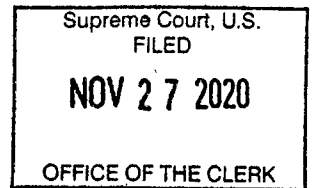


20-1436



In the Supreme Court of the United States

MARTY D. FOUST

Petitioner

v.

**LAWRENCE BROTHER'S INC. AND AMERICAN
INTERSTATE INSURANCE COMPANY**

Respondents

Virginia Supreme Court

Record No. 190423

Virginia Court of Appeals

Record Nos. 1647-17 – 3 and 0196-18-3

Virginia Worker's Compensation Commission

V W C File No. VA 00000463553

Petition for Writ Of Certiorari

Marty D. Foust
107 High Street
Princeton, WV 24740
304-31-4920
Martyturner1955@gmail.com

ORIGINAL

QUESTIONS PRESENTED

1. Should an official of the Virginia Supreme Court make false statements?

2. Should an official of the Virginia Supreme Court tell the truth about information that they read in document sent by the Petitioner?
3. Should an official of the Virginia Supreme Court hold evidence from the Justices of the Virginia Supreme Court, knowing that it will injure the Petitioner's chances for a rehearing and knowing that it might or will help the Petitioner or rehearing?
4. Should an official of the Virginia Supreme Court tell or hide information from the Justices of the Virginia Supreme Court that the mail that was sent to the Court was delayed by the United State Postal Service, that was mailed by certified mail on June 22, 2020, but did not get to the Virginia Supreme Court until July 16, 2020? That is 24 days later!
5. Should an official of the Virginia Supreme Court with – hold documentation from the Justices of the Virginia Supreme Court sent by the Petitioner?
6. Should an official of the Virginia Supreme Court violate the Rights of the Petitioner, Human Rights, Civil Rights, Bill of Rights, Fifth Amendment Rights, Eleventh Amendment Rights, Fourteenth Amendment Rights of the United State Constitution?
7. Does the Virginia Court of Appeals have Jurisdiction over Crimes committed in the Virginia Worker's Compensation Commission (VWCC) arena or area, where crimes were committed against the Injured Worker or Appellant?

8. Does the Virginia Court of Appeals have authority to subpoena records from the VWCC?
9. Does the Virginia Court of Appeals have the right to delay a motion and the response to the Appellant from the Appellant documents sent to the Court of Appeals of Virginia on 07/30/2018 and did not receive a response from the court until December 6, 2018, asking the Court of Appeals to subpoena the records from Virginia Worker's Compensation Commission, with the time, date, Month and year; so that he (the Appellant) could finish his opening brief to the Court? It was 3 months later that I got the response and the Virginia Court of Appeals had made their decision on January 29, 2019; but my dead-line was November 9, 2018 to get my opening brief into the Court of Appeals of Virginia, I didn't receive the records with the time, date, month and year, so I could get the table of Authorities on the page's that they needed to go. To prove to the Court that the Defendants claim was construed by Worker Comp Fraud and other serious crimes of res – Judicata Claim be denied?
10. Should a Commissioner of the Virginia Workers Compensation follow the rules of the Virginia Worker's Compensation Act?
11. Does an Attorney, that the Claimant hires, suppose to follow the professional guidelines, to tell the truth about the date he was hired to represent the Claimant?
12. Should an attorney, that the defendants hires to represent the defendants, follow the professional guidelines?

13. Should a Commissioner of the Virginia Worker's Compensation write an opinion, when no one was at the hearing, no claimant, no attorney for either side and the Defendants' Insurance Agent was not there either?
14. Does a Commissioner of the Virginia Worker's Compensation Commission have the right to write a decision or opinion on the claimant's "weekly average wages" when Insurance Fraud has been committed, and he know this; plus no one was at the hearing to discuss the Weekly average Wages?
15. Should the Employer (Lawrence Brothers) and its Insurance Company (Amerisafe) follow The Code of Virginia Title 65 Workers' Compensation, Chapter 65.2-101. Definitions, as used in this title, "average weekly wage" means (b) ?
16. Should the Virginia Workers' Compensation Commission give a claimant 3 physicians to choose from a panel like it is required in the VWC Act?
17. Does the Employer (Lawrence Brothers) and their Insurance Company (Amerisafe) suppose to give a claimant, Physicians for all his medical condition, after he is discharged from the hospital for that when the burn injury caused?
18. Does a hospital like Wake Forest Baptist Hospital suppose to tell a patient or claimant what caused his strokes and spinal injury after the MRI was done?
19. Does a doctor (Kamal S. Ajam) of the Brookstown Pain Clinic in Winton Salem, North Carolina suppose to tell a patient or claimant that it was his medication that he prescribed to the patient caused his 2 strokes in 2012 and 2013?
20. Does a doctor (Kamal S. Ajam) suppose to go back into the medical records and change the (drug profile) from the original (drug profile) which red in the medical records of Patient, Marty D Foust. No known allergies, but was changed to allergic to Atarax; to cover up his medical malpractice and to cover up for the Employer and their Insurance Company, so that they wouldn't be compensated for what he has done?

steal, destroy and cause the mail to be delayed from getting to the court on time and plus hire people to break into your home and steal mail receipts and documents that will help the claimant to prove his case. That they have mentioned above plus 2 Attorney's that I hired Charles Stacy and Patrick Agnew and Dr. Kamal S. Ajam. A conspired together to sabotage my worker's compensation claim?

29. Should the employer follow OSHA fire watch policy?

List of Parties

All Parties appearing in caption of the case on cover page.

Marty D. Foust

Petitioner – Pro-Se

and

Lawrence Brothers' Inc and American Interstate Insurance Company

Respondents

TABLE OF CONTENTS

	Page
Question Presented	1-6
List of Parties	6
Table of Authorities	8-12
Opinion Below	15
Constitutional and statutory	12
Provisions Involved	12-15
Statement of Case	16
Reason for Granting The Petition	42
Conclusion	42
Proof of Service	43

INDEX TO APPENDICES

APPENDIX A
APPENDIX B
APPENDIX C
APPENDIX D
APPENDIX E

TABLE OF AUTHORITIES

Cases

Advance Auto & Indem. Inc. Co. v Craft 63 Va. App. 502,514-19 (2014).

Pages 16-42

Allen Realty Corp. v Holbert, 27Va 441, 450, 318S.E. 2d 592, 597 (1984).

Pages 16-42

Allen & Rock, Inc. v. Brigg, 28Va. App. 662,670,580S.E.2d 335,338 (1998).

Pages 16-42

Avon Products, Inc. v. Ross, 14 Va. App. 1, 8, 415S.E. 2d 225,229 (1992).

Pages 16-42

Bullock v United States, 763 F. 2d 1115, 1121 (10th Cir. 1985).

Pages 16-42

Butler v. City of Virginia Beach, 22 Va. App. 601, 605, 471 S. E. 2d 830, 832 (1996). Pages 16-42

Cohn v. Knowledge Connections Inc., 266 Va. 362, 368, 585 S. E. 2d 578, 581 (2003) Pages 16-42

Dunham v. Dunham, 57 111. App.475 (1894) affirmed 162111.589 (1896).

Pages 16-42

E.G. Alouf v. Roanoke Memorial Hospital VWC File No. 120-04-48 (April 11, 1994) Alsop v. Marriot Corp, 600IG.12 (1981).

Pages 16-42

Elliott v. Shore Stop, Inc., 238 Va. 237, 245, 384 S.E. 2d 752 (1989).

