

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Thursday the 27th day of October, 2022.

Adrienne Mallard,

Appellant,

against Record No. 220015
 Court of Appeals No. 0321-21-4

Next Day Temps / Model Home Temps, et al.,

Appellees.

From the Court of Appeals of Virginia

Upon review of the record in this case and consideration of the argument submitted in support of and in opposition to the granting of an appeal, the Court is of the opinion there is no reversible error in the judgment complained of. Accordingly, the Court refuses the petition for appeal.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By:

Muriel Theresa Pitney

Deputy Clerk

November 27, 2019
Adrienne Mallard
Claimant -Injured Worker

B

Clerk
Virginia Workers' Compensation Commission
333 E. Franklin Street
Richmond, VA 23219

Claimant Letter Not Receiving Prescriptions since February 2019, Defense Again Stopping Awarded Medical Treatment and Manipulating Claimant and Physician.

**Appellee's: Accident Fund/Next Day Temps (AKA) Model Home Temps
Record No. 0028-18-4
Injury Date: June 6, 2014**

Dear Honorable Clerk:

The defense (Accident Fund Insurance Co., employer and attorneys) are continuing with their disturbing actions, disobeying this Courts Orders and Awards.

Reluctantly, I am filing this letter solely because of the defense's actions (as usual). Yet I am again concerned that my years of filings on defense destructive behavior is overlooked by the Virginia Workers' Compensation Commission Court throughout the past Five and a half years.

I attached a letter dated July 12, 2019 from Zelda Hill/Accident Fund to my treating physician (of over Five years) Dr. Phillip Omohundro. Letter states, "Please note that any further visits with Dr. Omhundro are no longer authorized." As spelled in their sentence. Letter also, stating July 24, 2019 Bilateral Ankles is DENIED.

I also attached a letter dated October 15, 2019 from the defense attorney Amanda Belliveau, to me. Letter states, "... Dr. Omohundro has opined that he has no further treatment to offer to you..." Also, they will no longer authorize visits. These are awarded visits. Last visit with Dr. Omohundro, he mentioned surgery on my wrists.

Seems both letters were designed to keep Dr. Omohundro's office from communicating with me, and to stop me from communicating with Dr. Omohundro's office.

On October 18, 2019, I scheduled an appointment with Dr. Omohundro for October 29, 2019. I was not informed my appointment was canceled until I arrived. I spoke with Kim and Michelle for over a half hour. They advised me to fax them the Court Orders (of which I faxed twice over the years) and they will get me back in for an appointment, but they need to get the Court Order in first. They were pleasant. Gave me copies of what I faxed them and what Accident

Fund Faxed them. I informed both I was really concerned they didn't have the two Court Orders I faxed over the years, and why would they be missing? They said it was all they had. They wrote down and gave me the fax number they use. After I re-faxed the Court Orders, I called to scheduled. Amazingly, they denied everything. They said they received my faxes and just got off the phone with the Defense attorney and said they are not paying for treatment; they have a Court Order saying denied. I asked why the total change in her attitude? I told her I do not have such Court Order and was no hearing on this. She could not make an appointment for me. I reminded them, I was in their back office for over a half hour and why didn't they tell me then? She had no response. She said Dr. Omohundro will call me.

Family members and friends have knowledge and was informed of the details of the October 29, 2019 office visit. Concerned because of the extreme harsh mistreatment towards me from the defense and court over the years.

My last prescription received was February 2019, EIGHT MONTHS AGO. This continues to take place even after court hearings over the years. Apparently will continue until/if Court takes action on the defense contempt of court, case manipulation and harming my health.

Since the first Workers' Compensation Commission Opinion in 2016, the Defense has shown total disrespect of this Court's Orders and medical AWARDS. I have filed numerous times concerning Defense being in contempt of the Court's Orders and medical Awards, ignored.

To date, my April 22, 2017 letter to Commissioner Kennard with very detailed concerns on Dr. John Daken (Defense IME doctor) extreme Three and a Half-Hours (3 ½) long IME appointment interrogating me, and his fabrications, is without any response. However, Dr. John Dakens 3 years later visit was heavily weighed against my treating physicians 3 YEARS of consistent electronically signed medical records, denying every single item, even diagnosis from treating physician electronically signed medical notes stated Major Depression, Knee... are all causally related to June 6, 2014 injuries and are Permanent. Also, CRPS with now 5 physicians with over 100 years of medical experience and a CAT-SCAN. Including Defense IME doctor reporting Complicated CRPS.

I followed everyone's rules and Orders, forced to watch strangers who do not even care about me have total control over my health treatment and decisions while I have absolutely none. I was never informed by this Court I would lose rights to make decisions for my own health and treatment. Nor was I ever informed this Court and the Defense... the Defense! Would have TOTAL CONTROL OVER MY HEALTH/TREATMENT DECISIONS. Never given any return to work form, nor was I scheduled back to work in Five Years from retaliation.

Had I known this; I would have NEVER signed away my rights to individual who do not even care about my health. Especial those labeled as the "Defense." I signed up for the Virginia Workers Compensation Commission to protect my rights. Which has not. The Defense has been carrying on as though they have no rules or Orders to follow.

I received Awards for multiple injuries in 2016 opinion (Left Foot/Both Ankles/Knee/Both wrist/Nerve Damages/Tibias Posterior Tendinitis..., yet the Commissioners website only says Ankle. Only 2018 Opinion warning the defense about manipulating my case and treatment. Still,

*VAWC not
enforcing
Orders
Opposing
medical Awe*

defense continues 5 years later and allowing employer to make medical decisions. I reference gross case manipulation harming my health in my filing in the Court of Appeals Exhibits 43, 123,126, 161, 175, 180-181, 231-233, 246, 297-299, 504,513-518, 581-583 addem 91-93, 100-106-, 115-116, 118-119, 121-124, 130, 131,133, 135,144-146). Most were never addressed.

Adrienne Mallard

About 22+

Encounters and Procedures

Clinical Encounter Summaries

Encounter Date: 02/26/2019 (Last amended by Barry Thompson, PA on 04/23/2019 at 8:54am) *13 hrs Late*
Patient
Name MALLARD WC, ADRIENNE (51yo, F) **Appt. Date/Time** 02/26/2019 03:15PM *after Defense
cancels my
Physical Therapy
leg Ankel get tabled*
ID# 81796
DOB 09/24/1967 **Service Dept.** D31_Clinic Office
Provider PHILLIP OMOHUNDRO, MD
Insurance Med Primary: *SELF PAY*
Med Worker's Comp: ACCIDENT FUND INSURANCE COMPANY OF AMERICA
PCP : BATRA, RAJEEV
Case # : 300000156796
Case Injury Date : 06/06/2014
Prescription: ESI1 - Member is eligible. details
Prescription: ESI1 - Member is eligible. details

Chief Complaint

Left wrist problem

Patient's Care Team

Insurance Adjuster: ZELDA HILL: Ph (517) 708-5196, Fax (517) 316-2738

Primary Care Provider: BATRA, RAJEEV: 11120 NEW HAMPSHIRE AVE, #300, SILVER SPRING, MD 20904, Ph (301) 593-9612, Fax (301) 593-6290

Patient's Pharmacies

CVS/PHARMACY #1447: 320 DOMER STREET, LAUREL MD 20707, Ph (301) 776-6660, Fax (301) 776-2539

Vitals

02/26/2019 03:47 pm

Ht: 5 ft 10 in

Wt: 160 lbs

BMI: 23

Pain Scale: 8

Allergies

Reviewed Allergies

SULFA (SULFONAMIDE ANTIBIOTICS)

Medications

Reviewed Medications

Allergy (diphenhydramine) 25 mg capsule

10/10/17 filled

azithromycin 250 mg tablet

02/05/19 filled *5168*

codeine 10 mg-guaifenesin 100 mg/5 mL oral liquid

02/02/19 filled

Fosamax 70 mg tablet

06/21/18 prescribed

Take 1 tablet(s) every week by oral route.

gabapentin 300 mg capsule

10/09/18 filled

1 to 2 capsules at bedtime

ketotifen 0.025 % (0.035 %) eye drops

10/10/17 filled

Lidoderm 5 % topical patch

02/26/19 prescribed

APPLY 1 PATCH BY TRANSDERMAL ROUTE ONCE DAILY (MAY WEAR UP TO 12HOURS.)

metoprolol succinate ER 50 mg tablet,extended release 24 hr

02/02/19 filled

Pennsaid 20 mg/dram/actuation (2 %) topical soln in metered-dose

02/26/19 prescribed

D31_Ortho Specialists of Metro Washington • 2101 MEDICAL PARK DR, SILVER SPRING MD 20902-4053
MALLARD WC, ADRIENNE D (id #81796, dob: 09/24/1967)

pump

APPLY 2 PUMPS (40 MG) TO THE AFFECTED KNEE(S) BY TOPICAL ROUTE 2 TIMES
PER DAY

Prescribed for leg cramp

predniSONE 20 mg tablet

10/10/17 filled

Wellbutrin SR 100 mg tablet, 12 hr sustained-release
Take 1 tablet(s) twice a day by oral route.

10/17/18 prescribed

Vaccines

None recorded.

Problems

Reviewed Problems

- Median nerve neuritis - Onset: 08/14/2018
- Complex regional pain syndrome, type II, lower limb - Onset: 04/30/2018
- Neuralgia/neuritis - ankle/foot - Onset: 04/10/2018
- Degenerative joint disease of hand - Onset: 08/16/2018
- Achilles tendinitis - Onset: 04/11/2018
- Tibialis posterior tenosynovitis - Onset: 04/11/2018
- Tendinitis of flexor carpi ulnaris - Onset: 04/23/2019
- Osteopenia - Onset: 06/21/2018
- Radial styloid tenosynovitis - Onset: 04/23/2019

Onset Date
are all within 2014

Family History

Reviewed Family History

Social History

Reviewed Social History

Orthopedic Surgery

Smoking Status: Never smoker

Non-smoker

Occupation: Realtor and 501c3 Nonprofit Founder/Marketing Director

Surgical History

Reviewed Surgical History

Past Medical History

Reviewed Past Medical History

Hypertension: Y

HPI

Wrist/Hand

Reported by patient.

Hand Dominance: right

Location: bilateral

Quality: stabbing; sharp

Severity: moderate

Duration: date of onset: (6/6/14)

Timing: chronic

Context: fall; work injury; fell onto both hands and fx'd right ankle

Aggravating Factors: pushing/pulling; gripping; grasping; squeezing

Associated Symptoms: tingling (to thumb and index finger, bilateral)

Previous Surgery: none

Prior Imaging: none

Work Related: yes

Working: OOW since July 2014

3 weeks increased left wrist pain. new new injury. ? See 8-14-2018 (Bilateral Wrist Pain) through June 2014

Bilateral Wrist Pain is not New New Injury

c/o knee pain on stairs

ROS

Patient reports arthralgias/joint pain.

Physical Exam

04-23-2019 9:30 AM

athena

>18778552004

D31 Ortho Specialists of Metro Washington • 2101 MEDICAL PARK DR, SILVER SPRING MD 20902-4053
MALLARD WC, ADRIENNE D (id #81796, dob: 09/24/1967)

pg 5 of 14

Patient is a 51-year-old female.

Constitutional: General Appearance: healthy-appearing, NAD, and normal body habitus.

Cardiovascular System: Edema Right: none. Edema Left: none.

Psychiatric: Orientation: oriented to person, place, and time. Mood and Affect: normal affect and mood and active and alert.

Hands and Digits: Inspection Right: no deformities, atrophy, swelling, warmth, mass, erythema, or palmar nodule and normal attitude. Inspection Left: no deformities, atrophy, swelling, warmth, mass, erythema, or palmar nodule and normal attitude. Soft Tissue Palpation Left: ulnar styloid / FCU. Thumb Left: normal A1 pulley, passive range of motion, and active range of motion and no subluxation of the CMC joint or pain CMC grind test.

Neurological System: Special Tests on the Right: Finkelstein's test negative. Special Tests on the Left: **Finkelstein's test positive.**

Skin: Right Upper Extremity: normal. Left Upper Extremity: normal.

n-v intact in both UE's

Procedure Documentation

DRO Corticosteroid Injection:

After discussion of the risks and benefits, the patient elected to proceed with a cortisone injection into the left wrist. Confirmed that the patient does not have history of prior adverse reactions, active infections, or relevant allergies. There was no effusion, erythema, or warmth, and the skin was clear.

The skin was sterilized with alcohol. Topical anesthesia was achieved with ethyl chloride. A 22 gauge needle was inserted into the joint via a lateral approach. The site was injected with a mixture of 1 mg Depo-Medrol and 2 cc 1% lidocaine. The injection was completed without complication, and a bandage was applied.

The patient tolerated the procedure well and was instructed to avoid strenuous activity for the next 24-48 hours and to use ice, NSAIDs, or Tylenol for pain as needed. The patient will call immediately with any signs of infection or allergic reaction.

The patient will return as needed.

Assessment / Plan

1. Radial styloid tenosynovitis

M65.4: Radial styloid tenosynovitis [de Quervain]

• TENOSYNOVITIS OF THE WRIST: CARE INSTRUCTIONS

2. Tendinitis of flexor carpi ulnaris

M77.8: Other enthesopathies, not elsewhere classified

3. Neuralgia/neuritis - ankle/foot

M79.2: Neuralgia and neuritis, unspecified

• Pennsaid 20 mg/gram/actuation (2 %) topical soln in metered-dose pump - APPLY 2 PUMPS (40 MG) TO THE AFFECTED KNEE(S) BY TOPICAL ROUTE 2 TIMES PER DAY Qty: 2 112 gm bottle(s) Refills: 3 Pharmacy: IWP/INJURED WORKERS PHARMACY

Generic Statement for Knee/Clearly for Ankle/Foot

Discussion Notes

Injection Counseling:

Surgery

Left 1st DC

We discussed various methods of treatment for this diagnosis, including both non-surgical and surgical treatment options. The procedure was discussed in detail, including rationale for proceeding with the procedure, specifics of the technical aspects of the procedure, and the expected post procedure course including the possible need for activity modification, therapy, and duration of expected recovery.

Risks to the injection include: pain, numbing, scar, infection, loss of motion, nerve or vascular injury, stiffness, skin discoloration, fat atrophy, or allergic reaction to medicine.

The patient voiced understanding of the procedure and risks, and the decision for injection was made

** he just came in w needle*

Adrienne Mallard v. New Day Temps, Inc.
DOB: September 24, 1967 / DOA: June 6, 2014

1. Do you agree that Ms. Mallard was most recently seen by your practice on August 14, 2018?

Agree

Disagree

2. Do you agree that it is appropriate for Ms. Mallard to follow up with her pain management physician, Dr. Pearson, for future treatment of her work-related injuries?

Agree

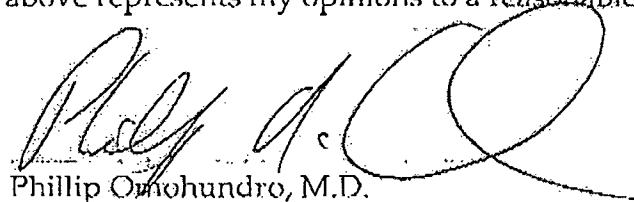
Disagree

3. Do you agree that you no longer need to see Ms. Mallard for her work-related injuries and that you defer to Dr. Pearson for her ongoing care for the work accident?

Agree

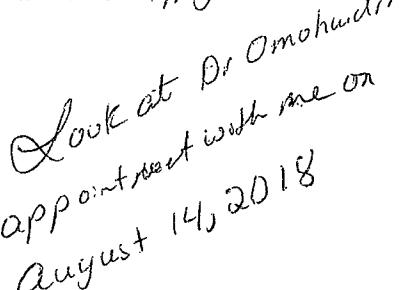
Disagree

The above represents my opinions to a reasonable degree of medical probability.


Phillip Omohundro, M.D.

