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SUPREME COURT
COURT OF APPEALS

Supreme Court of Mississippi
Court of Appeals of the
State of Mississippi

No. 2008-WC-00094-C0A

Stephanie Roberson

Appellant

Vs

LFI-Fort Pierce, Inc.-Labor Finders and
Mississippi Insurance Guaranty Association as
Successor-in-interest to Reliance National
Insurance Company
And
Deep South Trucking Inc and American
Interstate Insurance Company

Appellees

BRIEF OF APPELLANT

IN THE SUPREME COURT OF MISSISSIPPI COURT OF APPEALS OF THE
STATE OF MISSISSIPPI

NO. 2008-WC-00094-C0A

STEPHANIE ROBERSON

APPELLANT

VS.

LABOR FINDERS, LFI-FORT PIERCE, INC AND
MISSISSIPPI INSURANCE GUARANTY
ASSOCIATION AS SUCCESSOR-IN-INTEREST TO
RELIANCE NATIONAL INSURANCE COMPANY
AND
DEEP SOUTH TRUCKING, INC. AND AMERICAN
INTERSTATE INSURANCE COMPANY

APPELLEES

CERTIFICATE OF INTERESTED PERSONS

The undersigned counsel of record certifies that the following listed persons have an interest in the outcome of this case. These representations are made in order that the Court of Appeals Judge may evaluate possible disqualification or recusal.

1. Stephanie Roberson, Appellant
2. Liles Williams, John Junkin, and Barney Schoby, Commissioners, Mississippi Workers' Compensation Commission
3. Labor Finders International, LFI-Fort Pierce, Inc, and Mississippi Insurance Guaranty Association as successor-in-interest to Reliance National Insurance Company, and Attorney Thomas Carpenter, Jr., Appellees
4. Deep South Trucking Inc., and American Interstate Insurance Company, and Attorney Philip Jarrell, Appellees

Stephanie Roberson
Pro Se, Appellant

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STATEMENT OF THE ISSUE

The Circuit Court erred in their decision to overturn the Commission decision to Review my appeal in the decision of the AJL which was filed in an untimely manner Three working days late due to the Appellant (Roberson) a layman, and I am injured was in Illinois with family illnesses and did not have anybody to pick up my mail here in Mississippi. The employer's and carriers have not provided Appellant with medical insurance for medical treatment from 9-10-99 until 2008.

STATEMENT OF CASE

On September 10, 1999, Appellant, Stephanie Roberson suffered an injury on the left side of her body from being hit with a fork-lift truck loaded with 10-15 wooden pallets driven by Tommy Swan (Deep South employee) at Deep South Trucking Company while on a temporary work assignment through Labor Finders of Hattiesburg, LFI-Fort Pierce Inc. located in Florida.

At the time of being hit Appellant screamed out loud, the loaded fork-lift truck stopped immediately, Mr. Swan got off the fork-lift truck and walked away from the fork-lift truck and Appellant. Appellant reported right then to Mr. Swan that he had hit her with the loaded fork-lift truck. Appellant was in shock and did not know what to do for herself. Mr. Swan did not take Appellant to the hospital or call for medical help.

Appellant was in mental shock from being hit and did not know what to do for herself.

Appellant's co-workers did the work for her the entire day. Appellant reported at the end of the shift to a Linda Martin, Deep South Trucking clerk, that Mr. Swan had hit me with a loaded fork-lift truck. Ms. Martin gave Appellant a piece of writing paper to write out what happened. Appellant reported to Darrell Wallace (Labor Finder manager) 9-10-99 That she had been hit by a loaded fork-lift truck. Mr. Wallace instructed Appellant to go right over to Urgent Care (Labor Finders medical provider) for medical treatment.

Appellant would call Labor Finders, speaking with manager Andrea McLaurin (assistant manager) telling her that appellant was in severe pain and needed to see a doctor for medical treatment. Mr. McLaurin told Appellant that she needed to come over

to the office and when appellant replied that she was injured and physically unable to performed duties, Ms. McLaurin would hang the telephone up on the Appellant.

Appellant returned to Urgent Care (9/99) four times seeking medical treatment with no pain relief from left arm swelling, sever left arm and shoulder injury, lower back injury, neck injury to be released to go back to work. Labor Finders (workmen compensation insurance company) Gallegher Bassett told appellant that if she needed further medical care that she would have to pay for it herself, because appellant had been released to go back to work. Appellant went to Wesley Medical Hospital emergency room where she was referred to Hattiesburg Family Health Center(9/99). Appellant was limited to medical testing and evaluation due to not being provided with appropriated medical insurance.

October 1999, Dr. Jones, Hattiesburg Family Health Center referred Appellant to Neurologist, Dr. Mohammand Ahmend, his findings, Post-traumatic musculoskeletal Pain involving the neck, upper extremity, low back and lower extremity and lower cervical radiculopathy and lower lumbosacral radiculopathy. Appellant could not be provided with medical test due to no medical insurance. Gallegher Basstt, (3/17/00) referred Appellant to Dr. Aremmia Tanious , Neurologist, his findings, migtraine and whiplash injury effecting the neck and lower back with pain radiating to the left upper and lower extremities, he ordered testing and physical therapy. Appellant's mother had a stroke, Appellant was injured and in sever pain, taking medication, friends brought a Greyhound bus ticked for me to go to Rockford, IL. and I did not cancel or reschedule with Dr. Tanious. When Appellant returned to Hattiesburg, Dr. Tanious suggested that I find another doctor. (8/3/01) Dr. Bridgett Tahai , Hattiesburg Family Health Center,