Pages 16-42

Filak v. George, 267 Va. 612, 618, 294 S.E. 2d 610, 613 (2004)

Pages 16-42

Fiske v. Buder (C.C.A. 8th, 1942) 125F 2d 841.

Pages 16-42

Federal Relief from Civil Judgement (1946) 55 Yale L.J.623. see also 3 Moore's
Federal Practice (1938) 3254 et seq.

Pages 16-42

Fredman Brothers Furniture v. Dept. Revenue, 109111.2d 202, 486 N.E. 2d 893
(1985) Pages 16-42

Graves v. Graves, 132 Iowa 199, 109 N.W. 707 (1906)

Pages 16-42

Harris v. T. I. Inc., 246 Va. 63, 413. S.E. 2d 605 (1992)

Pages 16-42

Hazel – atlas Glass Co. v. Hartford Empire Co. (1944) 322 U.S. 238

Pages 16-42

Jefferson Standard Life Inc. Co. v. Hedrick 181 Va. 824, 835,27 S.E. 198, 203
(1943).

Jordan v. Sauve, 219 Va. 448,452, 247 S. E. 2d 739, 741 (1978)

Pages 16-42

Jund v. Town of Hemstead, F. 2d 1271, 1283-84 (2d Cir. 1991) criminal liability
for a Hobbs Act – predicated racketeering violation);

Pages 16-42

Kenner v. C.I.R., 387F. 3d 689 (1968) Moore's Federal Practice, 2d ed. p 512II
60.23 Pages 16-42

Lloyd v. Smith, 150 Va. 132, 145, 42 S. E. 363 (1928)
Pages 16-42

Marbury v. Madison, 5 US 137

Pages 16-42

Black Law Dictionary Fifth Edition Page 594. Then take into account the case of
McNally v. U.S. 483 U.S. 350,371-372 Quoting U.S. v. Holzer, 816F. 2d.304, 307.

Pages 16-42

Harrison v. Coddington, 662 P.2d. 155,135 Ariz. 480 (1983)

Pages 16-42

Nationwide Mutual Ins. Co; v. Hargraves 242 Va. 88, 405 S.E. 2d 848 (1991)

Pages 16-42

Norman v. Zieber, Or at 202 -03.

Pages 16-42

Owen v. Independence, 100S. C. T. 1398, 445 U.S. 662.

Pages 16-42

The People of the state of Illinois v Fred Sterling 357111.354; 192 N.E. 229 (1934)

Pages 16-42

People v. Zajic, 88111.App.3d 477,410, N.E. 2d 626 (1980)

Pages 16-42

Pope v. Overbay, 196 Va. 288, 83 S.E. 2d 365.

Pages 16-42

Sensenbrenner v. Rust, Orling & Neal, Architects Inc., 267 Va. 612, 618, 594 S. E.
2d 55, 58 (1988)

Pages 16-42

Spence v. Griffin, 236 Va. 21, 28, 372 S. E. 2d 595, 599 (1988).

Pages 16-42

Thomas Stasel v. The American Home Security Corporation, 36211. 350; 199 N.E. 798 (1935). Pages 16-42

Tuscarora v. B.V.A., 218 Va. 849, 858,241 S.E. 2d 778 (1978)

Pages 16-42

The three – judge court had jurisdiction of all the issues and should have decided them. Louisville N. Ry. Co. v Garnet, 231 U.S. 298.

Page 16

A party may be prosecuted under section 1503 for endeavoring to obstruct Justice, United States v. Neal, supra; United States v. Williams, 874F. 2d 968, 976 (th Cir. 1989); it is no defense that such obstruction was unsuccessful. United States v. Edwards, 36 F. 3d 639, 645 (7th cir. 1994); United states v. Neal, spr; or that it was impossible to accomplish, United states v. Bucey, 876F. 2d 1296, (9th cir.), cert. denied, 493 U.S. 1004 (1989); United States v. Brimberry 744 F 2d 580 (7th Cir. 1984), cert. denied, 481 U.S. 1039 (1987).

Pages 16-42

Should a judge not disqualify himself then the judge is violation of the Due Process Clause of U.S. Constitution. United States v. Sciuto, 521F. 2d 846, 845 (7th Cir. 1996). (“The right to a tribunal free from bias or prejudice is based, not on section 144, but on the Due Process Clause”).

Pages 16-42

In 1994, the U.S. Supreme Court held that “Disqualification is required if an objective observer would entertain reasonable question about the judges’ impartiality. If a judge’s attitude or state of mind lead a detached observer to

conclude that a fair and impartial hearing is unlikely, the judge must be disqualified". [Emphasis added] *Liteky v U.S.*, 114S. Ct. 1147, 1162 (1994).

Pages 16-42

The court in *Yates v Village of Hoffman Estates, Illinois*, 209 F. Supp. (N.D.111.1962) Pages 16-42

The U. S. Supreme Court, in *Schever v. Rhodes*, 416 U.S. 232, 94S. Ct. 1683, 1687 (1974) Pages 16-42

Whoever knowingly and willfully executes, or attempts to execute, scheme or artifice (1) to defraud any health care benefit program: (2) to obtain, by means of false or fraudulent pretense, representations or promises, any of the money or property owned by, or under the custody or control of any health care benefit program in connection with the delivery of or payment for health care benefits, items, or services shall be fined under this title or imprisoned not more than 10 years or both. If the violation results in serious bodily injury (as defined in section 1365 of this title) such person shall be fined under this title or imprisoned not more than 20 years, or both and if the violation results in death, such person shall be fined under this title or imprisoned for any term of years or for life or both 18 U.S.C. 1347 (a): *United States v. Holden*, 806 F. 3d 1227, 1231 – 32 (9th Cir 2015) (citing *United States v. Hickman*, 331F.3d 439,445-46 (5th Cir 2001).

Pages 16-42

Any judge or attorney who does not report the above judges for treason as required by law may themselves be guilty of misrepresentation of treason, 18 U.S.C. section 2382. Pages 16-42

Constitutional Provisions

Fifth Amendment, U.S. Constitution

Eleventh Amendment, U. S. Constitution

Fourteenth Amendment, U. S. Constitution

Statutory Provisions

The Virginia Workers Compensation Act

Code of Virginia, Title 65.2. Workers Compensation, Chapter 1.

Definitions and General Provisions, *65.2-101 Definitions

“average weekly wage” means: (b)

Code of Virginia

Title 65.2. Workers’ Compensation

Chapter 6. Notice of Accident; Filing Claims.

Medical attention and Examination

*65.2-603

Code of Virginia

Title 18.2. crimes and Offenses Generally

Chapter 6. Crimes Involving Fraud

*18.2-204. False Statement for the purpose of defrauding industrial sick benefit company

Code of Virginia

*8.5A-109. Fraud and forgery

Conspiracy to Obstruct Justice Act-

42 U. S. C. section 1985 – Conspiracy to interfere with Civil Rights

Va. Code *17.1-202

Va. Code * 17.1-214

Va. Code *18.2-171

Va. Code *17.1-22

Virginia Human Rights Act (Va. Code Ann. **2:2-3900-03).