Barry Thompson, PA-C


8/22/2018
Date
8 days after
my Dr. appoint


Look at Dr. Omohundro
Appointment with me on
August 14, 2018

Encounters and Procedures

Clinical Encounter Summaries

Encounter Date: 08/14/2018

Patient

Name	MALLARD WC, ADRIENNE (50yo, F) ID# 81796	Appt. Date/Time	08/14/2018 10:00AM
DOB	09/24/1967	Service Dept.	D31_Clinic Office
Provider	BARRY THOMPSON, PA		
Insurance	Med Primary: *SELF PAY* Med Worker's Comp: ACCIDENT FUND INSURANCE COMPANY OF AMERICA PCP : BATRA, RAJEEV Case # : 300000156796 Case Injury Date : 06/06/2014 Prescription: ESI1 - Member is eligible. details Prescription: ESI1 - Member is eligible. details		

Chief Complaint

Bilateral wrist problem

Patient's Care Team

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Primary Care Provider: BATRA, RAJEEV: 11120 NEW HAMPSHIRE AVE, #300, SILVER SPRING, MD 20904, Ph (301) 593-9612, Fax (301) 593-6290

Patient's Pharmacies

CVS/PHARMACY #1447 (ERX): 320 DOMER STREET, LAUREL MD 20707, Ph (301) 776-6660, Fax (301) 776-2539

Vitals

08/14/2018 10:28 am

Ht: 5 ft 10 in

Wt: 160 lbs

BMI: 23

Pain Scale: 4

Allergies

Reviewed Allergies

SULFA (SULFONAMIDE ANTIBIOTICS)

Medications

Reviewed Medications

Allergy (diphenhydramine) 25 mg capsule 10/10/17 filled

Fosamax 70 mg tablet 06/21/18 prescribed
Take 1 tablet(s) every week by oral route.

gabapentin 300 mg capsule 08/14/18 prescribed
1 to 2 capsules at bedtime

ketotifen 0.025 % (0.035 %) eye drops 10/10/17 filled

Lidoderm 5 % topical patch 08/14/18 prescribed
APPLY 1 PATCH BY TRANSDERMAL ROUTE ONCE DAILY (MAY WEAR UP TO 12HOURS.)

metoprolol succinate ER 50 mg tablet,extended release 24 hr 06/01/18 filled

Pennsaid 20 mg/gram/actuation (2 %) topical soln in metered-dose pump 08/14/18 prescribed
APPLY 2 PUMPS (40 MG) TO THE AFFECTED KNEE(S) BY TOPICAL ROUTE 2 TIMES PER DAY

Vaccines

None recorded.

Problems

Reviewed Problems

- Median nerve neuritis - Onset: 08/14/2018
- Complex regional pain syndrome, type II, lower limb - Onset: 04/30/2018
- Neuralgia/neuritis - ankle/foot - Onset: 04/10/2018
- Traumatic arthropathy of the hand - Onset: 08/14/2018
- Achilles tendinitis - Onset: 04/11/2018
- Tibialis posterior tenosynovitis - Onset: 04/11/2018
- Osteopenia - Onset: 06/21/2018

Family History

Reviewed Family History

Social History

Reviewed Social History

Orthopedic Surgery

Smoking Status: Never smoker

Non-smoker

Occupation: Realtor and 501c3 Nonprofit Founder/Marketing Director

Surgical History

Reviewed Surgical History

Past Medical History

Reviewed Past Medical History

Hypertension: Y

HPI

Wrist/Hand

Reported by patient.

Hand Dominance: right

Location: bilateral

Quality: stabbing; sharp

Severity: moderate

Duration: date of onset: (6/6/14)

Timing: chronic

Context: fall; work injury; fell onto both hands and fx'd right ankle

Aggravating Factors: pushing/pulling; gripping; grasping; squeezing

Associated Symptoms: **tingling (to thumb and index finger, bilateral)**

Previous Surgery: none

Prior Imaging: none

Work Related: yes

Working: OOW since July 2014

ROS

Patient reports **muscle aches, arthralgias/joint pain, swelling in the extremities, and cramps** but reports no muscle weakness, no back pain, no neck pain, no difficulty walking, no osteoporosis, and no fractures. She reports **gait dysfunction** but reports no loss of consciousness, no weakness, no numbness, no seizures, no dizziness, no migraines, no headaches, no tremor, and no paralysis. She reports no fever, no night sweats, no significant weight gain, no significant weight loss, no exercise intolerance, no chills, and no malaise. She reports no dry eyes, no vision change, no irritation, and no eye disease/injury. She reports no difficulty hearing and no ear pain. She reports no frequent nosebleeds, no nose problems, and no sinus problems. She reports no sore throat, no bleeding gums, no snoring, no dry mouth, no mouth ulcers, no oral abnormalities, no teeth problems, no ringing in the ears, and no sinusitis. She reports no chest pain, no arm pain on exertion, no shortness of breath when walking, no shortness of breath when lying down, no palpitations, no known heart murmur, and no ankle swelling. She reports no cough, no wheezing, no shortness of breath, no coughing up blood, and no sleep apnea. She reports no abdominal pain, no nausea, no vomiting, no constipation, normal appetite, no diarrhea, not vomiting blood, no dyspepsia, and no GERD. She reports no incontinence, no difficulty urinating, no hematuria, and no increased frequency. She reports no abnormal mole, no jaundice, no rashes, no laceration, no non-healing areas, no changes in hair/nails, no psoriasis, no change in skin color, and no breast lump. She reports no depression, no sleep disturbances, feeling safe in a relationship, no alcohol abuse, no anxiety, no hallucinations, no suicidal thoughts, no mood swings, no memory loss, no agitation, no dementia, and no delirium. She reports no fatigue. She reports no swollen glands, no bruising, no excessive bleeding, no anemia, and no phlebitis. She reports no runny nose, no sinus pressure, no itching, no hives, and no frequent sneezing.

Physical Exam

Patient is a 50-year-old female.

Constitutional: General Appearance: healthy-appearing, NAD, and normal body habitus.

Psychiatric: Orientation: oriented to person, place, and time. Mood and Affect: normal mood and affect and active and alert.

● **Wrists:** Inspection Right: no swelling and normal wrist appearance. Inspection Left: no swelling and normal wrist appearance. Palpation of the Radial Aspect Right: **tenderness of the first metacarpal (1st cmc joint).** Palpation of the Radial Aspect Left: **tenderness of the first metacarpal (1st cmc joint).** Active Range of Motion Right: flexion normal, extension normal, pronation normal, supination normal, radial motion normal, ulnar motion normal, and thumb motion normal. Active Range of Motion Left: flexion normal, extension normal, pronation normal, supination normal, radial motion normal, ulnar motion normal, and thumb motion normal. Strength Right: extension 5/5, flexion 5/5, pronation 5/5, supination 5/5, radial deviation 5/5, ulnar deviation 5/5, thumb 5/5, grip 5/5, and interossei 5/5. Strength Left: extension 5/5, flexion 5/5, pronation 5/5, supination 5/5, radial deviation 5/5, ulnar deviation 5/5, thumb 5/5, grip 5/5, and interossei 5/5.

Skin: Right Upper Extremity: normal. Left Upper Extremity: normal.

Neurological System: Sensation on the Right: normal median nerve distribution and distal extremities. Sensation on the Left: normal median nerve distribution and distal extremities. Special Tests on the Right: Tinel's sign negative and Phalen's test negative. Special Tests on the Left: Tinel's sign negative and Phalen's test negative.

Assessment / Plan

1. Median nerve neuritis

- G56.11: Other lesions of median nerve, right upper limb
- G56.12: Other lesions of median nerve, left upper limb

2. Neuralgia/neuritis - ankle/foot

- M79.2: Neuralgia and neuritis, unspecified
 - Lidoderm 5 % topical patch - APPLY 1 PATCH BY TRANSDERMAL ROUTE ONCE DAILY (MAY WEAR UP TO 12HOURS.) Qty: 60 patch(es) Refills: 3 Pharmacy: IWP/INJURED WORKERS PHARMACY
 - Pennsaid 20 mg/gram/actuation (2 %) topical soln in metered-dose pump - APPLY 2 PUMPS (40 MG) TO THE AFFECTED KNEE(S) BY TOPICAL ROUTE 2 TIMES PER DAY Qty: 2 112 gm bottle(s) Refills: 3 Pharmacy: CVS/PHARMACY #1447
 - gabapentin 300 mg capsule - 1 to 2 capsules at bedtime Qty: 60 capsule(s) Refills: 3 Pharmacy: IWP/INJURED WORKERS PHARMACY

● **3. Traumatic arthropathy of the hand**

- M12.541: Traumatic arthropathy, right hand
- M12.542: Traumatic arthropathy, left hand
- XR, WRIST

Side: BILATERAL Views (X-RAY, WRIST): PA, Lateral and Oblique

4. Achilles tendinitis

- M76.62: Achilles tendinitis, left leg

XR, WRIST

- Side: BILATERAL, Views (X-RAY, WRIST): PA, Lateral and Oblique

Review of xr, wrist taken on 08/14/2018 at D31_CLINIC OFFICE shows:

Imaging Studies:

Side: Left and Right.

Normal findings for age: no evidence of bony abnormality.

Degenerative changes of the carpus: mild.

mild DJD at 1st cmc joint, both wrist

Discussion Notes

Refill Pennsaid, Lidoderm patch, gabapentin 300mg

Spoke with field case mgr. Michael Quattrochi (410-251-3431 cell, 959-282-8637 fax)

8-14-2018 1st time
ever ~~as~~ Case Manager
Appeared at my
Dr. appointment

- Not in need of active orthopedic care, recommended to continue under care of pain mgt with Dr. Levi Pearson

Order FCE upon request

now all changes,
manipulative

Return to Office

None recorded.

Encounter Sign-Off

7/12/2019 2:41 PM FROM: APHI

TO: +13016815808



PO Box 40790
Lansing, MI 48901-9990
AccidentFund.com

07/12/2019

Dr. Omhundro
Fax# 301-681-5806

Re: Claim #: 300000156796
Policyholder: NEXT DAY TEMPS INC
Injured Worker: ADRIENNE MALLARD
Date of Injury: 09/06/2014
Date of Birth: 09/24/1957
Underwritten by: Accident Fund General Insurance Company.

Dear Dr. Omhundro:

Please note that any further visits with Dr. Omhundro are no longer authorized.

DOS: 07/24/2019 for Bilateral ankles is denied.

If you have any questions, please contact me at 517-708-5196.

Sincerely,

A handwritten signature in black ink that appears to read 'Zelda Hill'.

Zelda Hill
Claim Representative
Zelda.Hill@accidentfund.com
517-708-5196.

Enclosure(s)

Amanda Tapscott Belliveau
Direct Dial 804.775.3865
Facsimile: 804.775.3800
E-Mail: abelliveau@lawmh.com



October 15, 2019

By Regular Mail
Ms. Adrienne Mallard

Re: Claimant: Adrienne Mallard
Employer: New Day Temps, Inc.
Claim No.: 300000156796
DOA: June 6, 2015
JCN: VA00000934944

Dear Ms. Mallard:

This letter serves to inform you that no further treatment with Dr. Omohundro will be authorized at this time. Dr. Omohundro has opined that he has no further treatment to offer to you and has transferred your care to pain management specialist, Dr. Pearson. Additionally, per my prior emails and recent letter, the employer and carrier have authorized you to treat with a podiatrist (and have provided you with a panel), and have authorized orthotics.

Please note that treatment for conditions that are related to your work accident will be authorized. Please note that the employer and carrier will not be responsible for any treatment of conditions that have been denied by the Commission/Court of Appeals opinions in this matter, including CRPS/RSD, left hip, chondromalacia patellae of the left knee, and/or anxiety/depression.

Sincerely,

A handwritten signature of Amanda Tapscott Belliveau, which appears to read 'Amanda Tapscott Belliveau'.

ATB/smt
cc: Zelda Hill, Adjuster (by electronic mail)

3368312

Attorneys at Law | 1111 East Main Street, Suite 2100 | Post Office Box 796, Richmond, Virginia 23218-0796
Telephone 804.775.3100 | Facsimile 804.775.3800 | Website www.lawmh.com

June 4, 2020

VIA WEBFILE

Adrienne Mallard
Claimant – Pro se – Injured Worker

H' VA W^u
or lack of
VX Appendix
(610) 611

The Honorable

Deputy Commissioner John Nevin
Virginia Workers' Compensation Commission
3020 Hamaker Court, Suite 100
Fairfax, VA 22031

Claimant Response to Defense Continued Micro-Management of this Medical Case.

Defendants: Accident Fund/Next Day Temps (AKA) Model Home Temps

Jurisdiction Claim No. 934944

Claim Administrator File No. 300000156796

Injury date. JUNE 6, 2014

Dear Deputy Commissioner Nevin:

I am responding to the defendant's audacity to request dismissal of my Life-Long Catastrophic injuries case. The defense has absolutely no foundation to request such and since Commissions 1st Order, have been in CONTEMPT OF your very own COURT ORDERS and MEDICAL AWARD granted to me. Yet ignored.

On Tap

We are in the middle of probably the worse times Americans have seen in our lifetime. We are in the middle of a HEALTH CRISIS (what I have been experiencing past 6 years of this) with a worldwide Pandemic. We are in the middle of a FINANCIAL CRISIS. We are also in the middle of awareness of an EQUALITY OF JUSTICE CRISIS with Americans (and other countries) marching the past 10 days for the very same equality of "justice" I have been fighting for since I first stepped my broken foot/leg/ankle in the Virginia Workers Compensation Commission. Again, I just went to work and got injured off psychedelic steps not built to code. I had 3 jobs.

I am pleading for defense baseless request to be denied for the following reasons.

1. My hearing concerns the defense being in Contempt of Commissions Order. They STOPPED ALL OF MY MEDICALS AND PRESCRIPTIONS 1 ½ YEARS AGO. Of which are under Court Orders/Awarded to me.
2. Without my Awarded Medicals, I had to wait through a cancelation of my court date (noticed post marked day of canceled hearing). Now rescheduled.
3. No grounds to request for satisfaction of Awarded Damages to multiple Life-Long injuries when defense constantly Cuts-Off Medicals and Prescriptions (creating all the hearing). 30+

6e 11

diagnosed debilitating injuries never medically treated from defense (not Commission) medical cancelations in Contempt of Awards/Orders. My claims on contempt's ignored.

I would also like to motion inclusion in the upcoming hearing compensation payments. Since **June 6, 2014** injuries, I only had a brief part-time job but stopped because injuries got worse. I have been out of work with no workers compensation paid benefits while under heavy medical orders (denied by the defense). Last doctor's appointment informed I need surgery on my wrists.

The very last Workers Compensation pay I received was December of 2015. It is now June 2020. **Six years** under Virginia Workers Compensation Commission, I only received $1\frac{1}{2}$ years of paid compensation benefits, while no job, defense stopped scheduling my work and me trying to manage numerous life-altering injuries, multiple pains, cramping, spasms, no sleep and several diagnoses including spiral fractures, major depression, anxiety, agoraphobia, nerve damages...

I would also like to motion the Virginia Workers Compensation Commission to consider Ordering the defense to settle, providing me with a monetary settlement to close this case out because of its extreme circumstances. At this point, this is just harassment. I did nothing wrong. I only tried to inform the Commission I was not getting my Awarded Medical Treatment Commission Awarded me. To no avail. Commission did not enforce its own duties to enforce defense to adhere to its OWN ORDERS in the past 6 year, after my cries and pleads to the Commission for help needed. I was totally treated like my LIFE nor my HEALTH mattered. Imagine, law is not my field, Pro se I followed thousands of rules (or my case would have been thrown out) while I was forced to watch those in law knowing break rules. No one could even fathom how this looks to others and how I felt in disbelief. No one can even reach the level of light-years from tired as I am with this unfairness nor care how abuse will affect my life from now on from what I have seen. AND, I have to live with All of the Life-Long injuries. My world flipped inside out.... And then shredded. My life ruined. I will always defend my rights with my support.

I only asked for what was Granted to me, in return for speaking-up, everything was denied. Six long horrid special years ripped from my life. A child could have been born and now in 1st grade. Six years of torment, as if I did not have enough to deal with trying to handle thirty (30) plus injuries (all medically diagnosis by seasoned licensed physicians/most denied by Commission). I am asking from my heart because apparently, I am not wanted in this system.

The Defense request speaks to their humanity given all my diagnosed injuries, Awards and at a time like this.

Adrienne Mallard

cc: Defense attorney Amanda Tapscott Belliveau (by regular mail)

I

July 13, 2020

VIA WEBFILE

Adrienne Mallard
Claimant – Pro se – Injured Worker

The Honorable
Deputy Commissioner John Nevin
Virginia Workers' Compensation Commission
3020 Hamaker Court, Suite 100
Fairfax, VA 22031

**Claimant Request for Video Livestream Court Hearing on Defense Years of Contempt of
Commissions Orders/Awards without Enforcement by this Commission, and Micro-Management
Disregarding Years of Treating Physicians Medical Orders.**

Defendants: Accident Fund/Next Day Temps (AKA) Model Home Temps
Jurisdiction Claim No. 934944
Claim Administrator File No. 300000156796
Injury date. JUNE 6, 2014

Dear Deputy Commissioner Nevin:

As offered to many others, I motion requesting a Video Hearing for my next hearing on July 31, 2020. As you should know, I also have been diagnosed with agoraphobia (fear of leaving house...) by the defense IME. With the worldwide COVID-19 pandemic, it has gotten much worst.

