PRECEDENTIAL VALUE	Published and precedential opinion of the Supreme Court of South Carolina; the majority's holdings are binding within the court's jurisdiction.

PARTIES

Carolyn Holmes v. National Service Industries, Inc., New Hampshire Insurance Company, c/o Gallagher Bassett Services, Inc.

TOPICS

workers compensation

standard of review

writ of certiorari

appellate procedure

PRACTICE AREAS

workers' compensation

administrative law

appellate procedure

QUESTIONS PRESENTED

1. Whether substantial evidence supported the Workers' Compensation Commission's finding that Holmes knew or should have known of her compensable injury more than two years before filing her claim.
2. Whether the Supreme Court needed to address whether the Commission's findings concerning compensability and causation were the law of the case after affirming on the statute-of-limitations issue.

HOLDINGS

1. The claim was barred because substantial evidence supported the Commission's finding that Holmes knew or should have known, through reasonable diligence, that she had a compensable injury more than two years before filing.
2. The court declined to address the issue because affirmance on the statute-of-limitations issue was dispositive.

KEY QUOTATIONS

“Substantial evidence is not a mere scintilla of evidence, but evidence which, considering the record as a whole, would allow reasonable minds to reach the conclusion the agency reached.” (308-309)

“Under the discovery rule, the statute of limitations begins to run from the date the claimant knew or should have known that, by the exercise of reasonable diligence, a cause of action exists.” (309)

FACTUAL BACKGROUND

Holmes worked in poorly ventilated laundering facilities where she was exposed to dust, lint, bleach fumes, and other airborne particles. She developed respiratory and sinus problems in 1992, was diagnosed with sarcoidosis in 1995, and eventually left National because the working conditions worsened her breathing problems. In July 2005, Dr. Spandorfer related her condition to aggravation from her National employment, and Holmes filed a workers' compensation claim shortly thereafter.

PROCEDURAL HISTORY

A single commissioner found that Holmes sustained a compensable injury by accident discovered on July 12, 2005. The full commission reversed, finding the claim barred by the two-year statute of limitations. The circuit

court and Court of Appeals affirmed, and the Supreme Court of South Carolina granted certiorari and affirmed the Court of Appeals.

DISPOSITION

affirmed

CASES CITED

- Jordan v. Kelly Co., 381 S.C. 483, 674 S.E.2d 166 (2009)
- Pierre v. Seaside Farms, Inc., 386 S.C. 534, 540, 689 S.E.2d 615, 618 (2010)
- Lark v. Bi-Lo, Inc., 276 S.C. 130, 136, 276 S.E.2d 304, 307 (1981)
- Dickinson-Tidewater, Inc. v. Supervisor of Assess., 273 Md. 245, 329 A.2d 18, 25 (Md. 1974)
- Mauldin v. Dyna-Color/Jack Rabbit, 308 S.C. 18, 20, 416 S.E.2d 639, 640 (1992)
- Futch v. McAllister Towing of Georgetown, Inc., 335 S.C. 598, 518 S.E.2d 591 (1999)
- Snell v. Columbia Gun Exch., Inc., 276 S.C. 301, 303, 278 S.E.2d 333, 334 (1981)
- Hanks v. Blair Mills, Inc., 286 S.C. 378, 335 S.E.2d 91 (Ct. App. 1985)
- Booker v. Int'l Rivercenter, 905 So. 2d 498, 502 (La. Ct. App. 2005)
- Hatem v. Bryan, 117 N.C. App. 722, 453 S.E.2d 199, 200 (1995)
- Youngblood v. U.S. Silica Co., 130 S.W.3d 461 (Tex. App. 2004)
- Rogers v. Spartanburg Reg'l Med. Ctr., 328 S.C. 415, 418, 491 S.E.2d 708, 710 (Ct. App. 1997)
- Sellers v. Trans World Airlines, Inc., 752 S.W.2d 413, 416 (Mo. Ct. App. 1988)
- Hampton v. Big Boy Steel Erection, 121 S.W.3d 220 (Mo. 2003)