2014 Virginia Code

Title 18.2 – Crimes and Offenses Generally

*8.2-514. Racketeering Offenses

18. U. S. C. *241

18. U. S. Code *242

18. U. S. Code *287

18. U. S. *371

28 U. S. Code *455

18 U. S. Code *1001

18 U. S. Code *1031

18 U. S. Code *1033

18 U. S. Code *1621

18 U. S. Code * 1961 (1) (A) (B) (2) (3) (4) (5), Racketeering (1)

18 U. S. Code *1951 (a) (b) (2) The Hobbs Act

18 U. S. Code *1035. False Statement relating to health care matter

18 U. S. Code * 1347

18 U. S. Code * (1341, 1343, 1346) Obstruction by Mail or Wire Fraud

31 U. S. Code * 3729 (a) (1) (A) (B) E False Claims (a) Liability for Certain Act

Obstruction of Justice by Deception 18 U. S. Code *1503 and 1512, 18 U. S. Code *1623, 18 U.S. Code *1621, 1622 and 1001

Rule 29. Filing and service of Documents; Special and Service of Documents:

Special Notification; Corporate Disclosure Statement

28 U. S. Code *1746

Federal Civil Rights Statutes

Title 18, U. S C., Section 249 – Matthew Shepard and James Cyrd, Jr., Hate

Crimes Prevention Act

Title 18, U. S. C., Section 245-Federally Protected Activities

United States v. Dotterweich, 320 U. S. 277 (1943), and United States v. Park, 421 U. S. 658 (1975)

The Commerce Clause of the U. S. Constitution

Rule of the Court

Professional Guideline An agency of the Supreme Court of Virginia

The Virginia State Bar

Professional Guideline

Rule 3.1

Rule 3.2

Rule 3.3

Rule 3.4

Rule 3.5

Rule 3.6

Rule 3.7

Rule 3.8

Rule 3.9

Rule 59

Rule 59 (b)

Rule 60

Rule 60 (b)

NJSA 34:15-79

N J Workers' Compensation Statute, NJSA 34:15.57.4.

Opinions Below

Supreme Court of Virginia for re-hearing-denied, Record No. 190423

Supreme Court of Virginia, Writ Hearing, Lack of Jurisdiction

Court of Appeals of Virginia Records Nos. 1647-17-3 and 0196-18-3

Decision based on merits

Virginia Workers' Compensation Commission V W C File No. Va 00000463553

Jurisdiction

Virginia Supreme Court "Orders" Record No. 190423

Melissa Layman – June 16, 2020

Douglas B. Robelen

Muriel -Theresa Pitney – Letter – July 17, 2020

Douglas B. Robelen

Douglas B. Robelen – March 2, 2020 writ Hearing

Virginia Court of Appeals Record Nos. 1647-17-3 and 0196-18-3

January 29, 2019

Virginia Workers' Compensation Commission Claim No. VA00000463553

Statement of The Case

State of West Virginia Executive Department At Charleston

Executive Order No. 9-20 Covid – 19

Commonwealth of Virginia Office of the Governor Executive Order

Number Fifty-One (2020)

Declaration of a state of Emergency Due to Novel Coronavirus (Covid-19)

I, Marty D. Foust, (the Petitioner) live in Princeton, West Virginia. I am a 65 year old Black American. My Industrial accident happen on April 18, 2011, at Lawrence Brothers' in Bluefield, Virginia. When my shirt caught on fire, while I was welding at my welding station. I was 55 years old when this accident occurred.

I received Deep Third Degree Burns on my chest, left arm, flank and back. Shown on the pictures that I am sending this court. And what the respondents Did to get their false claim of Res-Judicata. When one of the Judges interrupted me. And I forgot that instance what I had rehearsed for weeks what to say to the

Judges. I froze. I didn't get to explain, why the false – claim of Res-Judicata should be denied. At the writ hearing held in Richmond, Virginia.

And when I got the email from Muriel Pitney and what happen at the Writ Hearing. I said to myself I better get me an attorney for this petition for a rehearing.

So on April 4, 2020, I the Petitioner wrote to the Virginia Supreme Court to ask the Court and Justices for an extension of time (60 days), because I didn't know how long the Covid-19 would last. When the Supreme Court of the U.S. read the documents that I am sending you. You will read that I did not ask for a court appointed Attorney! Because this is a violation of my 5th and 14th Amendment.

On March 2, 2020, I appeal the decision of the lower Court, the Virginia Court of Appeals and the Virginia Workers' Compensation Commission. I wrote a Petition after the VA Court of Appeal decision at the Writ-Hearing, "(for lack of jurisdiction) to the Virginia Supreme Court.

On April 1, 2020 at 5:52 pm. I get an email from, Muriel T Pitney Stating that I need to correct the petition. So the Coronavirus (Covid-19) broke out Both states, West Virginia and Virginia. Executive Orders stated that all people should not to leave their States. Especially elderly people with Medical Condition. I am 65 years old with a lot of medical conditions. At the Writ – Hearing, I was describing the crimes that the defendant's did to the me the (petitioner).

On June 16, 2020, I get another email from Melissa Layman, with an order from the Virginia Supreme Court stating that motion for a Court Appointed Attorney was denied but the documents I wrote to the Virginia Supreme Court on April 14, 2020. State's that I never asked for a Court Appointed Attorney. But I asked for an extension of time (60 days) to find my own attorney to help me with this petition for Re-Hearing. In the Conspiracy to Obstruct Justice Act – 42 U.S. C. Section 1985 – Conspiracy to interfere with Civil Rights an Virginia Human Right

Act (Va. Code Ann. **2.2 – 390003). This woman, Melissa Layman has violated my civil and human rights by writing false documentation. She is conspiring with the defendants or Respondents.

The next set of documents I sent to the Virginia Supreme Court: explained about the awards that was awarded to me on June 26, 2017 and January 25, 2018. Awarding the claimant Marty D. Foust with a panel of 3 pain physician and a panel of 3 neurologist to choose from. After seeing Dr. Betha at the Pain Clinic in Greensboro, NC. Dr. Betha wrote 2 prescriptions, one prescription was out-dated. The medication was called Nortripyline. The Pharmacy gave me both prescriptions, I took the 2 prescriptions for a few days and I had to go to the hospital in Princeton, WV. My Primary Care Physician kept me off my Diabetic medication for 8 months. I almost went into a diabetic coma. My blood-sugar count was over 800. I almost died. Amy Hawks took my medical care away without having a hearing. Amy Hawks sent me to a neurologist in Huntington, WV named Dr. Lopez. Dr. Lopez said to me, that he do not give medical care for patients like me. I saw Dr. Lopez one time. Amy Hawks took away my medical care without having a hearing like it says in the Virginia Workers' Compensation Act.

The next set of documents I wrote to the Honorable Cleo E. Powell, Justice of the Virginia Supreme Court explaining to her, that I did not ask for a court appointed attorney. I did not get a response from her. It is my belief that the clerks of the Virginia Supreme Court kept this letter or documents from her. Because if Justice Powell would have read the Documents, she would have seen that I did not ask for a Court Appointed Attorney. The clerks that received the documents did not want Justice Powell to see this letter because Justice Powell would have known this was false. This was the first set of documents I wrote to

Justice Powell. Someone at the Virginia Supreme Court didn't want the truth to come out and they are conspiring with the respondents.

On June 22, 2020, I wrote to all the Justices of the Virginia Court. Again trying to explain, that I didn't ask this Court for a Court Appointed Attorney. Someone did not want my documents to get to the Justices of the Virginia Supreme Court. On the USPS Tracking Report, it says that my certified mail was at or arrived at the USPS Regional Destination facility, Richmond Va. Distribution Center June 24, 6:01pm. My mail was always at this USPS Regional Destination facility in Richmond, Va. And was not delivered to the Virginia Supreme Court.