I motion again to include my April 22, 2017 docketed filing to the Virginia Workers Compensation Commission which has never been addressed. Requesting a review and answer. Concerning my very detailed (3) THREE-HOUR-LONG (IME) INDEPENDENT MEDICAL EXAMINATION. Most are 15-30 min. As you know, THREE-HOURS is against several medical and known workers compensation commission rules. This was damaging to me.

Code Sec. 65.1-88(B) "is to place the cost of medical care on the employer and to restore the employee's good health" so that he may return to work.

I motion to include the absence of Due Process of the Law and Civil Rights, particularly because I am Black and without an attorney.

The 14th Amendment Section 1: ... nor shall any state deprive any person of life, liberty... without due process of law: nor deny to any person equal protection of the laws.

I motion to include absents of Due Process of the Law, concerning the Virginia Workers Compensation Commission withheld Sixty-Nine of my filed documents to the Court of Appeals of Virginia on my appeal. Against Virginia Supreme Court Rules.

The Supreme Court of the United States stated... "The words 'due process of law' were undoubtedly intended to convey the same meaning as the words 'by the law of the land' in Magna Carter."

I also motioned in my June 6, 2020 motion to include workers compensation payments. Last pay under Virginia Workers COMPENSATION Commission was December 2015... FIVE years ago.

Texas Commissioner of Workers' Compensation v. Accident Fund National Insurance Company, No. 20195866 involving Accident Fund Failure To Timely Comply With A Final Or Binding Contested Case Hearing Decision And Order.

Assessment of Sanctions,

"...failure to provide appropriate income benefits in a manner that is timely and cost-effective is harmful to injured employees and to the worker's compensation system of the state."

Fractured laws inconsistent within VAWCC own rules/Opinions as well as nationwide.

Code § 65.2-202(A) The Commission has the authority to punish for contempt or disobedience of its orders as is vested in courts and judges by § 18.2-456.

Code § 18.2-456(4) Misbehavior of an officer of the court in his official character... also authorizes courts to issue contempt sanctions based upon a party's "[d]isobedience or resistance... to any lawful process, judgment, decree or order of the court."

Code § 65.2-201 "In all matters within the jurisdiction of the Commission, it shall have the power of a court of record... to punish for contempt... and to enforce compliance with its lawful orders and awards."

Hudock v. Indus. Comm'n of VA., 1 Va. App. 474, 480,340 S.E.2d 168, 172 (1986). "This is a concomitant of judicial power, necessary to the proper and effective discharge of [the commission's] duties."

Id. At 481,340, S.E.2d at 172. That is, "[w]ithout the authority to cite and punish for contempt of its decrees and orders the Commission would be virtually powerless to enforce them."

The issues of Virginia Workers Compensation Commission (6) SIX-YEARS of imposed severe Justice Abuse towards me needs to finally be recognized and addressed. To name just a few.

➤ Disproportionate Rulings.

- Ignoring my (around) 15 filed docketed documents on defense Contempt of this Commissions Orders, not one Enforcement of own administrations Orders/Medical Awards in Six-Year.
- Heavily weighing 2017 Opinion on a 1-time IME unfairly without my (Claimant) review/response. Ignored my April 22, 2017 filed document warning of unprofessional/interrogating THREE-HOUR Long IME visit detailing doctors fabrications.
- Ruling in favor of defense fabrications stating, "I am working," denied paid compensation without any proof or paycheck from me working. Another hearing, I testified and filed proof I was newly hired as a contract worker, then denied paid compensation again, even with the Ultimate proof of my job search... actually getting hired.
- Removing my left severe knee injury Award months after I received Award while denying my claim for right knee associated. Records of Knees ongoing 6 years, beginning June 2014 (1st month). I broke my Left Foot/ Left Ankle / Left Leg injured Left Knee and Left/Right Wrist and was in a cast for FOUR MONTHS, undisputedly I will have issues on the Right.
- Medical rejections by the defense were not corrected by commission. NOTE: It is not the position of the defense to "reject" AWARDED MEDICALS. Complicity of fractured laws and defiance of Orders/Medical Awards over my health and the law. Harmful to my health, harmful to Workers Compensation Act and defies State Laws/Rules.
- I HAVE NOT RECEIVED MY PRESCRIPTIONS IN OVER 1 ½ YEARS! CUT OFF / REJECTED BY THE DEFENSE. THIS OFTEN OCCURS BECAUSE THEY ARE NEVER REPRIMANDED BY COMMISSION... Why hasn't the Commission protect me? Where is my Due Process?
- Withholding 69 docketed documents from Appendix on appeal to the Court of Appeals of Virginia. Against Rule...

Rule 2A:3(b)(c)(d)(e) upon appeal, the lower court (VAWCC) is to forward all documents to the higher court (CAVA).

Virginia Supreme Court - Record on Appeal

2A:3(b) The agency secretary shall prepare and certify the record as soon as possible after the notice of appeal and transcript or statement of testimony is filed and saved... the agency secretary shall, as soon as practicable or within such time as the court may order, transmit the record to the clerk of the court named in the notice of appeal.

2A:3(c) The record on appeal from the agency proceeding shall consist of all notices of appeal, any application or petition, all orders or regulations promulgated in the proceeding by the agency, the opinions, the transcript or statement of the testimony filed by appellant, and all exhibits accepted or rejected, together with such other material as may be certified by the agency secretary to be part of the record.

Stuart v. Palmer, 74 N. Y. 183, Judge Earl said "due process of law requires an orderly proceeding adapted to the nature of the case, in which the citizen has an opportunity to be heard.

Six years, I can go on. My case has not been handled properly and is disproportionate with other Virginia Workers Compensation Commission cases, as well as Nationwide workers compensation commission cases. This harmed my health, recover and my life. Also harmed my trust in this administrative body, understandably, after SIX-YEARS of Justice Abuse.

I should also finally be afforded Due Process under the law, and everyone who knowingly fractured known laws and knowingly ignored known laws should finally (after SIX years) be penalized for harming me.

It is imperative these issues be addressed properly and fairly handled.

This unfair case has numerous amounts of unresolved issues. Many have never been addressed by this administrative body. The combination of violations is inconceivable.

Undisputedly, all these issues are the makings of the defense disruptive behavior, this administrative body not addressing my filed docketed complaints on their contempt's of ORDERS/AWARDS granted to me, and known laws being fractured. As always in closing, I would not be filing this document, had the defense just followed the Virginia Workers Compensation Commissions Orders and Medical Awards granted to me.

Adrienne Mallard

VIRGINIA:
IN THE WORKERS' COMPENSATION COMMISSION

Opinion by NEVIN
Deputy Commissioner

August 17, 2020

ADRIENNE MALLARD v. NEXT DAY TEMPS INC
ACCIDENT FUND GENERAL INS CO, Insurance Carrier
ACCIDENT FUND GENERAL INS CO, Claim Administrator
Jurisdiction Claim No. VA00000934944
Claim Administrator File No. 300000156796
Date of Injury June 6, 2014

Adrienne Mallard
Claimant is Pro Se.

Amanda Tapscott Belliveau, Esquire
For the Defendants.

Hearing before Deputy Commissioner Nevin in Fairfax, Virginia on July 31, 2020.

PROCEDURAL HISTORY

This matter has a lengthy procedural history with which the parties are familiar. Briefly, a hearing was held before Deputy Commissioner Plunkett on May 26, 2016, regarding the claimant's February 26, 2016, March 4, 2016, and April 20, 2016, claims alleging an injury by accident to her left leg, left ankle and left foot, left hip, left knee, left wrist, right ankle, right wrist, and right elbow on June 6, 2014. The claimant also sought to include neuralgia, tendinitis of the left ankle and reflex sympathetic dystrophy (RSD) of the left ankle either as compensable consequences of these injuries or as an occupational disease. The claimant further sought an award of temporary total disability compensation, or alternatively, temporary partial disability compensation, commencing June 7, 2014.

By Opinion dated July 20, 2016, Deputy Commissioner Plunkett found that the claimant experienced a compensable injury by accident to her left leg, left ankle, and left foot based on a

diagnosis of a lateral malleolus fracture, distal end of the fibula, left ankle sprain, and foot pain. Deputy Commissioner Plunkett also found that these injuries resulted in tibial tendinitis, Achilles tendinitis and left neuralgia. Deputy Commissioner Plunkett further found that the evidence supported the conclusion that the claimant experienced injury to her left knee, right ankle (sprain), right wrist and left wrist. She denied claims for injury to the left hip, right elbow and RSD of the left ankle. Regarding the claimed periods of disability, Deputy Commissioner Plunkett found that the claimant was entitled to an award of temporary total disability compensation from June 7, 2014, through September 28, 2014, based upon a pre-injury average weekly wage of \$93.33. Deputy Commissioner Plunkett further found that the claimant's treating physician (Dr. Omohundro) determined that the claimant was capable of working full duty during visits in October 2015, November 2015, and January 2016.

In an Opinion dated June 6, 2017, Deputy Commissioner Kennard denied the claimant's claims of injury to her left hip and for chronic regional pain syndrome/reflex sympathetic dystrophy (CRPS/RSD) of the left foot and left leg. Also denied were claims of arthritis/degenerative joint disease, chondromalacia patella of the left knee, left knee "retinacular," radiculopathy, left shin splint, right knee injury, major depressive order, and the claimant's claim for vocational rehabilitation. Awarded were claimant's claims of left leg osteopenia, left plantar fasciitis, left metatarsalgia, left tarsal tunnel syndrome, left equinus gastrocnemius, and left ankle contracture. Deputy Commissioner Kennard's June 6, 2017, Opinion was affirmed by the Commission on December 6, 2017. On May 14, 2019, the Court of Appeals affirmed the Commission's December 6, 2017, Opinion.

In an Opinion dated January 22, 2018, Deputy Commissioner Cummins denied the claimant's claim for payment of a Wellbutrin prescription. The claimant was awarded pain management, physical therapy, podiatric/orthotic treatment, a TENS unit, alendronate prescription, lidocaine patches and a gabapentin prescription. In an Opinion dated January 29, 2019, Deputy Commissioner Cummins denied the claimant's claim for hypertension medication.

In an Opinion dated November 13, 2019, Deputy Commissioner Kennard denied the claimant's March 22, 2019, claims seeking modifications to her home including modifications of her living room, foyer and interior garage entrance and claims for an oven, extra padding and carpeting, a built-in shower seat, a handrail next to toilets and the addition of handrails outside of her home's front door and garage.

PRESENT PROCEEDINGS

This matter is before the Commission pursuant to the claimant's November 27, 2019, Claim for Benefits.¹ The claimant alleges continuing medical treatment with Dr. Omohundro has been denied, that she has been unable to obtain prescriptions, and that the defendants have engaged in improper medical management of her claim.

STIPULATIONS

There were no stipulations.

DEFENSES

The claim is defended on the basis that Dr. Omohundro referred the claimant to a pain management physician, Dr. Pearson, and that the claimant no longer requires active orthopedic

treatment. The defendants further aver that they continue to authorize the claimant's reasonable, necessary and causally related medical care.

PRE AND POST HEARING EVIDENCE

The defendants submitted a Designation of Medical Reports pursuant to Va. Workers' Comp. R. 2.2(b) (3). The unrepresented claimant did not submit a designation but represented to the Commission that she has submitted all her relevant medical records. The record closed at the conclusion of the hearing.

ISSUES

1. Additional medical treatment.
2. Prescriptions.
3. Medical management.

SUMMARY OF THE EVIDENCE

The following evidence was introduced, admitted and considered in connection with adjudication of the disputed issues:

1. Hearing testimony of the claimant, Adrienne Mallard.
2. Claimant's Exhibit 1, November 27, 2019, Claim for Benefits.
3. Defendants' Exhibit 1, Medical Records Designation, consisting of medical records from Victor Bracey, M.D., John Daken, M.D., Phillip Omohundro, M.D., Levi Pearson, M.D., Barry Thompson, PA-C and Active Physical Therapy.
4. Defendants' Exhibit 2, list of defenses.
5. Defendants' Exhibit 3, assertions regarding motion to dismiss.

¹ The defendants' May 18, 2020, Motion to Dismiss and June 1, 2020, Motion for Reconsideration and alternative Motion to Stay proceedings in this matter based on the claimant's failure to satisfy the May 14, 2019, award of

6. Defendants' Exhibit 4, Supreme Court of the United States denial of petition for rehearing dated March 30, 2020.
7. Defendants' Exhibit 5, email correspondence regarding podiatry and orthotics authorizations.
8. Defendants' Exhibit 6, October 15, 2019, letter from defense counsel regarding podiatry panel and orthotics.
9. Defendants' Exhibit 7, October 15, 2019, letter from defense counsel regarding authorized treating physician.
10. Defendants' Exhibit 8, email from the adjustor regarding authorized prescriptions.
11. Defendants' Exhibit 9, December 2, 2019, letter from defense counsel opposing the current Claim for Benefits.

The hearing testimony shall be briefly summarized. The claimant testified she wants to return to see Dr. Omohundro, and thought she last saw him in October 2019. The claimant testified she saw Dr. Pearson one time in 2018, and has not been authorized to return to him for additional treatment. The claimant testified she has not received medication prescribed by Dr. Omohundro, including Fosamax, Pennsaid, Gabapentin, Lidocaine and Dulcolax, and that she last received prescription medication in February 2019. The claimant testified that the defendants have engaged in improper medical management of her claim, are not adhering to Commission opinions, and that they have been permitted by the Commission to continue doing so. The claimant testified that the defendants have also written letters to her physicians misrepresenting both her condition and the legal posture of the claim.

damages entered by the Court of Appeals of Virginia are ~~gl~~ DENIED.

On cross-examination, the claimant apparently acknowledged that a prescription for Wellbutrin, an antidepressant, was not authorized by the Commission. The claimant acknowledged that she takes Pennsaid cream for her knees and for cramping. The claimant denied that Dr. Omohundro is a "family friend," but acknowledged that he went to school with her father.

When given the opportunity to make a statement, the claimant testified that the defendants ignored her initial claims for pain management, and that it was an issue for over a year before being approved. The claimant testified her telephone calls have not been returned, and that she does not approve of the questionnaires that have been sent to her physicians. The claimant referred the Commission to prior opinions in her case, and testified she has had difficulty receiving prescriptions for Fosamax to address her bone density issues. The claimant testified that Dr. Omohundro prescribed Pennsaid, but that the defendants changed the prescription. The claimant testified that she has difficulty applying the medication prescribed because of problems she has with her wrists. The claimant referred the Commission to several items of correspondence she has written, including letters written on or about June 12, 2019, and July 13, 2020. The claimant alleged several violations of law, and stated that the Commission has not "punished" the defendants for violating the law. The claimant stated that her life has been ruined, and that her rights have not been protected. The claimant testified she has been unable to find counsel to represent her, and referred the Commission to several provisions of the Act which she believes support her claim. The claimant testified that prior orders of the Commission have been disregarded, and cited a number of cases supporting her position that her claim has been

improperly handled. The claimant stated her opinion that she has been retaliated against because she appealed a decision to the Court of Appeals, and asked when her rights will be protected. The claimant also alleged she is the victim of judicial or justice abuse.

FINDINGS OF FACT AND DETERMINATIONS OF LAW

Upon our review of the medical record and the prior decisions in the case, the claimant's primary treating physician was Dr. Omohundro, an orthopedic surgeon. On August 14, 2018, Dr. Omohundro's physician's assistant noted the claimant's chief complaints of bilateral wrist problems and reviewed her medications. The physician's assistant reviewed the claimant's symptoms, and stated clinical impressions including median nerve neuritis, neuralgia/neuritis of the ankle/foot, Achilles tendinitis and degenerative joint disease of the hand. The discussion notes indicate that prescriptions for Pennsaid, Lidoderm patch and gabapentin would be refilled, and that the claimant was not in need of active orthopedic care. The recommendation was stated that the claimant should continue her care with the pain management specialist, Dr. Pearson. On August 22, 2018, Dr. Omohundro responded to a questionnaire and indicated that the claimant was most recently seen by his practice on August 14, 2018. Dr. Omohundro further indicated it was appropriate for the claimant to follow up with her pain management physician, Dr. Pearson, for future treatment of her work-related injuries, and agreed that he no longer needs to see the claimant for her work-related injuries and that he deferred to Dr. Pearson for her ongoing care for the work accident. The claimant saw Dr. Omohundro again on April 23, 2019. The discussion notes contained in the report indicated her continuing complaints in her lower extremity and that "many of these are aging changes," and exercise programs were apparently discussed. The

claimant was advised to continue with her current medication, and "no active orthopedic issues" were noted. The record contains a notation that the claimant was apparently not seeing Dr. Pearson. The claimant apparently requested a prescription for Wellbutrin and a referral to a psychiatrist, both of which were considered "unrelated to her prior injury."