released Appellant from work due to lumbosacral strain, cervical strain/sprain and unable to work at this time. (8/6/01) Gallagher Bassett Insurance Company referred appellant to an Orthopedic Surgeon, Dr. David Bombard for a one time examination. Dr. Bomboy did not evaluation an MRI of appellant Lumbar Spine on this date because Dr. Jones (11/99) ordered an MRI and x-ray of my Thoratic area and Cervical Spine. Dr. Alponsah, Family Health Center, order (2/06) an MRI on appellant Lumbar Spine bulding disc. Appellant complained to Dr. Bomboy about her injury and sever pain, he said that he did not know what was wrong with Appellant and that she should go to work and work it out. Dr. Bomboy did not order any medical test to properly evaluate Appellant for temporary or permanent impairment or provide appellant with further medical treatment. In the decision from a trail on November 2, 2006 the AJL (Judge Cindy Wilson) errered in her decision to dismiss Appellant workmen compensation claim due to evidence provided in medical records that Appellant injury substained 9-10-1999 are/was work related and that Dr. Bomboy (8/01) findings were not correct because he did not have any type of medical test from appellant Lumbar Spine.

In January, 2007 appellant went to Rockford, IL. One of appellant's daughters had two babies in 2006 and another daughter was being tested and adjusting medication for the Lupus. Appellant, friends bought a one-way ticket to Rockford, IL right after the New Year in January for Appellant to go to IL. Appellant still injured, taking medication, had nobody to get my mail was out of Mississippi when Administravtrive LawJudge gave her opinion on February 28, 2007. Appellant did not receive her mail until she returned to Hattiesburg in March 27, 2007, causing appellant to file an appeal in an untimely manner. Appellant wrote a letter to Judge Wilson and the Commission

requesting for extended time to file the appeal it was denied. The Commission erred in their decision to barr and dismiss Appellant claim due to Appellant medical condition, not having anybody to get my mail, family crisis and appellant being a laymen in this matter. Appellant has repeatedly begged for compensation for medical care/treatment since being injured 9/10/99 (my injuries did not go away) from Appellee's and carrier's and MGAI and the workmen compensation judge. The Appellees and carriers (2005) suggested a settlement and would not pay for medical expenses to treat and determine the extent of appellant's injuries, so that appellant could be properly provided with medical care in a timely manner, to return to the work force, or surgery if needed, or be given disability if needed.

Appellant is still injured and have sever pain in lower back, left shoulder, neck , into both legs, numbness in finger and toes, headaches, and muscle spasms and taking medication, filed my appeal (2007) with the Mississippi Employment Security Commission which is evidence of the mental and physical state that appellant is living with.

SUMMARY OF ARGUMENT

The Appeal Court should overturn the Commission and the Circuit Court Judge decision not to overturn appellant's appeal which was filed in an untimely manner against ALJ order to dismiss my workmen compensation benefits and medical care coverage due to being injured on a job.

The Circuit Court Court Judge and the Commission ignored the Appellants circumstances due to having no one to get my mail while being out of Mississippi in Illinois at the time the ALJ gave her decision February 28, 2007. Appellant did not pick up the mail until after returning back to Hattiesburg on March 28, 2007. The Appellant has been injured since 9/10/99 with a work related injury, taking medication with financial hardship causing Appellant to wait on relatives to buy a Greyhound bus ticket back to Mississippi. Appellant family lives in Rockford, IL.

At the end of 2006, as stated before Appellant being injured with family crisis, could not leave Mississippi January 2007 a friend brought the Appellant a one-way Greyhound bus ticket to Illinois. The daughter with the Lupus had a high fever, and could not eat any food. My sisters took care of her, sad to say because I am injured. She was sick for two weeks. Appellant did not have any money to buy a bus ticket to come home. Appellant called the Salvation Army and other Social organization to try to get a Greyhound bus ticket. A sister and brother finally bought a bus ticket. Appellant did call Judge Wilson (ALJ) office March 2007 but the clerk said that she could not give out any information over the telephone and that a letter had been mailed with the ALJ decision.

Appellant asked the clerk if the ALJ denied my claim how many days would I have to appeal because I am out of the state, the clerk did not know.

ARGUMENT

Appellant went to work on 9-10-99 and was hit with a fork-lift truck while temporary employed at Deep South Trucking Company through Labor Finders. Appellant had been working with Labor Finders since 1997 and had proven to be a reliable and outstanding employee. Appellant was healthy and has worked since she was 18 years old.

The administrative judge denied Appellant claim for failure to prove by a preponderance of the evidence that my injury was not work-related and thus compensable. The Appeal Court should overturn the decision of the Circuit Court and the Commission because Appellant is a laymen in this matter and this claim need to presented before the Commission. Ms. Roberson's injury are/was work-related, compensable, and award payments for necessary medical treatment and other expenses related to this claim from past and future.

CONCLUSION

The Appellant request that this Appeal Court reverse the decision of the Circuit court Judge and the Commission and an appeal should be granted to a layman in seeking compensation.

The Appellant is therefore by a pray entitled to workmen compensation benefits related from being injured at Deep South Trucking Company through Labor Finders.

Appellant is injured and the extent of damage have not been evaluated due to negligence on providing proper medical insurance from the employers and carriers.

The Appeal Court should consider all of Appellant (Layman) evidence and information.

Respectfully Submitted

This 22 day of April 2008

By Appellant Stephanie Roberson

Stephanie Roberson

CERTIFICATE OF FILING AND SERVICE

I, Stephanie Roberson, Appellant, do hereby certify that I have this date addressed

And directed U.S. mail to the Appeal Court Clerk an original and three copies of the
Brief for Appellant. *and to Appellee's*

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This 22 day of April, 2008

Stephanie Roberson