Someone deliberately and intentionally took my mail that I mailed on June 22, 2020 that got to Richmond, Va on the June 24, 2020 and kept it until the Virginia Supreme Court made their decision which the court denied me a re-hearing on July 1, 2020.

What I do not understand is this. If my mail was delivered on June 24, 2020 already in Richmond Va. Where the Virginia Supreme Court is at, the USPS seen on the package that it was to be delivered at the Supreme Court of Virginia. My mail was supposed to be delivered to the Virginia Supreme Court where the return receipt would be signed and sent back to my home like it has always been done.

I started to investigate on my own. After reading the report from both the USPS tracking report and the tracking report from the USPS, in Princeton, West Virginia.

1. The Richmond, Va. Tracking report says that my mail was at USPS Regional destination Facility in Richmond, Va at 6:01 pm on June 24, 2020 and on June 24, 2020.
2. So I went down to the USPS here in Princeton, WV and I ask the Postmaster, Why hadn't my mail been delivered to the Virginia Supreme Court. The Postmaster went into an office and came out with another tracking report. On his

tracking report, it said, where the Postmaster outlined the Transit. He wrote as outlined:

1. Left Princeton on 6-22-20
2. Processed in Charleston on 6-22-20
3. Processed in Sandstone, Va 23150 on 6-25-20

After further investigating I kept reading the report of the tracking information on page 2 and I began to read more of the tracking report. It said that my mail was at the Sandstone Facility on 6/24/2020 and on 6/25/2020, .

Because I knew that someone working at the Princeton, WV USPS was telling when I mailed and where I was mailing my mail to. My mail has been stolen or destroyed from getting to the Facility I mailed it to.

1. FBI
2. Roanoke New Paper

Implicating the Virginia Workers' Compensation Commission and the respondents of Workers Compensation Fraud and other serious crimes that was done against me. There is proof that someone went into the North Hill USPS and stole my mail that I sent to the North Carolina Medical Board, in Raleigh, North Carolina.

I mailed my documents on June 22, 2020, to the Virginia Supreme Court. It took 24 days before my documents or mail got to the Virginia Supreme Court.

I called the clerk, Muriel Pitney at the Virginia Supreme Court and told her what happen that my mail was delayed by USPS. She said that my mail did not get to the Court on time. I said that it was not my fault, that it got to be a way that the Justices can do something about this. She said that your mail did not get to the Court on time and again I said that it was not my fault, that the mail was in Richmond, Va. It was not my fault that it was not delivered to the Virginia Supreme Court. I read Rule 29. Filing and services of Documents; Special Notification; Corporate. I talked to a clerk at the United States Supreme Court. He

said, as long as I get the mail; mailed on time and sent by Certified mail with the postmark stating the date and time, that my mail was good. I read the Va. Code 17.1-222, section 17.1-222- (Failure to make a report) and Va. Code 17. 1-202 (Clerk, etc., of the Supreme Court not to act as counsel. That how Muriel Pitney acted, that statement that was made that I asked for a court appointed attorney was a false statement made by her (Muriel Pitney). Melissa Layman and Douglas Roelen, clerks of the Virginia Supreme Court Va. Code 18.2-171.

I wrote to the honorable justice Cleo E. Powell of the Virginia Supreme Court on July 13, 2020, explaining to Justice Powell what happen to the mail I sent to the Virginia Supreme Court. That it was delayed for 24 days by the USPS and I didn't ask for a Court Appointed attorney.

On July 17, 2020, I get a email from Muriel T. Pitney (clerk) stating that your request for the Court to reconsider the June 16, 2020 order denying you appointed counsel, but I did not ask for a Court Appointed Attorney, when the Justices of the United States Supreme Court read the letter or documents that I wrote to the Virginia Supreme Court dated- April 14, 2020, the Court will read that I never asked for a Court Appointed Attorney. This is a false statement made by the Clerks of the Virginia Supreme Court; which I have named in this Petition.

Muriel T. Pitney goes on to say, additionally, your correspondence to Justice Powell was referred to me for a response. Muriel Pitney did not say who referred her. Muriel Pitney and all the clerks were to report to the Justices of the Virginia Supreme Court, that the mail that Marty D Foust (the Petitioner) mail was delayed 24 days by the USPS that the Petitioner mailed out on June 22, 2020.

There was no correspondence from the Clerk's Office that the clerks reported this.

I went to my mail box and there was 2 return receipts. Both dated July 16, 2020 I received both of these return receipts on July 23, 2020 at my home. They

are wanting to make you think that the documents mailed out on June 22, 2020 and July 13, 2020 both came to the or delivered to the Virginia Supreme Court on the same day. It is my belief that my mail was already at the Virginia Supreme Court. It was held there until the Justices made their decision on July 1, 2020. I have mention before in this petition, that the response got or have people working in the USPS committing mail fraud. It is no coincidence that mail sent out on June 22, 2020 and July 13, 2020 should arrive on the same day (July 16, 2020). How can the document I mailed be in two places on the same dates? In Richmond Virginia and Sandstone Va. As it is explained in the USPS tracking report and the tracking report I got from the Postmaster here in Princeton, WV one time in a million! Someone is not telling the truth about the delivering of the mail.

The Court of Appeals of Virginia

After investigating my Virginia Workers' Compensation Webfile, I came across, where awards were changed. Where the claimant or Appellant (Marty D. Foust) award was changed awarding him to go back to Wake Forest Baptist hospital. Without his knowledge of the award had been changed it like it was done in secret by Commissioner Burkholder of the Virginia Workers' Compensation Commission. He was writing false case law, so the defendants would go in his favor or that his opinion would go in the Defendants favor. The Commissioners' that worked on my case was committing Workers Compensation Fraud and other serious Crimes and Attorney also, Dr. Ajam, Insurance Co. (Amerisafe) or American Interstate Insurance Co. and even the Attorneys that I hired also conspired together to sabotage my Virginia Workers' Compensation Claim.

Here are the details as they occurred:

May 14, 2018, I wrote to the Virginia Workers' Compensation Commission. Asking them to send me a list of all the Documents that was sent to my Virginia

Workers' Compensation Webfile. With the time date and year that all the documents were sent to my Webfile; because I knew what they were doing. They were committing crimes against me. I knew that every piece of mail that is sent electronically, has the time, Month and year on the document. So I read this code, which is, 2014 Virginia Code, Title 65.2, Worker Compensation, 65.2, Subpoena power of the Commission production of records ad papers.

I get a letter from Jeremiah Smallwood. Stating that they were unable to provide you with a list of time for which each document was filed.

I knew that this was false, because they're right in front of me. Was a document sent to the Virginia Workers' Compensation Commission from the Appellant's Insurance Company. With the time, month and year. It was on the cover sheet.

I wrote to the court of Appeals numerous times, asking them to get the records or list of the records with the time, Month and year.

On July 30, 2018, I even sent a check of \$12.00; to the clerk of the court of Appeals of Virginia; asking them to subpoena the records which has the time, month year on the documents that was sent to my Virginia Workers' Compensation Webfile. So that I could finish my opening brief and prove that the Commissioners' who worked on my case and the defendants and the attorneys that I hired was conspiring together to sabotage my Virginia Workers Compensation Claim and to prove that they were committing Workers Compensation Fraud and other serious crimes against me (the appellant).

On September 18, 2018, I wrote to the Court of Appeal of Virginia, asking them to get the records from the Virginia Workers Compensation Commission. With the time, Month and the year so I could finish my opening brief.