On October 11, 2018, Dr. Pearson responded to a questionnaire, and indicated in relevant part that he saw the claimant for pain management upon referral from Dr. Omohundro. Dr. Pearson further indicated that he recommended a number of potential treatment options to the claimant, but that she did not follow up with his office as recommended. Dr. Pearson further indicated that he has not refused to see or treat the claimant.

On this record, we determine that the claimant's treating orthopedic surgeon, Dr. Omohundro, has determined that she no longer needs active orthopedic care, and that he referred her to a pain management specialist, Dr. Pearson, for ongoing treatment of her work-related injuries. We shall therefore not authorize the claimant's continuing treatment with Dr. Omohundro at the defendants' expense. The claimant apparently saw Dr. Pearson once, on or about June 13, 2018, and has not returned for continuing treatment. We are not persuaded on the record before us that the defendants refused to authorize continuing treatment with Dr. Pearson, and we strongly recommend that the claimant return to him for current evaluation and treatment of her work-related injuries.

We are also not persuaded that the claimant has been denied authorization for medication prescribed by her treating physicians for treatment of her causally related conditions. Although not readily apparent from the record, we suspect that, to the extent the claimant may have

experienced some difficulty refilling prescriptions, such difficulty may be related to the fact she has not seen Dr. Omohundro for over a year and has not seen Dr. Pearson for over two years. Again, we strongly recommend that the claimant return to Dr. Pearson for an updated assessment of her condition, treatment recommendations and renewal of prescriptions for medications necessary to treat her work-related injuries.

Lastly, we are not on this record persuaded that the defendants have engaged in improper medical management of the claimant's treatment. We recognize that the defendants have been previously cautioned from engaging in activity that "smacks" of medical management, but we are not persuaded by the claimant's testimony and her perception that the defendants are interfering with her medical care. We note in this regard that it is not improper for the defendants to solicit information from treating physicians by requesting questionnaire responses.

Accordingly, the November 27, 2019, Claim for Benefits is DENIED, but the claimant remains entitled to receive reasonable, necessary and causally related medical treatment for her work-related injuries for as long as necessary, pursuant to Va. Code § 65.2-603, as set forth above.

This case is removed from the hearing docket.

REVIEW

Any party may appeal this decision to the Full Commission by filing a Request for Review with the Commission within thirty (30) days of the date of this Opinion.

Amanda Tapscott Belliveau

From: Davis, Kay <Kay.Davis@accidentfund.com>
Sent: July 23, 2020 11:14 AM
To: Amanda Tapscott Belliveau
Subject: Claimant Adrienne Mallard/Employer: Next Day Temps Inc / Claim #30000156796

The prescriptions of Gabapentin, Alendronate and Lidocaine 5% patches dispensed by Dr Omohundro, and his PA Barry Thompson, are approved under the work comp claim for Adrienne Mallard.

Thanks,

Kay Davis

Claim Representative III
Office: 517-708-6911 | Fax: 866-437-7698
Kay.Davis@accidentfund.com

AccidentFund.com

Your health and safety are important to us. Please visit our website for important COVID-19 related information and the [CDC](#) for the latest updates on the pandemic.



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September 15, 2020
Adrienne Mallard
Claimant-Injured Worker

WEB-FILE

Virginia Workers' Compensation Commission
333 E. Franklin Street
Richmond, VA 23219

**Claimant's Official Appeal to the Virginia Workers Compensation Commission Full Commission
Concerning Deputy Commissioner Nevin August 17, 2020 Opinion. Also, Requesting an Oral Argument.**

Defendants: Accident Fund and Next Day Temps (AKA) Model Home Temps.

Record No. 0028-18-4

Injury Date: June 6, 2014

Virginia Workers Compensation Commission:

Appealing Deputy Commissioner Nevin's opinion to the Full Commission- Virginia Workers Compensation Commission. The hearing on July 31, 2020 concerning claimant (myself) November 27, 2019 filing in the Virginia Workers Compensation Commission (VAWCC) on the defenses (Accident Fund and Next Day Temps/Model Home Temps) disturbing actions, disobeying VAWCC Court Orders and Awards for over Five years now. Since May 2016.

- **Prescriptions stopped since February 2019.**
- **Defense also stopping Awarded Medical Treatment**
- **Defense Dangerously and Continuously Manipulating my Claimant.**
- **Defense Manipulating Physicians.**
- **VAWCC never addressing, demanding cooperation, or even enforcing your own orders/awards.**

Or D
no Hear

As in my November 27, 2019 filing, I am still overly concerned "... my years of filing on defense abusive and destructive behavior history remains overlooked..." I also mentioned, to date, my April 22, 2017 filing has never been addressed concerning defense IME Dr. Daken 3 1/2 hour long IME appointment and submitted evidence. Although, included in November 27, 2019 filing for this hearing, overlooked again. I will file again, as well as numerous other November 27, 2019 filings that were not addressed, again.

Rey J
Prescrip
med

Many disturbing factors in my case. One being I filed November 27, 2019 informing VAWCC defense is again disobeying your own orders constantly, and I have not received my prescribed prescription since February 2019. At this point, NINE (9) months have already passed without me having my prescriptions and the VAWCC who has hearing and make extremely important decisions concerning our (injured workers) health and recovery, which controls our medical treatment is not already concerned in November 2019 about my (a claimant/injured worker) condition? Hearing is not set until I think March 2020. Then canceled because of Covid-19, for some reason I was not scheduled for virtual hearing like others. Just canceled. Then rescheduled for July 31, 2020. Already, no regards for defense manipulation and mistreatment of my case and no care that they denied my prescriptions again, which they have a long history of doing. Today, 10

952
Prescript

months from filing and 19 months (1 1/2 years) since my last prescription, and not one care for health or rules from VAWCC. Nor did Commissioner Nevin's opinion seem to be concerned with me not having my prescriptions and denied medical care for 1 1/2 years while favoring the defense with no evidence. When or will the VAWCC ever defend and support my rights in an opinion? Why do VAWCC opinion seem to forcefully search to favor the defense years of wrongdoing, and cannot seem to be fair and balance with me in my own case when I have all of the evidence? This, when the defense is disrespecting and disobeying your very own Orders and Medical Awards. Yet, provide me with disproportionate opinions compared with other VAWCC cases? I noticed opinion with no case examples.

Inconceivably, for the law and rules set forth by the Workers Compensation Act, as well as the Supreme Court of Virginia, Civil Rights Laws... Justice Abuse continues to reign in my case, as violations of the law continue by the entire defense, with VAWCC refusal to protect my rights and my health under the Workers Compensation Act, and shockingly refusal to not enforce own Orders/Award granted to me. As I mentioned during hearing, it is a Federal Offence for officials to break known laws.

Code §65.2-202(A) "The Commission has the authority to punish for contempt or disobedience of its orders as is vested in courts and judges by § 18.2-456."

A few particularly important details missing from the Summary of Evidence in this opinion I am appealing. In my attempt to encourage fairness, I listed them below:

1. On page 5, opinion (states I said) I have not been authorized to return to Dr. Pearson. Important fact, it took defense from October 19, 2016 to June 2018 to approve (defense designation #2), only after awarded pain management in hearing, as Deputy Nevin states in his opinion, Deputy Commissioner Cummins Awarded me Pain Management.
2. After my June 13, 2018 pain management appointment, needing authorization for treatment, I testified, the defense ignored Dr. Pearson's office calls and emails (as well as mine) for months to get authorization. We received no response, but defense sent pain management one of their questionnaires on October 11, 2018 for them to answer (right before another hearing) using doctor for their benefit. And still did not even have the courtesy to give them the approval. **United Airlines, 58 Va. App. At 237-38** "...determination regarding causation need not be based solely on medical evidence and may consider a claimant's testimony." Mine never considered/Disproportionate Rulings
3. On page 6, I testified Pennsaid is prescribed by Dr. Omohundro for the cramping of both of my calf muscles, ankle & feet and is what I use it for as prescribed to me because of cramping day/overnight and driving.
4. I testified to the fact defense questionnaires are misleading/trickery and manipulative. To only state I do not approve of questionnaire (don't recall) is very dismissive to my side and actual events, and dismissive to the defense manipulation. Example: To be specific with actual details, defense changing my prescribed Pennsaid 2.0 prescription to Diclofenac 1.5 (no my physician changing), the Declofenac has incorrect dosage, it requires Forty (40) drops twice a day. Totaling Eighty (80) drops I have to squeeze this bottle, saturating my legs. Ridiculous, and needing wrist surgery. I showed instructions on screen during virtual hearing. Opinion without specific details is detrimental to claimant case. I notice brief statements in opinion tends to be dismissive to my side and seems to just brush away my factual evidence of my case to frame the picture in a particular light.

Par
magn

Question
unanswered

Charge prece

253

Contradict
PT Par
manipulation
953
Par M81

5. On page 7, important details were omitted from my April 23, 2019/April 18, 2019 doctor appointment as noted in Commissioner Nevin's opinion. Physical therapy Notes state reduced strength and range of motion in knee, difficulties with various ADL's due to pain. If "no other orthopedic issues?" Why did I receive another **Referral Order (same day) to physical therapy** for diagnosis **Complex Regional Pain Syndrome, Type II**. Either Dr. Omohundro is being pressured by defense again or he erred typing. Notice I am the only one in 6 years without contradiction. **65.1-88** To place the cost of medical care on the employer and to restore the employee's good health "so that he may return to useful employment as soon as possible.
6. On page 8, opinion states Dr. Omohundro makes note of me not seeing Dr. Pearson. Opinion forgets I have been sexually assaulted by past primary care physician & stress test technician, during a stress test!!!! My trust is gone, I cannot go to a male doctor other than Dr. Omohundro whom I've been going to for over 6 years. This administrative body has my filing asking for a female IME, then cruelly Ordering me to go anyway. Brushing my side of the evidence away by not Including items supporting my side, or even simply caring about my case. Disproportionate

Never mentioning anything favorable in the notes for my side. Always framing picture around defense omitting important facts. Never fair, equal, balanced, proportioned in **Finding of Facts and Determinations of Law**.

Due Process of Law Fair treatment through the normal judicial system.

OPINIONS

JULY 20, 2016 Commissioner Plunket **AWARDED** in favor of claimant/against Next Day Temps/Accident Fund providing (payment of benefits/medical benefits awarded Left Leg/Left Foot/Left Ankle/Right Ankle/ Left Wrist/Right Wrist/Left Knee/tibial tendinitis/Achilles Tendinitis/Neuralgia).

JUNE 6, 2017 Commissioner Kennard **AWARDED** in favor of claimant/against Next Day Temps/Accident Fund (Medical benefits Awarded pursuant to Section 65.603 of the Workers Compensation Act for as long as necessary).

JAN. 23, 2018 Commissioner Cummins Awarded in favor of claimant/against Next Day Temps/Accident Fund (payments of medical benefits for as long as necessary pursuant to VA Code 65.2-603 including but not limited to Pain Management, Physical Therapy, Podiatrist, Orthotics, Alendronate, Lidocaine Patches and Gabapentin). * NOT LIMITED TO* Includes Dr. Omohundro's Pennsaid Prescription. Also reminds defense medical **management & control over treatment is for the treating physician (Dr. Omohundro)**. Not to be directed by employer. Cautioned defendants from engaging in ANY activity that smacks of medical management. Claimant is not required to seek permission for every little item recommended by treating physician.

Important dates in order which tell the true story of manipulation and case abuse:

no apt • **October 19, 2016** referred to Pain Management "consultation" for "additional" treatment of her pains and "possible" medical management. Defense ignored. Defense designation #2

• **October 27, 2017, My file on defenses Denial of Physical Therapy/Pain Management/Prescriptions Ceased from Non-Payment.** I am asking for pain management!

Pain Mgt

r. O apt

- **April 30, 2018** Dr. Omohundro refers me to Pain management CRPS for COMPLEX REGIONAL PAIN SYNDROME TYPE II. Referral Order states, "please evaluate for tx of CRPS both LE's. Defense designation #4
- **January 22, 2018**, As Deputy Nevin states in his opinion, Deputy Commissioner Cummins Awarded me Pain Management (I had to file because defense obvious refusal), physical therapy, lidocaine patches, alendronate, gabapentin...
- **June 13, 2018** Pain Management Appointment. Cannot return for treatment, Ignored by defense
- **August 11, 2018**, past primary care physician Dr. Batra and his heart stress test technician sexual assaulted against me.
- **August 14, 2018** Micromanagement of defense. Case nurse manager pops up at my doctor's appointment introduces himself to me. Defense designation #8 Dr. Omohundro notes Degenerative joint disease of hand right and left. Refill Pennsaid/Lidoderm patch, gabapentin 300 mg. Spoke with CASE NURSE, NOW NO NEED OF ACTIVE ORTHOPEDIC CARE.
- **August 22, 2018** Defense micromanagement. Questionnaire to Dr. Omohundro questioning ongoing care. Although, it seems Dr. Omohundro may have been misled by questions and defense manipulative pressure, it is extremely apparent my multiple injuries include both feet, both legs, (hip and knee listed in medical electronically signed for the past 6 years with first diagnosis on June 25, 2014), and both wrist which Dr. Omohundro consulted me on surgery after injection. Also, extremely obvious Dr. Levi cannot conduct surgery on wrist. He is a pain management, which does not fix injuries, it masks them. Also, apparent my filings are ignored in this VWCC, this opinion encourages me to attend an appointment I have been denied going to (I filed October 2017) about pain management, medical mistreatment and cancelations of appointments, no prescriptions) and this doctor is a male doctor of which I now cannot see after being sexually assaulted by my past primary care physicians. Common sense. I requested female IME 1 month prior to appointment ordered by VAWCC twice to see male IME. I panicked when my Dad could not go in room with me. I filed all of this in this administration and encouraged to see a male doctor? The problem rest with dates of defense letters, the leading questions they ask and the events taking place at that time. Defense designation #9 Retaliatory.

r O apt

- **October 11, 2018** Defense questionnaire to Dr. D. Levi Pearson Defense designation #10
- **October 17, 2018** Appointment with Dr. Omohundro. Missing page 7 (Pennsaid). Numbness/tingling in toes and dorsal-lateral foot, pain medial and lateral foot/ankle along peroneal & posterior tibial tendons. Ankle & calf pain with sitting and driving. Knee limitation crossing left limp. Defense designation #11
- **November 20, 2018** Defense IME Dr. Louis Levitt stating Complicated CRPS.
- **December 11, 2018**, Defense sends another questionnaire out to IME Dr. Levitt who answers.
- **February 26, 2019** Wrist injection for pain, consulted on wrist surgery procedures, expected recovery, therapy... Dr. Omohundro notes on page 5 of Defense's Medical Designation #12 "... the patient will return as needed." My last appointment. Denied return to my treating physician ever since. Denied my prescription. As a matter of fact, it's February 2019 (this exact time) my prescriptions were STOPPED. Defense designation #12
- **April 18, 2019** Dr. Omohundro appointment. In physical therapy. Notes say physical therapy reduced strength and range of motion in knee, difficulties with various ADL's due to pain. Also, another Referral Order to physical therapy.
- **July 12, 2019**, defense Accident Fund Insurance faxes letter to Dr. Omohundro's office stating, "...any further visits with Dr. Omohundro are no longer authorized." "DOS: 07/24/2019 for Bilateral

micromanagement

questionnaire

Dr. O Left
Visits Staff
WristFree
PT

ankles is denied." I have an award for ankle. Submitted by webfile as evidence. **Code §18.2-456(4)** Misbehavior of an officer of the court in his official character... also authorizes courts to issue contempt sanctions based upon a party's "[d]isobedience or resistance... to any lawful process, judgment, decree or order of the court."

- **October 15, 2019** I receive letter from defense attorney Amanda Tapscott Belliveau, stating no further treatment with Dr. Omohundro will be authorized. Dr. Omohundro has opined no further treatment and transferred my care o pain management. Yet at time I already had a schedule appointment. Submitted by webfile as evidence
- **October 29, 2019** Arrived for appointment with Dr. Omohundro to find it was cancelled. They said they just got off phone with defense and they said I lost my case and no further treatment.