The Virginia Court of Appeals granted me another extension of time on a different occasion October of 2018; but on November 9, 2018, the court of Appeals of Virginia gave me one final extension.

I was still waiting for a response from the letter I wrote to the court of Appeals of Virginia on September 18, 2018. My deadline to get my opening brief was on November 9, 2018.

I did not get a response from the Court of Appeals of Virginia until December 6, 2018. Stating the Court does not investigate or have the legal authority to investigate. They could have emailed this letter. Having me to wait until September 18, 2018 to December 6, 2018 to get this letter.

My deadline was November 9, 2018. I waited and waited for a response from the Court of Appeals; but nothing never came from them. I mean the records with the time, Month and year. When on November 7, 2018; I had to work real hard to get the documents in order. About 2:00 pm while working on my brief, I fell asleep at the kitchen table, because of all the medication I was taking for my medical conditions which was caused by the burn injury.

When I woke up it was about 4:30 pm; I was in a hurry to complete my opening brief. I did not put the Authorities on the right page or where they needed to go. It was a harmless mistake. In haste, I thought that I was putting the Authorities in the right place; but I put it in the appendix Instead of the pages where they need to go.

On January 29, 2019; the decision was made on merits, because I did not have the Authorities on the right pages. The Court of Appeals made their decision in favor of the defendants res-Judicata Claim which was contrued or by Worker Compensation Fraud and other's serious crimes. Against the Appellant in this case.

Virginia Workers' Compensation Commission Jurisdiction

Claim No. Va. 00000463553

On April 18, 2011; I had my Industrial Accident in Bluefield, Virginia. While I was working at Lawrence Brothers. I was welding at my Welding station when my shirt caught on fire. I was welding all morning long until I went outside to drop an empty Argon tank and get a full tank of Argon. While on the way going outside to get a tank of Argon and drop the empty one; I passed by a door on my left side and it began to be opened (an overhead door). I did not pay any attention to it, so I continued outside. On the way back the overhead door was closed. So I continued on back to my work station. So when I got back from my work station, I hook up my hoses to my welding machine and started back welding. I was welding about a few seconds and before I knew it was on fire. There was no fire watch, like it is required by OSHA. Nobody was around at first, So I beat and beat the fire with my welding gloves and plus I rolled on the floor like they always told us to do when on fire. The fire was getting to me and I thought I was going to die. I began to fall, when one of my co-workers caught me as I was beginning to fall to the ground. He helped me with the fire, but the fire kept spring up, we finally got the fire down. My co-worker went to get help, I still was laying in those hot ashes on my back. I laid there a long time. Until the owner and medical help came. As they were examining me, the man that drove the ambulance look at me and then he said that I was in very bad shape. The ambulance took me to a helicopter and they flew me down to Wake Forest Baptist Hospital – Burn Unit, located in Winston-Salem, North Carolina.

I received skin graft and I could not raise up my left arm. They had to do surgery to get my arm to raise up. The pictures that I am sending the United States Supreme Court, you will see an indent in left shoulder where they cut me and took flesh from side to fill in the cut that was made. While there the very first time I

saw the Doctor, he asked me where was I hurting? I said my chest, left arm, side and back. I told the Doctor that I laid in hot ashes, before the medical team arrived. From April 18, 2011 until they discharged me. I complained about my back. It is documented in Nurses daily chart. They did not say anything about my back. That was the injury to my spine. When the hospital (WFBH) discharged me. The defendants and their insurance C. Was supposed to give me a Doctor for all my medical condition.

1. A panel of pain management 3 physicians to choose from.
2. A panel of 3 neurologist to choose from.
3. A panel of 3 orthopedic Surgeon to choose from.
4. A panel of 3 neurosurgeons to choose from.

At that time, I did not know about the Virginia Workers' Compensation Act. I hired an Attorney, Charles Stacy, and the Defendants took advantage of me because I did not know the VWC Act.

They (the defendants) were supposed to give me a panel of 3 physicians for all of my medical conditions when I got out of the Hospital (WFBH). The defendants did not give me no panel of Doctors to choose from. It was in 2018 that the defendants gave me a list of 3 pain management physicians to choose from.

Average Weekly Wage

Mark Strole, the defendants Insurance Agent, came to my home in Princeton, West Virginia in 2011. He told me I would be getting over \$900.00 per week. They kept their word. I started getting letters from the Virginia Workers' Compensation Commission. That I did not understand. I knew that the Defendants and their Insurance Company and the VWCC was setting me up for something.

My girlfriend said to me Marty you better get an Attorney to help you with your CASE. I went to Bluefield, Va. And I hired Charles Stacy thinking that he was a honest attorney, but he wasn't.

A lot of things were going on that lead to a hearing that would be held on January 4, 2012. I did not know what the hearing was for. But it was for the weekly average wage. Charles Stacy did not call me like it is required in the Professional Conduct of the Virginia Supreme Court. No body was at the hearing, no claimant, no Attorney, No Insurance Agent – no one. Commissioner Burchett was over the hearing. Commissioner Burchett and the Defendants and their Insurance agent Mark Strole and the attorney that I hired Charles Stacy took advantage of me and cheated me out of over \$300,000.00 plus interest. The reason I says that is because there is a Cod of Virginia Title 65.2, Workers' Compensation, Chapter 1, Definition and general Provisions 62.2-101. Definitions as used in this title.

Average Weekly Wage means (1) When for exceptional reason the foregoing would be unfair either to the employer or employee, such other method of computing average weekly wage may be resorted to as will most nearly approximate the amount which the injured employee would be earning were it not for the injury.

I never knew what this code meant and saw a chart that Melanie Protti-Lawrence sent to the (VWCC). The chart was called a Wage Chart that determined the weekly wage for an injured employee if he didn't get hurt. The Wage Chart had 52 weeks on it. This is why, the defendants and the insurance Company started paying over \$900.00 a week.

That is why they cheated me out of the money by not having the hearing that was suppose to be held on January 4, 2012. No one was there. Commissioner Burchett wrote his opinion in one day, January 5, 2012 and that why my Attorney

Charles Stacy did not go. Because they all were trying to cheat me out of the money that was owned to me. They all took advantage of me, because I didn't know the VWC Act. That is why I hired an Attorney. But Charles Stacy was dishonest.

May 2012, The Virginia Workers' Compensation treating physician, (pain management physician named, Kamal S. Ajam prescribed a medication called Atarax that caused me to have a stroke. To try and cover up his mistake, he went back into medical records and changed the drug profile. The drug profile first read (no known allergies). One month later Dr. Kamal S. Ajam changed the drug profile to allergic to Atarax. Thinking that no one would find out what he done; but, there is a God in Heaven if he did know. I did not choose Dr. Ajam, the defendant and their Insurance Company chose him. I did not know that Virginia Code that I mentioned because I would not never choose Dr. Ajam, because he told me he only had one year experience. I asked Dr. Ajam if he ever care for a burn injury patient, he said "No". That stroke could have blinded me or killed me. In the Princeton Community Hospital medical records and the Wake Forest Baptist Hospital (Wake Forest 1 Tech Access Center information on page 3 tell that I lost my sight for a while, it is scary. Dr. Ajam tried to hide what he done.

In 2013, I had another stroke caused by Dr. Ajam. The defendant tried to get me to settle my VWC Claim. I told them, "No"; because I have medical condition that needed to be addressed. I just had 2 strokes and other medical conditions that needed addressed. What the defendant was going to do was pay me with the money that they cheated me out of. That Commissioner Burchett and Charles Stacy conspired together to cheat me out of. When I did not settle my claim with them, they came up with another scheme to try and get me to settle my workers' compensation claim. It was an Order Response Form sent to the (VWCC) by Charles Stacy. Defendants and their Insurance Co responded to this order stating

reason: Denied based on Claimant's engagement in medical management. They figure out that if they took away my medical care, that would get me to settle with them. Only one thing, it was illegal to do what they had done to me. To take my medical care away without a hearing. I was awarded a lifetime medical award from Virginia Workers' Compensation Commission. Commissioner Burkholder knew this and also the defendants and my attorney, Charles Stacy knew that the defendants Insurance Company couldn't take my medical care away without a hearing. I always thought that their Attorney was supposed to fill out the order form not the Insurance Agent (Mark Strole). I think the attorney for the defendants knew that was a false claim and this is why the attorney (Ramesh Murphy) didn't fill the form out. This is a legal document. Falsely wrote by the Insurance Agent and this form and everything is illegal about it. I am the claimant I am already engaged in medical management because I am the injured worker.

The Hearing of August 26, 2014, held in Lebanon, Virginia with drew my claim for a panel of 3 physicians and asked for a panel of 3 neurologist to choose from. In the opinion of October 28, 2014, made by Commission Burkholder, he awarded me to go back to Wake Forest Baptist Hospital. This is what the award states: "We note that the presented medical evidence does not indicate the Dr Badlins has been removed as a treating neurologist in this case and the claimant may return to that physician for additional care that is related to the work accident. After weeks and months past, I called Mark Strole, the Insurance Company (adjustor) for the defendants. I called and left voice – messages after voice messages. No telephone call came from Mark Strole. I went to the computer and went bac to look up the October 28, 2014 opinion made by Commissioner Burkholder. After reviewing the opinion, I saw that award had been taken out and changed. Without my knowledge of it being changed. Commissioner Burkholder went back into my webfile and changed the award and put into it place the same

panel of 3 pain management physicians that I withdrew from at the hearing of August 26, 2014 as the award.

On April 3, 2015, the Defendants asked or requested of the Deputy Commissioner Burkholder opinion dated October 28, 2014 ordering the provision of a new panel of pain management physician from which the claimant may choose a physician. Then it says, we reverse and vacate the ordering of a panel of pain management physicians. This opinion was made by Commissioner Williams and Reviewed on record Commissioner Williams, Commissioner Newman and Chief Deputy Szablewica at Richmond, Virginia. In this opinion even the defendant said that I withdrew from the claim of a panel of 3 pain management physicians at the hearing of August 26, 2014, on page 4 of the April 3, 2015 opinion made by Commissioner Williams, you will find the award taken out of the opinion of October 28, 2014 made by Burkholder.

Awarding me to go back to Wake Forest Baptist Hospital, that's in Winton-Salem, North Carolina. All these Commissioners that are named in this opinion of April 3, 2015 and plus the defendants knew that I withdrew my claim of pain management physician. And without medical care, they thought I would die, so the defendants would not have to pay a large Doctor bill. That is what the Commissioner and the Defendants were trying to do. By this time, I had not received any Medicare from the defendants and their Insurance Co for 2 years, only care from my primary care Physician. I was a life-time medical awardee.

This is the beginning of defendants false claim of Re-Judicata. How the Commissioners' of VWCC and the defendants and their insurance co, and even the attorneys that I hired to represent me. Conspired together to sabotage my VWC claim.

For additional proof in defendant's brief in support of their request for review dated January 7, 2015. States that the claimant did with draw from the

panel of 3 pain management physicians at the hearing of August 26, 2014 in Lebanon, Virginia.

The Hearing of November 9, 2015, held in Lebanon, Virginia Commissioner Burkholder, presiding. The defendants file an Employer's Application stating that I (the claimant) could return to work at Lawrence Brothers' to do my job as a welder, per Dr. Wilson. IME report and that any continuing disability is not causally related to the compensable injury. The issue was about the stroke I had in 2012 and the spinal injury. By this time, I had strokes in 2013, 2 in 2014 and 1 more in 2015. Altogether it would be 5 strokes in all. In 2015 I saw a neurologist in September of 2015. Her name is Dr El Hussein, and in the Wake Forest 1 Tech Access Center, information, Dr. El Hussein states, Hx of stroke associated with burn injury, and issue with memory.

I saw Dr. El Hussein in September of 2015 and on September 29, 2015, she sent me to get MIR's of my brain and spine. Because I told her I was having problem walking. Dr. El Hussein made me an appointment to get the MRIs done.

An at the IME appointment, I brought all my medical records to Dr. Wilson's doctor office and gave it to the receptionist. I do not know what she did with the medical records or even if Dr. Wilson read them. Since Dr. Wilson was hired by the defendants, he probably didn't even read the medical record. Because if he read the medical reports, he would have seen that I had 5 strokes since 2012.

I turned in medical records to the VWCC, showing them that I have had four strokes since I had the stroke in 2012, caused by Dr. Ajam medication (Atarax).

From the beginning of my case about the stroke of 2012. The VWCC only wanted to discuss, but one stroke not the other four as explained by Dr. El Hussei. The VWCC did not want to compensate me for the other four strokes. The Spinal injury that is documented in the medical records from Wake Forest Baptist Hospital. In 2011, 2012 and it in the Nurses' Daily cart and in Dr. Ajam medical

records documented in 2012. It was not called (Doral Thoracic Arachnoid Web. All of these hospitals that you go to for medical care, they don't tell the truth about a patient's medical condition or tell you what cause them. If they are paid by the Insurance Company lie for them. Because the Insurance Company tells them too. The hospitals can get more patients from them.

Dr. Ajam gave me a nerve block in the wrong place in my back, Dr. Ajam did not even send me to et MRIs, to show where the injury was at:

1. The injury was not at the T9, T10, T11 and T12. Levels
2. 2 neuro-Surgeon's look at the MRI's tht I had done in Septempter 29, 2015 and saw where my injury was. The injury was at the T7 Level. Dr. Cara Sedney and Mark Shaffery-

I hired an Attorney named Aaron Thomas from the Law Firm of Agnew and Rosenbury.

The Opinion of Commissioner Burkholder, Commissioner Burkholder wrote 2 opinions. One of the opinions dated March 4, 2016 and the other one dated March 24, 2016.

The reason for this was I told Aaron Thomas that both of Commissioner Burkholder opinion was bogus and he was writing false case law just so his opinions would go in the defendants favor.

The Commissioner (Burkholder) wrote about Compensable Consequence under Virginia Law. What Commissioner Burkholder wrote was false about the Compensable Consequence. What the Commissioner was trying to make me think that the way he explained it was that the Compensable Consequence would not cover my injury.

But luckily, I was on my Computer and look what this term Compensable Consequence meant. I was looking on my computer I saw what Mr. Joe Miller said and he also is an Attorney in Virginia Mr. Miller posted on Friday May 29,

2015 at 12:00pm. It reads (The notion of Compensable Consequence under Virginia Law means, "When a new injury occurs as a result or consequence of your work, then you can recover from the new injury. You can recover for the new injury. Remember that Dr. El Husseini said I had a Hx of strokes associated from the burn injury. Commissioner Burkholder was trying to help the defendants not compensate or pay or give me medical care for the 4 strokes I had after the stroke I had in 2012 caused by the medication that Dr. Ajana prescribed to me (the Atarax).