*Cn Opp^t
Cn
Dr Omohundro*

Seems the VAWCC should be concerned about my health. Concerned, with find out why and who stopped my prescription. Under the Workers' Compensation Act, VAWCC duty is to protect my rights. It does not say at all cost cover for the defense's fractions of law, or not to enforce rules/opinions (especially your own). At this point, the defense and the VAWCC have knowingly fractured laws.

Disproportionate Rulings Unequal, not the same rulings as others with similar cases.

Nanochemonic Holding v John McKinney "Under doctrine of compensable consequences, a claimant may recover for any injury that results from an employment accident even if the injury does not develop until some future time." Court of Appeal of Virginia. Same state, all of mine were denied. Disproportionate Rulings.

The Defense has a very long 6 years of being in contempt. This is a known fact.

The Defense has a very long 6 years record of obviously disobeying VAWCC Orders and Awards.

When corruption has no accountability, it continues on.

- a. **Code 65.2-201(A)** "It shall be the duty of the Commission to administer this title and adjudicate issues and controversies relating thereto... to punish for contempt."
- b. **Code Sec. 65.199(B)** "is to place the cost of medical care on the employer and to restore the employee's good health." Not ruin in retaliation.

COURT OF APPEAL OF VIRGINIA – The Cura Group, Inc. v VAWCC. 2005 Cura Group, Inc. appeals assessment of thirty-four fines, failure to appear hearing. Code 65.2-202(A), Code 18-2-456, Code 18.2-456(5), Code 65.2-201(A), 16 VAC30-50-20(12), Hudock v. Indus Comm'n of Va., 1 Va. App. 474, 480, 340 S.E.2d 168, 172 (1986)... authorizes courts issue contempt sanctions on disobedience/resistance, punish for contempt, enforce compliance with lawful orders/awards... My case... own orders are disregarded, contempt continues.

In Lab. Code, 5814, cf, Kerley v Workmen'sComp. Ap Bd, (1971) 4 Cal. 3d. 223, 227 [93 Cal. Rptr. 192, 481 P.2d 200] "... payment of compensation has been unreasonably delayed or refused, a penalty may be imposed."

Simple facts in opinion omitted my side of the facts, same as when I appealed to Court of Appeals of Virginia. **2A:3(b)** The agency secretary shall prepare and certify the record as soon as possible after the notice of appeal... transmit the record to the clerk of the court named in the notice of appeal. This time, a vital fact supporting my side of my case. Defense medical designation #12, my last appointment with Dr. Omohundro was on **February 26, 2019**. In his electronically signed notes states Radial Styloid Tenosynovitis of wrists/Tendinitis of Flexor Carpi Ulnari, Neuralgia/Neuritis. A Corticosteroid Injection was given to me, he discussed surgical options, procedures, post procedures, possible need activity modification, therapy,

and duration of expected recovery. Defense cut everything off and to not deal with my wrists. **Code Sec. 65.199(B)** "is to place the cost of medical care on the employer and to restore the employee's good health." Not retaliation. Lastly, notes state "The patient will return as needed."

1. Pain management doctor prescribes pain medicine. They do not perform surgery.
2. Orthopedic specialists can perform surgical and non-surgical treatments to alleviate pain.
3. Dr. Omohundro's referrals to pain management were all for CRPS. So, is the VAWCC and defense finally admitting I have CRPS, along with my proven evidence of FIVE physicians (including defense 2018 IME) having over 100 years of medical practice experience and a CAT-SCAN?

Opinion states "we" are not persuaded multiple times. Who else is the opinion by Commissioner Nevin referring to? The defense?

Id. At 481,340, S.E.2d at 172. That is, "[w]ithout the authority to cite and punish for contempt of its decrees and orders the Commission would be virtually powerless to enforce them." In my case

Rule 5:10(b) commits dispute to the trial court when case was not afforded equal "Due Process of the Law" ^{Due Proc}
9 Legal Abuse- "Abuses can originate from virtually every part of the legal system... attorneys, law enforcement and judiciary can abuse the system... more often intentionally. Legal abuse can also be systemic, such as when the principles, processes, and consequences of law itself encourage and enable individuals to legally harm others." https://en.wikipedia.org/wiki/Legal_abuse.

My case is extreme, and for no other reason but for the defense neglect, manipulations, discrimination, and abusive nature towards my case, fracturing known laws as if VAWCC is lawless.

No doubt, without defense punishment after a rolling 5 years of constant contempt of your own court Orders/Awards, and without the VAWCC acknowledging defense flagrant abuse and enforcing penalties, they will continue and get to an unimaginable level throughout injured workers cases. Maybe no one cares. Many are appalled by the level of abuse and fractured laws in this case and are behind me. The ones who broke laws need to own up to it. Me, my case or complicity is not a hiding place. If VAWCC refuses to be fair and equal with my case, then maybe we all need to have a conference to come to a decision. As I mentioned in my testimony, I signed up under VAWCC because (defense was not insured) by LAW, you are to protect My Right Too. But you do not and have not. This breaks the law, Worker's Compensation Act and breaches VAWCC agreement with me.

Adrienne Mallard

Adrienne Mallard

CERTIFICATION OF SERVICE

I Hereby Certify that on September 16, 2020, another copy of my Appeal to the Full Commission of the Virginia Workers Compensation Commission was served, by first class mail prepaid to both Defendant. to the defense. *Adrienne Mallard*

McCandlish Holton

Attorney, Amanda Tapscott Belliveau

1111 East Main Street

Suite 2100

Richmond, VA 23218

M

March 30, 2021

Adrienne Mallard
Claimant – Injured worker

Marjorie P. Platt, Clerk
Virginia Workers' Compensation Commission
333 E. Franklin Street
Richmond, VA 23219

Claimant Official NOTICE OF APPEAL to THE COURT OF APPEAL OF VIRGINIA
(Opinion Dated March 5, 2021)

Defendants: Accident Fund General, Ins./Next Day Temps (AKA) Model Home Temps
Jurisdiction Claim No. 934944 / Claim Administrator File No. 300000156796
Injury date. JUNE 6, 2014

Dear Marjorie P. Platt:

I (claimant) am informing the Virginia Workers Compensation Commission of my decision to file for an Appeal in The Court of Appeals of Virginia, concerning the Virginia Workers' Compensation Opinion dated October 5, 2021.

I am saddened the Virginia Workers Compensation Commission refuses to protect my rights as noted in your agreement with me. Nor honoring the commissioner's duty to enforce opinions - especially your very own opinions granting my Medical awards. The Virginia Workers Compensation Commission has breaching our contract.

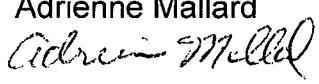
Allowing **defendants** continuous years in contempt of your orders, manipulating case, cancelling/**denying my Awarded medicals**, and ending my **Awarded prescriptions** two (2) years. The commissions March 5, 2021 opinion answers, irrationally removing my treating physician of 6+ years (provided my prescriptions since 2014) and orders me to a male doctor I only visited once 3-years ago. After, my letter informing the commission, a previous primary care male physician and his male technician sexually assaulting me (2018), and I am not ready (nor do I think I will every be) to go to a male doctor.

With Virginia Workers Compensation Commission having knowledge of the assault, and my request for a female IME, this commission shockingly and without looking out for my rights, ordered me again to the male IME. 150 6.1.20

Also, with knowledge of the assault, this commissions March 5, 2021 opinion deliberately orders me to another male doctor, then dumps their unresolved/2-year issue overlooking awarded medicals on me by ordering me to another male doctor for prescriptions. When my workers comp treating physician only needs to call/order prescriptions, as they have done so since June 2014. However, still not acknowledging 2 years of no medical treatment, nor pay, nor my request to correct status from full-time to unemployed. I never worked full-time since June 6, 2014 work injury, nor worked for Next Day Temps since 2014. This is workers compensation?

Throughout the years, this commission has ignored rules in my case, overlooked my filings/evidence on commissions abuse, not scheduling hearings on abusive issues, blatant retaliation during my 2017 appeal, throughout and present. Abuse persists without any accountability, correction nor resolution.

The Virginia Workers Compensation Commissions errors are not mine to carry.

Adrienne Mallard


CERTIFICATION OF SERVICE

I Hereby Certify that on March 30, 2021, another copy of my Notice of Appeal was served by Virginia Workers Compensation Commission webfile, VACES webfile and first-class mail prepaid to Respondent McCandlish Holton Attorney, Amanda Tapscott Belliveau 1111 East Main Street, Suite 2100 Richmond, VA 23218.

Adrienne Mallard


VIRGINIA: IN THE COURT OF APPEALS OF VIRGINIA

ADRIENNE MALLARD)
Appellant,)
V) Record No.: 00321-21-4
NEXT DAY TEMPS, INC.) VWCC No.: VA00000934944
ACCIDENT FUND GENERAL INS. CO.)
VIRGINIA WORKERS COMPENSATION COMMISSION)
Appellee,)
=====)

APPEAL FROM THE VIRGINIA WORKERS COMPENSATION COMMISSION

BRIEF OF APPELLANT

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STATEMENT OF ASSIGNMENT OF ERRORS

VAWCC NOT ENFORCING OPINIONS

The July 20, 2016 Virginia Workers Compensation Commission (VAWCC) Opinion (*needs to be added to APPENDIX*) awarded Appellant payment benefits and medicals for Left Leg/ Left Foot/ Left Ankle/ Right Ankle/ Left Wrist/ Right Wrist/ Left Knee/ tibial tendinitis/ Achilles Tendinitis/ Neuralgia. Code of Virginia §65.2-201 details Commissioner's duty to correct, enforce Opinions. It is Unconstitutional conduct and violates both the Workers Compensation Act and Virginia Rules for VAWCC to not enforce Medical Opinions, not having Appellee's comply with Awarded medicals unlawfully allowing contempt of orders, allowing Appellee's consistent years of contempt of VAWCC Opinions, and not sanctioning Appellee's for disobeying VAWCC medical Opinions Awarded to Appellant. (All of evidence but listing 994, 995, 951-955, 615, 610-611, 653 VAWCC non-enforcements also violates the Virginia Workers Compensation Rules, the Workers Compensation Act and the Judges/Commissions Oath *Scheuer v. Rhodes*, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974) The U.S. Supreme Court stated, "...When a judge acts as a trespasser of the law... when a state officer acts under a state law in a manner violative of the Federal Constitution, he comes into conflict with the superior authority of that Constitution."

It is Unconstitutional and violates 14th Amendment Due Process of the Laws, for the Appellee's and Virginia Workers' Compensation Commission to ignore the treating physician of over 6 years medical diagnosis, referrals, to cancel/not approve Awarded treatments, stop Awarded prescriptions since February 2019, and change treating physicians' prescription and dosage as indicated in Appellants November 27, 2019 filing bringing about this appeal (appx. 563-567). The Judicial Misconduct also violates the Workers Compensation Act. It is Unconstitutional for VAWCC to allow Appellee's years to unlawfully manipulate this case

Is it Unconstitutional and against the Workers Compensation Act for the VAWCC August 17, 2020 Opinion (appx. 948,949) to decide on issues other than Appellants filed issues on case manipulation, VAWCC not enforcing opinions, ignore filed issues on judicial misconduct without Due Process Appellant November 27, 2019 filed matter before the Commission (appx. 563-567). Also, other than Commissioners three hearing issues stated in transcript.

1. No medical treatment.

2. No Prescriptions.
3. Case improperly managed.

Our U. S. Constitution provide equal rights to a fair trial/hearing, Due Process of the Laws under the 14th Amendment. It is Unconstitutional for VAWCC to alter hearing issues, manipulating hearing and Opinions by inserting the following:

- Appellant seeking "additional" medical treatment. Opinion (appx. 943), v. Transcript (appx. 720-721).

While Appellants filings, evidence and hearing testimony clearly argued Appellee's refusal to approve/pay ALL VAWCC Awarded treating physicians' medical visits, referrals, canceling appointments, and canceling prescriptions stopped 2 years and counting. (appx. 563- 567, 610, 611, 614-617, 951-953)

Not "additional," all treating physician visits, referrals, and prescriptions. This behavior is retaliatory actions from Appellants 2017 appeal.

- Appellant seeking "some" prescriptions not provided. Opinion (appx. 943), v. Transcript (appx. 720-721)

While Appellants filings, evidence and hearing testimony clearly argued ALL Prescriptions stopped 2 Years ago.

- Appellant stating case Improperly Managed on "medical side." Opinion (appx. 943), v. Transcript (appx. 720-721)

While Appellants filings, evidence and hearing testimony also clearly cited cases and quoted Commissioners Rule of Law on enforcing Opinions throughout, heavily argued Retaliatory Actions during and after 2017 appeal by both Virginia Workers Compensation Commission and

Appellee's.

It is Unconstitutional for the VAWCC Opinion on Hearing issues concerning Appellee's Not Approving VAWCC Awarded Medical Appointments, Appellee's Not Approving VAWCC Awarded Prescriptions then Stopping prescription in 2019, and Appellee's Case Misconduct/Retaliation, to then insert a surprise REMOVAL of Appellants treating physician of 6+ years (since June 2014) without any such discussions at hearing VAWCC August 17, 2020 Opinion (appx. 948,949), Due Process of Laws, arguments or evidence, while the record shows Appellants last 2019 treating physician notes indicates to return for treatment of carpal tunnel syndrome both wrist, gave cortisone shot on wrist, and counseled Appellant for Surgery on AWARDED Wrists, along with filed documents concerning Appellee's denying my return ever since last 2019 approved treating physicians appointment. This violates the Virginia Workers' Compensation Rules, the Workers' Compensation Act, and the Judges/Commissioners Oath.

Retaliation

Throughout Appellants 2017 Virginia Workers' Compensation Commission (VAWCC) appeal to present, both Appellee's and VAWCC Unconstitutionally erred disobeying the VAWCC Opinions Awarding Medicals to Appellant (as stated in errors above), while violently retaliating against the Appellant because of her appeal, her race, a female, and not having legal representation. (994-995, 953-957, 563, 369, 169-170, 141). The erred conducts by VAWCC and Appellees violate the Virginia Laws, Workers Compensation Act, the Human Rights Act under Article 5, the U.S. Constitution 8th Amendment, and 14th Amendment, also Civil Rights. Opinions since 2017 appeal retaliated, are disproportionate, violated Due Process of the Laws, and not seeming to have an equal "tone and tenor" for both Appellee's and Appellant. It is Unconstitutional for the Appellee's and Virginia Workers' Compensation Commission to collaborate and engage in acts of retaliation against the Appellant and this case in the U. S. Courts. *Cooper v. Aaron*, 358 U.S. 1, 78 S. Ct. 1401 (1958) "Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason. The U.S. Supreme Court has stated that "no state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it."

It is Unconstitutional, violating Due Process of Law, and against the Workers Compensation Act for VAWCC Opinion to avoid Appellants filed and argued issues on VAWCC and Appellee's case Abuse, and to ignore Appellee's and VAWCC abusive unlawful judicial misconducts with no enforcement or corrections. Appellee's attorney Amanda Tapscott Belliveau October 29, 2018 Motion to Compel is Unconstitutional, manipulative, violating Virginia Workers Compensation Rules, Workers Compensation Act and her attorney's Oath. Erred in her actions and involvement as Appellee's counsel illegally and dishonestly manipulating case, including this October 29, 2018 Motion (appx. 156-158) with false aggressively charged exaggerated accusations aggravating this U. S. case. Also, retaliating against Appellants 2017 Appeal, which at time was in this Court of Appeals of Virginia. Unethical harassment, While Appellant only requested a Female Appellee's IME (Independent Medical Exam) physician, nearly 4 weeks prior to appointment.

Virginia Workers' Compensation Commission Susan Cummins engage in Unconstitutional and disproportionate acts 2 days later with an October 31, 2018 Appellant Order (appx. 159-160) to attend male Appellee's IME and threatened dismissal of my case after Appellee's motion. A 2-Day turn around for Appellee's, yet exclusively and disproportionately allowing Appellee's years of contempt and not

enforcing Appellee's to obey their very own VAWCC Opinions Awarding Appellant medicals. (see they can enforce for me, disproportionate give them a little slap on pinky warning after 3 years of contempt with no actions, yet does a very quick 2-DAY turn around to threaten my case).