I read the Opinion that Burkholder wrote, March 4, 2016 and March 24, 2016 then I called Aaron Thomas and told him to appeal Burkholder decision of the Opinion. Aaron Thomas told me he would. So I got a phone call from Patrick Agnew, telling me that he fired Aaron Thomas. Patrick Agnew asked me if he could take over my case. I said, yes. That was a mistake; I called Patrick Agnew 40 times and left him voice-messages telling him to appeal Commissioner Burkholder Opinion. I never got him on the phone or no response from him. He Patrick Agnew intentionally let the appeal expire. After 3 month I called him on May 19, 2016, the first thing that came out of his mouth was, Marty how about settling with the defendants. I fired him the same day. That same day, he wrote to the UWCC and asked them for a panel of pain management physicians. When I did tell him to do anything for me, because I had fired him.

Every Attorney that I hired misrepresented me, everyone of them. In 2017, I hired an Attorney named Mark Hurt. I got an Opinion made by Commissioner Marshall, March 8, 2017. In this opinion it is the same as the Opinion of April 3, 2015. Opinion made by Commissioner William. It says the same thing, "we find that the claimant has not advised the defendants and the Commissioner what type of physician he is seeking.

I knew that this was false. So I hired Mark Hurt. I even signed a contract. The contract said that he would help me with all my legal matters. I brought the

March 8, 2017 Opinion made or wrote by Commissioner Marshall of the full commission with me and showed him that this was false. They knew what kind of physician I asked for because it is documented in the transcript of the hearing of August 26, 2014. I think that they thought I had forgot what was written in my VWC webfile. So Mark Hurt said he would help with the appeal; But a few days later Mark Hurt called me to come down to his office in Abingdon, Va. So I went. I get down there, he come telling me it I appeal the March 8, 2017 opinion to the Court of Appeals of Va. That he cannot help me. I knew then that Mark Hurt had been conspiring with the defendants and the Commissioners. This would have proven to the Court of Appeals of Virginia that Commissioner Marshall was committing Va. Workers compensation Fraud and other crimes against me. The Commissioners of the VWCC, who work on my VWC Claim and the Respondents did not want me to get the proper medical that I was entitled too. For the fear, that the whole truth would come to surface. The respondents Claim for Res-Judicata would be denied. It was engineered and construed by Workers' Compensation Fraud, as it has been done all through my case.

I sign a contract with Mark Hurt and told him that the contract said that you would represent me with all my legal needs. I was forced to withdraw from appealing the March 8, 2017 Opinion of Commissioner Marshall. I was in a rock and hard place.

The respondents and the Commissioners were running all over me. Every Opinion that was made by different Commissioners always went in the favor of the respondents. "I ask myself a question", How can this be? I am the one that has the deep third degree burns, 6 strokes, 2 tumors and a spinal injury. I can not use my left arm and about 23 other medical conditions that I did not have until I had the Industrial accident. Something is wrong with the picture.

I had already filed the appeal to the Court of Appeals of Virginia. Commissioner Marshall, March 8, 2017 Opinion. I had this Commissioner Marshall in the palm of my hand and I let Mark Hurt talk me out of my appeal. The respondent lives and work in the same location that Mark Hurt work and live. I thought that hiring Mark Hurt would help me. He messed up my case! Commissioner Marshall wrote this March 8, 2017 in favor of the respondents, this is how it has been through out my case or claim. This was Workers' Fraud, not telling the truth, writing false statements. That is why I say that the Commissioners tell the Attorneys what they are to do! Court of Appeals of VA Record No. 0526-17-3.

Just like in the Opinion of September 15, 2017. Mark Hurt asked the VWCC to review the March 24, 2016 Opinion made by Commissioner Burkholder. The September 15, 2017 was made by Commissioner Rapaport. First of all, Commissioner Burkholder, wrote false case law. My attorney at this time was Patrick Agnew, who let my appeal run out. I mean Patrick Agnew let the time expire to appeal the Burkholders March 4, 29 2016 Opinion. I knew that this March 4 and 24, 2016 was fraudulent, Patrick Agnew knew it too. This is another example of the attorney doing what the Commissioners tell the attorney what to do. When you (the claimant) ask the attorney that he hired to represent him (the claimant). The claimant asked his Attorney to appeal an opinion that the Claimant knows that the March 4, 24, 2016 opinion was fraudulent and the Attorney that he hired (Patrick Agnew) does not do what the claimant ask. What need of hiring an Attorney. When you know that all through my CASE it has been like this.

In 2015, the employer file an Employer's application stating that I could go back to work. The Employer and their Insurance Company kept my Average Weekly checks for a whole year. After I started back receiving my checks, they paid me a lump sum. This was also connected to the March 4, 24, 2016 Opinion.

At a meeting with Aaron Thomas, I told him that the March 4, 24, 2016 Opinion Made by Burkholder was Fraudulent. This was false Case law. He wants me to Believe that this was correct. Just before I fired him, I told Aaron Thomas who was an attorney for Agnew and Rosenberg, that I did some research on the topic of compensable consequence. I showed Aaron Thomas the evidence I had on the topic of compensable consequence, by an Attorney named Joe Miller. It does not say what Burkholder wrote in his March 4, 24, 2016 Opinions. I told Aaron Thomas that Commissioner Burkholder's Opinion was Fraudulent and bogus. I fired Aaron Thomas because he wanted me to believe a lie. There was only one Opinion made by Commissioner Burkholder and it was the March 4, 2016 Opinion. I guess Aaron Thomas got mad and called Commissioner Burkholder. One day I went to my mailbox and there was another Opinion dated March 24, 2016. I did not think that a Commissioner could write 2 Opinions on the same subject; but Burkholder did. I got an email from Aaron Thomas telling me that Commissioner Burkholder was sending letters out telling all the Attorneys that represented me to ask the Commission to take the money of the lump sum check that I owed to them for representing me. But no Attorney did anything on my behalf. I guess they were paid for conspiring with the respondents and the Commissioners. I did not withdraw from this Opinion.

The Opinion by Commissioner Burkholder, dated June 26, 2017, on the first page, at the bottom of the page of the June 16, 2017 Opinion, Commissioner Burkholder wrote at the May 17, 2017 hearing, the claimant insisted that he had received third degree burns in the compensable accident. This issue is immaterial and moot because the claimant has an award in place for his burn injuries, If I had a life time award, why did it take the respondents 6 years to send me to the physician I needed to go to? I would get award, but the respondents would never

send me to the Physician that I need to go to. Like in the Opinion of March 4, 24, 2016. I was awarded to have medical benefits provided in Code 65.2-603 to be continued for as long as necessary to treat injuries sustained in this accident. In the March 8, 2017 Opinion made by Commissioner Marshall. Marshall states in the March 8, 2017 Opinion, that the Commission and the respondent did not know what kind of Physician I asked for or needed. This was a fraudulent Statement. The respondent and Commissioner knew just what kind of Physician I asked for, it is in the defendant review dated January 7, 2015; Commissioner Williams Opinion April 3, 2015, Commissioner Lee Opinion October 14, 2016 and the hearing of August 26, 2014. This is why Mark Hurt did help me with my appeal to the Virginia Court of Appeals. He was conspiring with Marshall and the respondent, because if it got to the Court of Appeals of Virginia. The court would have known that they were committing Worker Comp Fraud like they have been doing all along in the course of my Case. Commissioner Burkholder goes on to say, whether they are second degree or third degree burns, the Doctor said that I had deep third degree burns. Deep third degree burns are more serious than any second degree burns. The Commissioner here want you to think that my burns were not that serious. Furthermore, Deputy Commissioner Burchett's January 5, 2012 Opinion is long since final. It was a hearing scheduled for January 4, 2012. No one was there. The hearing was to discuss my weekly Average wages. Melanie Lawrence put a wage chart into my webfile. Like it said in the Code of Virginia, Title 65.2. Worked Compensation, Chapter 1. Definition and General Provisions. 65.2-101. Definitions. As used in this title. "Average Weekly Wage" mean b. When for exceptional reasons the foregoing would be unfair either to the employer or employee, such other method of computing average weekly wages may be resorted to as will most nearly approximate the amount which the injured employee would