Virginia Workers' Compensation Commission Susan Cummins engage in Unconstitutional, disproportionate, and aggressively charged Inhumane, and Detrimental acts with her November 13, 2018 2nd Appellant Order to male IME (appx. 167-168), after receiving and knowledgeable of Appellants November 6, 2018 filed VAWCC letter (appx. 161-166, 953) informing the reason for my request for a Female IME is because of (at time) recent sexual assault by male primary care physician (now past doctor) and that I am not ready to see a male doctor.

On October 15, 2019, Appellant receive a calculative letter from Appellee's counsel Amanda Tapscott Belliveau stating, "Dr. Omohundro has opined that he has no further treatment to offer to you..." (appx. 566,567). Also, indicating they (Appellee's) will no longer authorize/pay (AWARDED) visits. Dr. Omohundro did not inform Appellant of such, as his last February 26, 2019 notes (appx. 954, 842-847/FILED DR. OMOHUNDOR NOTES MISSING FROM APPENDIX/also listed on VAWCC Appellee's Defense Medical Designation #12 on page 5) from Appellants visit requiring her to return for care of carpal tunnel syndrome and counseled Appellant for wrist surgery. Note: February 2019 exact same time Appellee's Stopped Appellants Awarded Prescriptions since 2016. Attorney Belliveau inaccurate documents conspired to further stop Appellant from VAWCC Awarded medical care is harshly dangerous to Appellants health, Unconstitutional and breaches counsels Attorney Oath. Clear manipulation and Retaliations from Appellants 2017 appeal at time headed to the U. S. Supreme Court. Appellee's counsel performed illegal Unconstitutional misconduct, also Violating Virginia laws and the Worker Compensation Act in the face of two Virginia Appellate courts immediately after courts ignored Appellee's harmful medical manipulative abuse.

On October 29, 2019, during another Appellants treating physicians' visits canceled by Appellee's Accident Fund (office manager informed me she just got off phone with Defense/Appellee's who said, I "lost my case and no further treatment"), Appellant received from physician's office the July 12, 2019 document (appx. 566,567) to Dr. Omohundro from Appellee's Zelda (with Accident Fund) (stating to Dr. Omohundro "... further visits are no longer authorized." and Bilateral Ankle Denied (indicating a code). Appellee's micro-management actions clearly incited confusion with Physician's office thinking I lost Ankle Award, while I still have Award. Appellee's and their counsel medically harmful, conniving, and Unethical actions are

Unconstitutional provoking both Appellant and treating physician into not scheduling medical care. Violating Workers Compensation Act, Disabilities Act, Civil Rights Act, attorney Oath, Virginia State Laws and Human Rights Act. Unconstitutional.

It is Unconstitutional according to the 14th Amendment Due Process of the Laws, 8th Amendment on abuse, Inhumane violating the Human Rights Act Article 5, and Unethical for VAWCC William Kennard to refuse to recuse himself at hearing upon Appellants September 17, 2019 request for another Commissioner, (appx. 369) with commissioner Kennard initiating further case complications collaborating with Appellee's, ignoring VAWCC own Opinions, brutal bias siding with Appellee's case misconducts, removed my knee Award without removal being a 2017 hearing issue or Due Process of Laws, omitting 2017 case issues on Appellee's IME Dr. Daken 3 HOUR ABUSIVE visit (appx. 614, 951, retaliations, and other case misconducts being the reason for my 2017 appeal. Unconstitutional.

From 2017 to present, each of the Workers' Compensation Commission Opinions erred resembled Unconstitutional errors, were extremely disproportionate and against commissioner Oath. (appx. 616-616 Not displaying an equal "tone and tenor" to both Appellee's and Appellant (appx. VAWCC June 6, 2017 Opinion by *KENNARD IS NOT IN APPENDIX*) displays heavy bias page 18 and manipulated lies with Dr. Daken, appx.) Omitted from appendix for a reason... Did not provided Appellant a fair balanced Due Process of the Laws, nor equal support of Protection of Rights under Workers Compensation Act and U.S. Constitution without any discrimination or retaliations under the U.S. Constitution, Fourteenth Amendment, Human Rights Act, and Workers Compensation Act. Only heavily protecting the Appellee's violating VAWCC own Opinions, while both VAWCC and Appellee's collaborated violating the law of the land. Consistently Denying Appellant Rights is legally abusive and torturous. Appellant has protective RIGHTS under the U.S. Constitution 8th Amendment prohibiting torture, the Human Rights Act-Article 5 Prohibition of Torture stating, "no one shall be subjected to torture or to inhuman or degrading treatment or punishment."

Counsel

The Appellee's are represented by Amanda Tapscott Belliveau, counseling both Appellee's (Model Home Temps/Next Day Temps and Accident Fund Insurance). After January 23, 2018 Opinion, both Appellee's medical misconduct abuse and case manipulation abuse became aggressively worse under Amanda Tapscott Belliveau counsel. Abuse is unethical, violates Workers Compensation Act, violates the U. S.

Constitution and her attorney Oath. Counsel Erred breaching attorney oath and U. S. Constitution engaging in direct illegal unscrupulous acts, writing, and sending manipulatory questionnaires (appx. 953, 954, 565- 567), and fallacious letters to Appellant and doctors harming the Appellants health/recovery/medicals in the U.S. Courts. S.C.R. 1795, Penhallow v. Doane's Administrators (3 U.S. 54; 1 L.Ed. 57; 3 Dall. 54), "*The prosecutor is not a witness; and he should not be permitted to add to the record either by subtle or gross improprieties. Those who have experienced the full thrust of the power of government when leveled against them know that the only protection the citizen has is in the requirement for a fair trial.*"

Accident Fund and Model Home Temps/Next Day Temps

The Appellee's, Accident Fund and Model Home Temps/Next Day Temps, counseled by Amanda are involved in every detail, erred in unlawfully and Unconstitutional manipulating this case. VAWCC January 23, 2018 Opinion by Commissioner Cummins, warned Appellee's about manipulating case, "...once a physician becomes the treating physician, medical management of the employee is not to be directed by employer... The defendants are, therefore, cautioned from engaging in any activity that smacks of medical management... claimant is not required to seek permission for every little item recommended by the treating physician to manage her care." However, without enforcement, abuse continues. After January 23, 2018 Opinion, Accident Fund, Model Home Temps/Next Day Temps, and their attorney continue disobeying VAWCC Opinions and Appellants Medical Awards. 7-YEARS of abuse, 5-YEARS since Opinions with Medical Awards granted to Appellant with Appellee's allowed constant contempt of opinions, never once in 5-Years forced to comply, Unconstitutional and no Due Process.

Breach of Contract

With the Virginial Workers' Compensation Commission (VAWCC) Order's Awarding payments and Medical Awards to Appellant, VAWCC has a long 5-Year case history of not enforcing their very own Opinions, avoiding Appellant's filed documents on Years of case Abuse and Judicial Misconduct, not protecting the injured Claimant (Appellant) Rights to a Fair/Equal Due Process, not protecting Claimant (Appellant) Awarded Medical care, and years collaborating with Appellee's both violating the Law of the Land. The vile Judicial misconduct cruelly breaches the Virginia Workers' Compensation Commission contract with the Appellant/the Claimant.

- VAWCC breach its contract with Appellant by not protecting her rights under the U.S. Constitutions. Opinions/Orders (June 6, 2017 *OPINION NOT IN APPENDIX, 155-563, 159-160, 161-166, 167-168. 941-950*) It is also Unconstitutional under the 14th

Amendment, unethical and violate the Virginia Workers Compensation Rules, the Workers Compensation Act, and Commissioner Oath.

- VAWCC breach contract with Appellant by not performing Duty to enforce Opinions violating Code of Virginia §65.2-201 (Commissioner's duty to correct, enforce...). (June 6, 2017 *OPINION NOT IN APPENDIX*, 155-563, 159-160, 161-166, 167-168, 941-950) By VAWCC not enforcing own Opinions purposefully provided Appellee's years of constant contempt of their very own Opinions/Medical Awards to Appellant. Smacks of disrespect in the U.S. Courts and is Unconstitutional. Also violating Virginia Workers Compensation Rules, the Workers Compensation Act, and Commissioner Oath. Therefore, violently breaching its contract with the Appellant.

- VAWCC breach contract with Appellant by enabling Appellee's years of constant case manipulation, judicial misconduct, affording Appellee's the ability to disregard VAWCC Medical Opinions/Awarded to Appellant and Rule of Law gone unchecked. (June 6, 2017 *OPINION NOT IN APPENDIX*, 155-563, 159-160, 161-166, 167-168, 941-950) This clear collaboration is Unconstitutional, violating Virginia Workers Compensation Rules, the Workers Compensation Act, and Commissioner Oath. Another form of breaching contact with the Appellant.

- VAWCC breach contract with Appellant by not providing her Constitutional Rights to a Fair Hearing and Equal Due Process of the Laws. Breached contract by avoiding Appellants filed issues on Appellee's Judicial Misconduct illegally manipulating case by not scheduling Hearings on abuse. (appx. 563-567, 941-950, 951-956, 994, 995) Breached contract by avoiding Appellants filed Hearing issues on VAWCC own Judicial misconducts, while opinions were disproportionate, manipulative and bias. All Unconstitutional, violating Virginia Workers Compensation Rules, the Workers Compensation Act, Commissioners Oath, and/or the Supreme Law of the Land? Breaching their contract terms with the Appellant.

- VAWCC in this case, displays acts of disloyalty to their very own Opinion Awarding Appellants medicals, and to the Rule of Law by simply not following nor enforcing Know rules and laws. Not complying with their Oath to the Constitution of the United States. (appx. 369, 614-617, 955,956). This is Unconstitutional, again, violating and breaching their own contract with the injured Claimant/Appellant.

Way Out When Virginia Workers Compensation Commission is Abusive? Since Appellants 2017 appeal, The Virginia Courts and Virginia Workers' Compensation Commission (VAWCC) has not protected Appellants rights. Only Unconstitutionally defend and protecting Appellee's illegal misconduct. Filing case inherently protects Appellants rights to a fair/equal trial/hearing/case within the U.S. Constitution. This case involving multiple fractures, several nerve damages including Complicated

Chronic Regional Pain Syndrome, taught how to walk again after 4+ months in cast/crutches, Life-Long restrictions with range of motion, Life-Long work restrictions, Life-Long nerve damages, and LifeLong disabilities- shockingly this case evolved into an extreme case involving Justice Abuse, Judicial Misconduct, Vile Retaliation, Multiple Breach of VAWCC Contract with Appellant, and several Unconstitutional acts collaborated by both Appellee's and Virginia Workers' Compensation Commission. *US Supreme Court Nudd v. Burrows*, 91 U.S 426. "*Fraud vitiates everything.*"

- Appellant filed case and is entitled to the protections under the Law. Both VAWCC and all Appellee's have 7-Years (since 2014) of consistent increase in vile abuse towards Appellant. Abuse accelerated during Appellants 2017 appeal and continues today. By law, the U. S. Courts are to protect Appellants Rights, protect against Judicial Misconduct, and to protect me from abuse. In doing so, the U. S. Courts needs to remove the ALL the abusers from the Appellant, which are Virginia Workers' Compensation Commission, Amanda Tapscott Belliveau counsel her law firm, and the Appellee's-Accident Fund General Insurance and Model Home Temps/Next Day Temps. The collaborated escalated Judicial abuse and Misconduct gone unchecked/untamed/unrestrained is illegal. For violations of law and abuse to be accepted in the U.S. Courts is against our U. S. Constitution, against Appellants natural born Rights, morally wrong and inhumane. Especially in the U.S. Courts. Courts generally remove and punish the abusers/violator. Therefore, by the VAWCC knowingly breaching contract with Appellant with violation, Appellee's and counsel abuse and violated laws must all be removed and disciplined with compensation of medical benefits and penalties for retaliation/judicial abuse/breach of contract for Appellants protection.

NATURE OF THE CASE

A reasonable mind would find the lengthy (7+ Years) actions of Appellee's individually, and in combination with Virginia Workers' Compensation Commissions disproportionate opinions are willful collaborations (from those educated in law/working in law), nonsensical, and without fundamentals of law. Violating the U.S. Constitution Due Process and oaths, State, Federal, Civil Rights, Human Rights, and Disability Act. Appellee's transformed the Nature of Case from Workers Compensation to their criminal intent.

As a result, Unconstitutionally depriving Appellant her Rights to Due Process and protections under the law since 2014.

2016-2017-2018 Virginia Workers Compensation Commission (VAWCC) Opinions granted Appellant multiple Medical Awards against Appellee's, for payments of medical benefits from 2014 work injuries. Per Rule Va. Code 65.2-603.

Simply, Appellee's only needed to pay for medicals.

However, Appellee's inserted problematic issues since by disobeying VAWCC 2016-2017-2018 opinions (Rec 77-80, 563-567, 610-611, 614-625, 724,) awarding Appellants medicals-present. Unlawfully, unethically, and harmfully denying Appellant medicals for over 5-Years.

Moreover, VAWCC further intensifies problematic case issues violating Commissions Constitutional Oath and State laws refuses to **acknowledge** their very own

opinions Awarding Appellants medicals, discriminately siding with Appellee's unlawful unchecked 5-Year defiance. Never **enforcing** Appellee's to obey VAWCC opinions/medical awards intentionally harming Appellant health, VAWCC allowed Appellee's continuing contempt of VAWCC Opinions. Appellant filings informing VAWCC on Appellee's contempt on opinion, and interference with treating physician treatments, referrals, and Appellant medical care. (Rec 369, 563-567,724).

VAWCC added problematic issues inserting judicial misconducts, disobeying own opinions and *Code of Virginia §65.2-201* duty to enforce opinions/Awards, ignoring several of Appellants filings without hearings (Rec 563-567, 610, 611, 614-617,724, 951-953) concerning Appellee's disobeying VAWCC opinions/Medical Awards. VAWCC violated oath under *Article VI* of the U.S. Constitution, "*Judges in every State ...shall be bound by Oath or Affirmation to support the constitution,*" Clearly also violating the U.S. Constitution *Fourteenth Amendment* Due Process of the Laws. Reversible offenses.

Over 5-Years of Appellee's and VAWCC violating both State and Federal laws, crimes never addressed nor corrected. This case should have been corrected years ago. Without corrections, encouraged abuse. Should not even be at this point.

VAWCC deputy commissioner Nevin's problematic additions also violate Constitutional oath and rules during 7/31/20 Hearing notated in the transcript (Rec 724-737), and 8/17/20 opinion (Rec 941-950) by inserting and addressing created issues not

filed, nor Hearing docketed, nor contained in Appellants 11/27/19 filing **producing**
Hearing.

This unfathomable 7+ year violative case should be a law textbook example of a case riddled with judicial violations, how it dishonors the U.S. Constitution, and harms citizens' rights and beliefs. Displaying VAWCC collaborating/enabling disobedient Appellee's-not enforcing own medical opinions, case manipulation, VAWCC breaching commissioners contract with Appellant by not enforcing Medical Awards and not protecting her Constitutional Rights upon filing case.

VAWCC Deputy Commissioner Nevin, 8/17/20 Opinion (Rec 941-950) and Hearing transcript (Rec 720-722) indicates Nevin immediately began hearing unlawfully manipulating case by creating other issues in avoidance of Appellants filed 11/27/19 hearing issues.

1. Nevin "telling" Appellant (me/Claimant), you are "seeking additional medical treatment." Appellant hearing claim states ALL medical treatment stopped since 2/2019 by Appellee's, unlawfully denying her VAWCC Awarded Medical treatment immediately after (last "approved") visit with Dr. Omohundro (treating physician since 2014) Electronically signed medical notes indicating:

- a. RETURN for treatment.
- b. Consulted for wrist surgery.
- c. Cortisone shot for wrist pain.
- d. Referral-Physical Therapy-5% range of motion/Ankle.

Appellee's only allowed 1-physical therapy... then canceled remaining.

Appellants Hearing issues filed, Did Not seek "additional" treatment as VAWCC kept repeating at Hearing, I do not need to seek for medical Awards already obtained.

2. Commissioner Nevin further altered Appellants Hearing issues, stating "**some prescriptions not provided**" (Rec 720-721, 943). Appellants Hearing filings, evidence and hearing testimony clearly argued "ALL" Prescriptions abruptly stopped (Rec 563-567, 610-611, 614-617, 951-953) since February-2019 with treating physician records indicating Return for treatment and wrist surgery.

3. Moreover, commissioner Nevin willfully switched issue blame, altering another Appellants filed issues stating, "case **Improperly Managed on medical side**," (Rec 943) Transcript (Rec 720-721). Appellants hearing claims clearly states the ENTIRE case is Improperly Managed by BOTH Appellee's and VAWCC, with deliberate collusions and intentional deprivation of medicals and Due Process.

VAWCC clearly knowledgeable of Appellants filed issues **creating Hearing concerning Appellee's unlawfully canceling/interrupting** Appellants Awarded treating physician appointments/referrals, and unlawfully abruptly stopping prescriptions since February-2019 with physician notes to Return for treatment and wrist surgery.

VAWCC never resolved why Appellant had no prescriptions or medical treatment, at Hearing 1½ YEARS-Without Prescription. Only dismissively brushed away in opinion, while **only Appellee's and treating physician can PROVIDE and AUTHORIZE** medical treatment and prescriptions.

Not possible for Appellant to provide and/or authorize medical treatments and prescriptions. Clearly Appellee's error, unchecked-again.

VAWCC Hearing Issues-Appellants November 27, 2019 Filing (Rec 563-567).

1. Appellee's and VAWCC Extensive history/willful repetition of violations. Listed 2018 CAVA exhibits-(Rec. 43, 123, 126, 161, 175, 180-181, 231-233, 246, 297-299, 504, 513-518, 581-583, Addendum 91-93, 100-106, 115-116, 118-119, 121-124, 130, 131, 133, 135, 144-146). Most never addressed by VAWCC.
2. Appellants VAWCC filings on Judicial Misconducts without Hearings/gone unchecked without accountability, concerned VAWCC overlooking filings.
3. Appellant not receiving ANY Awarded Prescriptions and Medical Treatment **since 2/26/29** treating physician visit electronically signed records needing wrist surgery (Radial Styloid Tenosynovitis).
4. VAWCC not honoring *Code of Virginia §65.2-201* duty to enforce VAWCC (own) Opinions. No record VAWCC enforced Appellee's to honor VAWCC own opinions in 5+ years, enabling Appellee's to be in contempt of court.
5. Appellants 4/22/17 letter (Rec 618-625) to VAWCC (Kennard) only two-days after Dr. Dakens fabricated notes filed. Regardless, commissioner Kennard's 2017 opinion (initiating cases vile abuse) (Rec MISSING from APPENDIX) disregarded Appellants claims informing harmful inaccuracies, and heavily favoring Dr. Dakens fabrications forced 3 ½ hour-long IME visit/3-YEARS after work injuries, without vetting or even a concern.
6. Appellee's-Accident Fund General Insurance untrue calculative 7/12/19 letter (Rec. 566, 567) to Treating Physician, stating will no longer authorize Appellants Awarded Ankle/stating lost award (without hearing/opinion).
7. Appellant arrived at scheduled 10/29/19 treating physician visit (Rec 563-567). Office manager said just got off phone with Appellee's attorney, they canceled and said no

more treatment/no more payments-Appellant lost case/lost ankle Award. No such hearing. Violated HIPPA Rules, Unconstitutional, disobeyed VAWCC opinion.

8. Appellee's counsel Amanda Tapscott Belliveau (officer of the court) unethical, untrue 10/15/19 letter (Rec. 566, 567,724) to Appellant, informing-her treating physician will no longer see her, he has no further treatment. Not Defense attorney's place, patients' physician (his oath/duty) is to inform patient. In February-2019, physician JUST TOLD APPELLANT SHE NEEDS WRIST SURGERY-Belliveau acted unethically. It is against the law to interfere with licensed physicians practice, to act as physician/advise his patients on medicals/fabricate and manipulate. All Willful and Intentional misconduct by Belliveau to harm/deprive Appellants medical care. Belliveau is not a physician.
9. VAWCC breached agreement contract with Appellant. Did not disclose to Appellant she would lose all her rights to her own medical decisions, that Defendants/Appellees naturally/entirely AGAINST her case will be in CONTROL over her health/recovery decisions. Also, evident since-2016 VAWCC medical opinions VAWCC has/will not protect Appellants Constitutional rights. VAWCC unlawfully collaborating, enabling Appellee's 5+ years contempt of VAWCC opinions and medical Awards granted to Appellant in 2016-2017-2018 opinions/denying Appellants medicals, pay and natural born Constitutional Rights to Due Process. Appellant 11/27/19 hearing filing states, "I signed up for the Virginia Workers Compensation commission to protect my rights." Breach of Contract.
10. VAWCC refusal to enforce Appellee's to comply with their Order since-2016 Opinion/Medical Awards, from those in law-knowledgeable and willful actions, seems clear intentional/retaliatory collaboration since my 2017 appeal.

Hearing issues clearly detailed in Appellants 11//27/19 filing (Rec 563-567,720-724).

However, VAWCC and Appellee's further surprise insertion of Hearing issues, followed by pop-up opinion decisions replacing treating physician with pain manager with

surgery needed. Non-Hearing issues without proper protocol-adjudication-nor VAWCC ever listing as hearing issues (Rec 941-950). VAWCC knowledgeable Appellant cannot see another male physician from an assault, is brutally terrorizing and retaliatory.

From case history neglecting Due Process, VAWCC opinions made two Unconstitutional decisions without issues docketed/prepared/argued/adjudicated as hearing issues. Entrapment.

VAWCC History of Surprise Decisions Outside Hearing Issues (2017 and 2020).

1. 2017 VAWCC commissioner Kennard opinion-Surprise Removal of Appellants 2016 Left Knee Award (received 2016 opinion). (Rec While Appellants filed hearing issues requesting to ADD Right Knee Award from 3+ years of over-compensation/4½ months in cast-crutches/spiraling-multiple-fractures (around Left Leg-straight through entire Left Ankle/fractured left foot/severely sprained right ankle/contusion Left Hip-Left Knee-both wrist)/Continuous Doctor notes on Knee June 2014-continuing. Included in Appellants appeal to Court of Appeals of Virginia with Chronic Regional Pain Syndrome (CRPS) diagnosed by 4-physicians and CAT-SCAN (now a 5th 2018 IME diagnosis Complicated CRPS)... both issues overlooked.
2. 2020 VAWCC opinion-Surprise removal of Orthopedic Surgeon-Treating Physician of 6+ years (since-June/2014-injuries) (Rec 941-950). VAWCC clearly knowledgeable of February-2019 physician visit counseling me on Wrist Surgery/possible surgery outcomes/rehabilitation/cortisone shot for pain/Referral to Physical Therapy-Ankle/National Electronic Medical Signature record indicating for me to **Return to him.**

While Nevin stating 3-Hearing issues (mismanagement/prescriptions/treatment) in transcript (Rec 720-724), from Appellants docketed Hearing claims. Issues, Appellee's manipulating case, constant contempt-Orders/Medical Awards, Cutting-Off medical visits/Prescriptions, and VAWCC not honoring duty to Enforcing Opinions/Medical Awards collaborating with Appellee's. Removal of 6+ year treating physician AND selection of New MALE Pain Manager both were NOT Hearing issues and strongly inappropriate, and without Due Process or Appellant able to prepare. VAWCC

Knowledgeable of Rules and Appellants past male primary care physician/male tech sexually assaulting her. Clearly, pain manager cannot perform wrist surgery-nor treat diagnosed ligaments/tendons/muscle atrophy/Plankter Fasciitis/Achilles Rupture/Tibias Posterior Tendinitis/Contracture-both ankles/ Osteopenia fracture-locations/nor Carpal Tunnel Syndrome. He manages pain.

2016 Dr. Omohundro "referral" to pain-manager and physical therapy. Referral not meaning done treating. Those are "Specialist" in particular medical practice. Specialist as new treating physician-highly unrealistic with numerous injuries on all 4-Limbs.

Appellee's counsel and VAWCC clearly educated in law/knowledgeable, harmful intent, and willful collaboration for years covering-up vile errors of misconduct, State, Constitutional and Federal violations, escalated into a highly abusive retaliatory case. Harming already injured Appellant (did nothing wrong/just went to work), also harm humanity, chipping-away our U.S. Constitution-law of the land. VAWCC not lawfully providing Appellant VAWCC Awarded medical treatments, Unconstitutionally enabling Appellee's, rejecting Appellant protections, rights under law.

Appellee's should've just follow VAWCC opinions/Medical Awards. VAWCC should've protected Appellants Constitutional Rights, Rights under Workers Compensation Act, and enforce own medical opinions/Awards. They wouldn't have violated the Constitution/Due Process, State, Virginia Workers Compensation Act, the Workers Compensation Act, and Federal. Title 18, U.S.C., Section 241 - Conspiracy Against Rights, and Article VI, Clause 2 Constitutional Oath.

A Federal crime for VAWCC commissioners acting under the color of any law to willfully deprive Appellant rights/privileges protected by our U.S. Constitution/laws of the United States. Title 18, U.S.C., Section 242 - Deprivation of Rights Under Color of Law.

U.S. Department of Justice 910.

Knowingly and Willfully, The prohibition of 18 U.S.C. 1001...false statement, concealment or cover up be "knowingly and willfully" done,... made with intent to deceive, induce belief in falsity or to mislead.

The U.S. Supreme Court state no one is above the law.

The collaboration will not end. Appellant requesting to courts, my rights protected under law, from 7+ Years-VAWCC and Appellees State and Federal crimes is the NATURE OF CASE.

STATEMENT OF FACTS

It's Unconstitutional for Commissioners and Judges to ignore the guidelines that define their power.

Extensive case violative/lengthy (7+ Year) issues, documented below for clear view and understanding of complicated Judicial Misconducts and retaliatory collaborations. Average case has 1-4 issues. Uncountable issues from VAWCC and Appellees increasing violations of our U.S constitution. This layering-load of issues would be challenging for anyone to address, let alone a Pro-Se to jam in 1-Brief.

Appellant sustained compensatory work-related injuries on 6/6/14 from steps not built to codes. Multiple fractures (including spiral) on left, severely injuring right, Life-

Long injuries/disabilities on all-four (4) limbs, and Life-Long work restrictions. About 30 diagnosed work injuries.

Title 18, U.S.C., Section 242 - Deprivation of Rights Under Color of Law, prohibiting willfully depriving a person of their rights and protections of law... willfully subject or cause any person to different punishments... on account of his/her color or race... by federal, state, or local officials within the bounds/limits of lawful authority... acts done without and beyond the bounds of their lawful authority... individuals such as... Council persons, Judges... who are bound by laws, statutes ordinances, or customs.

Below, displays a history of Appellee's unlawful disruptive Judicial Abuse and collaborations against the injured Appellant and our U. S. Constitution smack in the face of the Virginia Appellate Courts throughout last appeal to present.

Note: Several of Appellants supportive medical filings, Appellee's and VAWCC case manipulation-abuse-retaliations-collaborations unlawfully omitted from Appendix in this second appeal, specifically relevant on appeal, discriminately denying Appellant fair and equal Constitutional Due Process. See omitted docketed files Appendix Addendum attached.

October 19, 2016-Treating physician Referral Order to Pain Manager. Ignored by Appellee's. (Rec 821-823).

October 20, 2016-Appellants filed/docketed letter requesting Expedited Hearing, Awarded treating physician visits denied by Appellee's, treating physician (Dr. Omohundro) states I am still on light duty since September-2014 from injuries, no benefit pay since December-2015 (10 Months), hardship home-foreclosure, defense inaccurately states I'm working, Commissioner Kennard (during conference) asked me to get treating physician to prove hardship is caused by injuries. Physician advised he has never been asked that before in his 30 years of practice.

April 22, 2017-Appellant filed/docketed (Rec 618-625) letter responding (2-Days after) to Appellee's IME Dr. Daken's 4/20/17 letter. To date, Appellant response letter ignored by VAWCC without Hearing, nor even considered in 6/6/17 VAWCC Opinion (sparking last appeal). Appellee's IME Dr. Daken's letter was Highly referred to in VAWCC 6/6/17 Opinion, favored over 3-years of licensed Orthopedic-Podiatrist Physicians-X-RAYS-CAT-SCAN, and over initial VAWCC 2016 Opinion (Rec 400-412). Without any considerations of Appellants filed response detailing Dr. Dakin's inaccurate descriptions,

forced 3½ hour Independent Medical Examination (IME) interrogation, also this IME letter created a chart(?) of Appellants physician visits/dates/diagnosed injuries (outside specialty) seeming to challenge Orthopedics-CAT-SCANS-Pediatrician-Physical Therapist-X-RAYS... Not his realm of training/profession.

May 1, 2017-Appellant filed letter/exhibit of unpaid pharmaceutical invoice (Rec Missing from Appendix) 4). *Prescription stopped*. Pharmacy called me stating Appellee's informed them they were "**denying my claim.**" Appellant has an AWARD for medical since-2016.

June 6, 2017-VAWCC Opinion (Rec MISSING FROM RECORD) not considering majority of 3-Years of license physicians diagnosis, test/treatments. Rejected/not considered Appellants 4/22/17 filed letter on Appellee's IME Dr. Dakens inaccuracies and **forceful 3½ hour long IME** visit. Removed Awarded Left-Knee only 8-months after Award similarity, Hearing issues were on Adding Right-Knee cartilage injury/overcompensation for numerous Left injuries-removal of Left-Knee was *never a hearing issue*, evidence physician noting knee injuries since 2nd visit in 6/2014 to present, Denied Chronic Regional Pain Syndrome (CRPS) four (4) Licensed Physicians (100 years of medical practice/education), Appellee's case nurse, and CAT-SCAN diagnosing CRPS. Awarded osteopenia/plantar fasciitis/left metatarsalgia/left tarsal tunnel syndrome/left equinus gastrocnemius/left ankle contracture. Denied 7 other diagnosed injuries, with a surprise Knee Award removal not Hearing issue.

August 30, 2017-Appellant Request for Reconsideration (Rec 30-36) on VAWCC Opinion concerning a multitude of medical diagnosis.

October 27, 2017-Appellant filed/docketed letter (Rec not found) informing courts/VAWCC **Appellee's denying** VAWCC Awarded Treating Physicians Request for **Pain Management/Physical Therapy/Prescriptions ceased** from Non-Payment/Micro-Management. Treating physician prescribed Pennsaid for daily leg/foot cramping up calves, (Rec 726) samples from pharmacy over-due and so I can drive home (legs/feet/ankles cramp driving). Received another Physical Therapy Referral with 5% range-of-motion, no response from Appellee's when they will "approve." Appellant noting, **2/24/17** Accident Fund (Appellee) Zelda Hill inaccurately advised the treating physician's office, "*...my wrist is Not Covered.*" Also noting, the Appellee's are extremely uncooperative Hindering my (AWARDED) medical care.

January 3, 2018-Appellant Notice of Appel to Court of Appeals of Virginia (Rec not found) concerning medical records not considered, CRPS diagnosed by several licensed physicians and CAT-SCAN and treating physician referrals/treatment for CRPS, Opinion weighing 3-years later Dr. Dakens letter misrepresenting my character and fabricated statements, omitted key factors, seemed to attack doctors and myself rather than just give

a professional report, Appellee's manipulating case, *cutting-off my prescriptions again*, constantly denying medical treatment, and *cutting-off my Physical Therapy* for TWO-YEARS, harming my recovery in recession. Appellee's are in contempt of VAWCC Orders.

January 23, 2018-VAWCC Opinion warning Appellee's to stop disobeying VAWCC Opinions. (Rec 77-80) Opinion warned Appellee's "...not to smack medical... once a treating physician is appointed, no need to medically manage." Treating physician on record since Monday, 6/9/14, Appellant 1st appointment.

April 11, 2018-Appellant filed/docketed letter (Rec 81-82) on Appellee's micro-management and selecting specific Awarded parts from VAWCC Opinion to cover. *Case in CAVA.*

May 22, 2018-Appellant Writ of Certiorari to Court of Appeals of Virginia (CAVA) on missing documents. From *missing documents*, Appellant had to file Motion to Extend Amended Brief in response to include missing exhibits from appendix.

June 6, 2018-Amended Writ of Certiorari *69 missing docs from Appendix* with attached chart.

July 18, 2018-Appellants letter to VAWCC requesting missing documents from their Appendix. (Rec 118-121).

Case in CAVA.

August 22, 2018-Per Appellee's, Dr. Omohundro check-box questions (Rec 882) written by Appellee's checks-no longer needs to see Appellant after 8/14/18 visit.