be earning were it not for the injury. The respondent started paying me over \$900 a week. Then they stopped. Charles Stacy was my Attorney at this time of my VWC Claim or case. I hired Charles Stacy in September of 2011. Charles Stacy got the same letter from the VWCC dated December 8, 2011. Charles Stacy didn't call me to discuss the issues that will discuss at the hearing or Tell me to be there early. He never called me to let me know anything. I didn't know anything about average weekly wages.

1. No one was at the hearing
2. I wasn't at the hearing
3. Charles Stacy wasn't at the hearing
4. The Respondents wasn't there either
5. No written statement
6. No appeals

My question to the Justices' is, how can a Commissioner of the VWCC write an Opinion when no one was there to discuss an issue like a Claimant's average weekly wage. The Commissioner (Burchett), Respondents and Charles Stacy; all of them conspired together to take advantage of me because at this time I didn't know anything about Codes, Rules or the Worker Compensation Act. I was worried about getting well. That why I hired an Attorney. That's why I am saying that every Attorney that I hired misrepresented me in my Virginia Workers' Compensation case. The Respondents cheated me out of over \$300,000.00 plus interest. Charles Stacy and Commissioner Burchett help them! The Awards of the Opinion of June 26, 2017 and it reads. "An award is hereby entered for Marty Foust Claimant, against Lawrence Brothers, Inc., employer and American Interstate Insurance Company, insurer, providing for the following medical treatment under the Claimant's existing lifetime medical award.

1. A panel of neurologist is to be provided to the claimant within 30 days from the date of this opinion.
2. A panel of pain management physicians is to be provided to the claimant within 30 days from the date of this Opinion for treatment of the claimant's chronic pain
3. The Employer and carrier shall be responsible for the exploratory surgery and excision of the claimant's suspected symptomatic scar neuroma.

It was in March, 2018 when I got a letter from the Respondents Insurance Company with a panel of pain management physician to chose from. It was in May 2019, before I was sent to a neurologist. I was supposed to choose from a panel of 3 neurologist, but Amy Hawks picked her own choice of neurologist. It Was just like in the beginning of my WVCC Claim, the Respondents did the same thing and chose Dr. Ajam who gave me the Atarax medication that caused me to have 2 strokes in 2012 and 2013, almost blinded me. This is how the Respondent and their Insurance Company has treated me, all through my case. This is not 30 days from the Opinion of June 26, 2017. It was 9 months before the Respondents sent me to the pain management physician and about 2 years before I was sent to A neurologist. I was only seen one visit by the neurologist that Amy Hawks chose for me It was all plan with the doctor she chose for me. To lie about my medical condition. So she could discharge me from going to see a neurologist. From the very beginning the Respondents and their Insurance Company did not want me to go to the physician that I needed to go to. They did not want me to find out the truth about what the burn injury caused.

Court of Appeals of VA Record No. 0196-18-3

Opinion by Marshall, Commissioner January 25, 2018. It states – a June 26, 2017, Opinion found doctrine of res-judicata barred the claim for a prescription for

Atarax. Dr. Kamal S. Ajam went back into the medical records on May 23, 2013 and changed the drug profile.

1. On April 25, 2013, the drug profile read no known allergies.
2. Then on May 23, 2013, Dr. Ajam changed the drug profile to allergies Atarax (Hydroxyzine Hcl) hospitalized.

Dr. Ajam did not think no one would notice what he done. The Respondent knew what he done. I knew what he done. But the defendant withheld evidence. Dr. Ajam tried to cover his mistake by changing the Drug profile. Dr. Ajam caused the stroke in 2012 and 2013 that almost blinded me. Dr. Ajam did this (change the drug profile, so I couldn't file a medical malpractice law suit against him and the Respondents and their Insurance Company, plus Dr. Ajam had committed Health Care Fraud. Writing false statement in Health Care matters. Every doctor's appointment, Dr. Ajam would inform the Insurance Company agent Mark Strole of what was happening with me. I went to Charles Stacy office after I got the report from Wake Forest Baptist Hospital and showed him (Charles Stacy) the Hospital report. Charles Stacy tells me that he cannot investigate the strokes or OSHA burn policy on fire watch. The reason that Charles Stacy gave me is that his wife works for a hospital. I said, to Charles Stacy, your wife works in West Virginia and this happen in North Carolina. Later, in 2017, the cause of the stroke in 2012 was caused by a drug interaction between the Atarax medication and my blood-pressure medication – Lisinopril. This is another example of the Attorney does what the Commissioner tells them to do. I could have died or went blind, Charles Stacy didn't care.

The Thoracic Arachnoid with Cord Compression, on April 18, 2011 the day of my industrial accident when my shirt caught o fire. There was no fire catch like it was suppose to have been. I lay on the floor at my work station, after my co-worker help me put the fire almost out. I was still burning and I could smell my

flesh as it burned. I laid in those hot ashes until help arrived. When help arrived (I mean medical help). I was on my back, laying in those hot ashes. This is what happen, by laying in those hot ashes on my back, the fire went deep into my back and caused this spinal injury. I was air-lifted to Wake Forest Baptist Hospital. When I got there, a doctor asked me where was I hurting in all the burn area? Chest, arm (left), flank and back. Everyday I complained to the doctor that I got a lot of pain in my back and the medication was not doing no good. If the medication was not working, I said there must be something more serious. Every single day I told Dr. Holmes that the medication was not working. Every morning he would tell me this "We will address this in the morning, but the morning never came. My back pain was my spinal injury at its early stage. My back pain is documented in the nurses' daily chart in my medical record. On April 16, 2012, Dr. Ajam writes in my medical records, since the patient may be suffering from hyperalgesia, though he may just have a brand new cause of back pain and leg pain. This was not no new back and leg pain. This is documented in the Nurses Daily Chart from April 18, 2011 until the last day at the WFBH which was in May 2011.

In 2012, May 28, 2012, when I went back to WFBH for the stroke Wake Forest Baptist Hospital did a full MRI from head to toe. This is the spine report and what it said, Degenerative changes in the cervical spine with mild retrolisthesis of C5 over C6 of approximately 2 to 3 decreased intervertebral disc space with uncovertebral joint hypertrophy causing mild bilateral neural foramine narrowing at this level.

Now its January 2021, from May 28, 2012 until January 2021, you know that my spine has gotten worse. I can barely walk to the end of my drive way. This spinal injury was not called this Dorsal Thoracic Arachnoid we in 2012. What they did was look up in a medical book, the Dorsal Thoracic Arachnoid

laws that benefit the Employer not the Injured Worker. The Petition for a writ of certiorari should be granted.

Respectfully Submitted

Marty De La Fayette Foust