1. **8/14/18** visit Dr. Phillip Omohundro's notes indicate, chief complaint-Bilateral wrist problem, Traumatic arthropathy of hands both right and left. Tenderness of first metacarpal 1st cmc joint on left and right, Degenerative joint disease of hands both left and right. Carpus: mild. DJD 1st cmc join both wrists. X-Ray taken, wrist onset 6/6/14. (Rec 929-932).
2. In addition to around 30 diagnosed injuries, including both wrist, Dr. Omohundro checks-off no further care? Alarming.
3. First time Appellee's case manager attended my appointment since-2014 injury. Why now, 4-Years later?
4. Dr. Omohundro, Appellee's and VAWCC knew of both wrist issues and all willfully went along with depriving Appellant VAWCC Awarded medicals?
5. **2/26/19**-Just **SIX** months after Appellee's check-box questions to Dr. Omohundro, the same physician, Now national medical Electronically signed records indicate

Appellant needing Wrist Surgery, counsels on surgery outcome rehabilitation, cortisone shot for pain and told patient/Appellant to RETURN for treatment...

6. NOTE: The newer **2/26/19** treating physician visit notes Knock-Out Appellee's "no further treatment" argument from Dr. Omohundro's past **8/22/18** check-off's written by Appellee's.
7. By **7/31/20** Hearing date (1-month shy of **2-YEARS LATER!**), VAWCC and Appellee's fully knowledgeable "no further treatment," "Going-Back to Dr. Omohundro," "Additional treatment," were all created by them, irrelevant and NOT scheduled Hearing Issues. Aware No treatment provided since-2014. Intentionally diverted Hearing issues depriving Appellant her rights to medicals and rights to Constitutional Dur Process.
8. Appellee's and VAWCC 5+ YEAR-LONG-HISTORY of falsified letters to Appellant, VAWCC, and physicians. Unchecked.

Case in CAVA.

October 24, 2018—Court of Appeals of Virginia Order from Appellants Writ of Certiorari on sixty-nine (69) missing documents from VAWCC Appendix. (Rec 154)

October 29, 2018—Appellee's Motion to Compel (Rec 156-158) Unconstitutional/erred providing VAWCC with false and exaggerated accusations. Appellant **only requested a Female IME** 3½ weeks prior to appointment.

Case in CAVA at time.

October 31, 2018—Within 2-days, VAWCC Appellant Order (Rec 159-160) given without evidence Nor Appellant refusal. Appellant **only requested** Appellee's to reschedule with Female IME Physician 3½ weeks prior to appointment. Order developed from Appellee's false/exaggerated accusations without evidence. Again.

Case in CAVA at time.

November 6, 2018—Appellant filed VAWCC letter (Rec 161-166) informing **reason for requesting Female IME**, from recent sexual assault from then male primary care physician. 3½ weeks is more than enough time to reschedule with Female IME.

Case in CAVA at time.

November 13, 2018—VAWCC 2nd Appellant Order to male IME (Rec 167-168) even after order admitting knowledgeable of my 11/6/19 filing informing male doctor assault/requesting Female IME.

Case in CAVA at time.

February 26, 2019-Last treating physician visit Appellee's "allowed/approved" (Rec 521-524) with standing VAWCC Awards. Dr. Omohundro counseled me on **Wrist surgery/rehabilitation/cortisone shot** advised me to **RETURN**. Physical Therapy/Ankle. **Case in CAVA at time.**

Case in the Supreme Court of Virginia (SCVA) from 6/14/19-8/2/19.

July 12, 2019-Appellee's Accident Fund General Insurance sent falsified letter to my treating physician Dr. Omohundro stating (since-2014), "*Please note that any further visits with Dr. Omohundro are no longer authorized.*" Also indicating, "*Bilateral Ankles DENIED.*" Standing VAWCC Ankles Awards. (Rec. 566,567).

September 17, 2019-Appellants letter to VAWCC (Rec 369) requesting continuance, with case in Appellate courts. Also, **requesting Commissioner William Kennard to recuse himself** with him being the cause of the case abuse escalating,

September 17, 2019-VAWCC same day/Commissioner William Kennard Order-refusing to recuse himself at hearing (Rec 370-371), upon Appellants request regardless of his impartialities. Appellant's rights not protected.

September 18, 2019-Appellant file letter to VAWCC detailing his bias actions causing the request for Commissioner William Kennard to recuse himself from Hearing. (Rec 372-431). 6/6/17 bias opinion, avoiding my 4/22/17 filed response to IME Daken's inaccuracies in his 6/6/17 Opinion heavily weighing 1-time-IME, and unlawful refusal to enforce VAWCC own Opinions-Medical Awards to Appellant.

September 19, 2019-VAWCC Commissioner William Kennard Order again, refusing to recuse himself. (Rec 491-492).

October 15, 2019-VAWCC/Appellee's now free from ANY corrections or restraints violating the law of the land, Appellant receive an unethical calculative inaccurate letter from Appellee's counsel (officer of the court) Amanda Tapscott Belliveau stating, "*Dr. Omohundro has opined that he has no further treatment to offer to you...*" (Rec. 566,567). Referring to Appellee's previous 8/22/18 check-box questions (Rec 882). Also, indicating *they (Appellee's) will no longer authorize/pay* (AWARDED) visits. Dr. Omohundro did not inform Appellant of such, as his last 2/26/19 notes (Rec. 954, 842-847/FILED DR. OMOHUNDOR NOTES MISSING FROM APPENDIX/also listed on VAWCC Appellee's-Defense Medical Designation #12 on page 5) from Appellants visit requiring her to return for care of carpal tunnel syndrome, counseled Appellant for wrist surgery. **Appellant filing petition in the U. S. Supreme Court.**

October 29, 2019—During another Appellants treating physicians' visits canceled by Appellee's Accident Fund as I arrived at appointment, office manager informed me she just (conveniently) got off phone with Defense/Appellee's who said, I **"lost my case and no further treatment."** Office provided Appellant the 7/12/19 (Rec. 566,567) letter to Dr. Omohundro from Appellee's Zelda Hill (Accident Fund), stating to Dr. Omohundro "... *further visits are no longer authorized.*" and "*Bilateral Ankle Denied*" (with a code). I informed office manager, I still have my Medical Awards, and NO VAWCC Hearing on BILATERAL ANKLE. Still no treating physicians visit.

October 30, 2019—Appellant filed Petition in the U. S. Supreme Court. Docketed (19-6782). Selected and admitted into Cert-Pool. Reviewed in the Justices Conference twice in 2020 (Petition and Petition for Rehearing). Somehow, in **September-2021**, UPS just gave me the box from the U.S. Supreme Court with letter detailing corrections I needed to make.

November 27, 2019—Appellant filed/docketed letter (Rec 563-567) creating 7/31/20 Hearing. Further Appellee's unlawful case manipulation, *cut-off prescriptions since 2/2019*, VAWCC not enforcing their own medical Opinions/Awarded to Appellant. Collaborations.

August 17, 2020—VAWCC commissioner Nevin's opinion (Rec 941-950) violates Constitutional oath with surprising decisions outside docketed hearing issues, not adjudicated, separate from Appellants filed case issues (Rec 563-567). Also, slyly manipulated Appellants filed issues willfully steering from Appellants true hearing claims, deceiving case narrative from both Appellee's and VAWCC own State and Federal violations. The Hearing issues included Entire case Improperly Managed by Appellee's and VAWCC. Also, Appellant receiving NO medical treatment nor prescribed Prescriptions since February-2019.

Hearing Transcript (Rec 720-722) indicates VAWCC Nevin stated:

1. "You are seeking additional treatment, specifically with Dr. Omohundro."

(*Why ask? VAWCC aware their records show Dr. Omohundro as treating physician since-2014.*)

2. "Some prescriptions have not been provided."

(*11/27/19 Hearing claim clearly indicates "ALL" Prescription and Medicals Stopped.*)

3. "Case has been improperly managed on the medical side."

(*11/27/19 Hearing claim clearly indicates improperly manages by both Appellee's and VAWCC.*)

3. "...you want to "get back" and see Doctor Omohundro."

(*Asked 3-times after I answered. Again, 11/27/19 Hearing claims ALL treatment stopped.*)

Evidence and hearing testimony clearly argued "ALL" Prescriptions and medicals stopped February 2019 (Rec 563-567, 610-611, 614-617,733-743, 951-953). Along with proven Appellee's (Rec. 566,567) refusal to approve and pay treating physicians' medicals, referrals, and prescriptions. VAWCC docketed hearing issues on Appellee's contempt of orders/awards unlawfully enabling for years and knowingly/willfully

avoided at hearing by VAWCC with clear bias intent to deprive Appellant her medicals and rights.

September 15, 2020-Official Appeal to VAWCC Full Commission (Rec 951-956).

October 25, 2000 Appellant letter to VAWCC. (Rec 961-976).

December 8, 2020-Appellant letter requesting corrections to VAWCC Incident Details (only-ankle). (Rec 994,995).

Documented willful collaboration by both Appellee's and VAWCC depriving Appellant Medicals and Constitutional Rights: (Rec 563-567, 610-611, 614-617, 951-953).

1. VAWCC enabling Appellee's to **disobey** own opinions and medical awards, now **2-Years/9-Months** of no VAWCC Awarded medical treatment nor prescriptions. Never enforcing own opinions.
2. VAWCC allowing Appellee's to interfere/disobeying treating physicians' **referrals** and diagnosis. Never enforcing own opinions.
3. VAWCC allowing Appellee's to continue **canceling** Appellants treating physician's appointments, treating physicians referred appointments, and not responding to referred physicians calls and emails. Never enforcing own opinions.
4. VAWCC allowing Appellee's to unlawfully stop Appellants prescribed medical **prescriptions** by treating physician. Never enforcing own opinions.
5. VAWCC allowing Appellee's to unlawfully and harmfully continue micro-managing, manipulate, and dictating medical care even after VAWCC 1/23/18 Opinion warned (Rec 77-80) Appellee's "...not to smack medical..." Only treating physician is in control of medical care. Appellee's have no medical experience/not physicians.
6. VAWCC allowing Appellee's years of harsh **contempt** of court, **discrimination**, and **retaliation**.
7. VAWCC predisposition opinions avoiding hearing issues intentionally to suit Appellee's.

Unlawful to emulate a physician, interfere with medical treatment, or harm citizen's health.

Moreover, Title 18, U.S.C., Section 241-Conspiracy Against Rights-crime for VAWCC and Appellee's (two or more) to conspire to injure, oppress, threaten, or

intimidate any person... free exercise or enjoyment of any right or privilege secured to Appellant by the Constitution or the laws of the United States.

VAWCC Commissioners' Violations: (Rec 563-567, **720-744**, 941-950, 951-956,961-976, 994, 995).

1. VAWCC not protecting Appellants rights, prejudice opinions, enabling/ignoring Appellee's wrongs Violates Commissioners U.S. Constitutional Oath under **Article VI, Clause 2.**
2. VAWCC not enforcing opinions Awarding Appellant medicals-protects of law violates **Code of Virginia §65.2-201** duty to enforce opinions.
3. VAWCC avoiding issues, inserting created hearing issues, enabling Appellee's violations, opinions deciding issues outside-of Hearing-Issues violates U.S. Constitution **Fourteenth Amendment**-Due Process.
4. VAWCC collaborations with Appellee's and discriminatory retaliation against Appellant violates **Title 18, U.S.C., Section 241-Conspiracy Against Rights.**
5. VAWCC collaborations with Appellee's, avoiding Appellants medicals, intentionally inserting surprise issues at hearing, discriminatory opinions/orders, opinions unfairly deciding on issues outside of docketed hearing, individually and combined with lengthy 7+ years is inhuman torture treatment, all violates **Title 18, U.S.C., Section 242-Deprivation of Rights Under Color of Law.**
6. VAWCC violates **Civil Rights** discrimination against Appellant race, Black/Pro-Se.
7. VAWCC violates **Human Rights Act** 8 Inhumane Treatment. Tortuously Withholding Awarded health care, harming health/recovery, discriminatory.
8. VAWCC violates the **Americans with Disability Act/Virginia Workers Compensation Act/Workers Compensation Act** denying Appellant medical treatment, breaching contract.

This terrorizing 7+ YEAR case again on appeal, provoked from Unconstitutional judicial retaliations and judicial misconducts obstructing Appellants (I, my) born Constitutional Rights to a fair/equal trial/hearing throughout and after Appellants 2017 appeal (continuing today) by all four. 1. Virginia Workers' Compensation Commission (VAWCC) 2. Accident Fund General Insurance, Co. (AFGI) 3. Model Home Temps/Next

Day Temps (MHT/NDT) 4. Under the direction of their attorney Amanda Tapscott Beliveau (officer of the court) counseling them.

Returned on appeal from abandoned rules/laws Unconstitutionally unchecked by VAWCC avoiding acknowledgment of actual proven errors on Judicial Misconducts and Retaliations by Appellants filed Hearing evidence, argued, cited cases in support, and noted State and Federal Rules/laws they violated.

Yet, violations of law either ignored at VAWCC hearing and Opinions left absolutely unchecked without adjudication or, altered in a dismissive belittling manner. Always, protecting Appellee's errors, not my Constitutional Rights. Nor opinions/orders enforcing my Medical Awards.

STANDARD OF REVIEW AND ARGUMENT

Appellant requesting a Reported Opinion, not Unreported Opinion.

U.S. Supreme Court Haines v. Kerner (1972) No. 70-5025 Deprivation of Rights.
"... *the pro se complaint, which we hold to less stringent standards than formal pleadings drafted by lawyers.*" Judgment reversed and case remanded.

US Supreme Court Nudd v. Burrows, 91 U.S 426. "Fraud vitiates everything."

Hudock v. Indus. Comm'n of Va.

The Cura Group, Inc. v VAWCC 2005, United Airlines, 58 Va. App. At 237-38 Causation not solely on medical evidence but on claimant's testimony.

United Airlines, 58 Va. App. At 237-38 "...determination regarding causation need not be based solely on medical evidence and may consider a claimant's testimony."

14th Amendment - No state can deny to any person... equal protection of the laws.

Article IV Section 4 - Do no harm to others.

Civil Rights Act - Not to discriminate against race, disabilities, no representation.

Due Process of Law - Fair treatment through the normal judicial system.

Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958) Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason. The U.S. Supreme Court has stated that "no state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it."

Title 18, U.S.C., Section 241-Conspiracy Against Rights

This statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States.

Title 18, U.S.C., Section 242-Deprivation of Rights Under Color of Law

This statute makes it a crime for any person acting under color of law, statute, ordinance, regulation, or custom to willfully deprive or cause to be deprived from any person those rights, privileges, or immunities secured or protected by the Constitution and laws of the U.S. Prohibits willfully subject or cause to be subjected any person to different punishments, pains, or penalties... on account of such person... of his/her color or race.

Acts under "color of any law" include acts not only done by federal, state, or local officials within the bounds or limits of their lawful authority,... without and beyond the bounds of their lawful authority;... under "color of any law," the unlawful acts must be done while such official is purporting or pretending to act in the performance of his/her official duties... includes,... Mayors, Council persons, Judges,... etc.,... bound by laws, statutes ordinances, or customs.

"... shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section... include the use, attempted use, or threatened... shall be fined under this title or imprisoned not more than ten years..."

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

1) *This statute prohibits willful injury, intimidation, or interference, or attempt to do so, by force or threat of force of any person or class of persons because of their activity as:*

- b. participant in any benefit, service, privilege, program, facility, or activity provided or administered by the United States;*
- e. participant in any program or activity receiving Federal financial assistance.*

2) Prohibits willful injury, intimidation, or interference or attempt to do so, by force or threat of force of any person because of race, color, religion, or national origin and because of his/her activity as:

- b. participant in any benefit, service, privilege, program, facility, or activity provided or administered by a state or local government;
- f. patron of any public accommodation, including hotels, motels, restaurants, lunchrooms, bars, gas stations, theaters...or any other establishment which serves the public...

3) Prohibits interference by force or threat of force against any person because he/she is or has been, or in order to intimidate such person or any other person or class of persons from participating or affording others the opportunity or protection to so participate, or lawfully aiding or encouraging other persons to participate in any of the benefits or activities listed in items (1) and (2), above without discrimination as to race, color, religion, or national origin.

U.S. Department of Justice 910.

Knowingly and Willfully, The prohibition of 18 U.S.C. 1001 requires, false statement, concealment or cover up be "knowingly and willfully" done, the statement must have been made with intent to deceive, induce belief in falsity or to mislead.

Code of Virginia §65.2-201, Commissioner's duty is to correct and enforce Opinions.

"It shall be the duty of the Commission to administer this title and adjudicate issues and controversies relating thereto... to punish for contempt."

Code Sec. 65.2-603 To place the cost of medical care on the employer and to restore the employee's good health "so that he may return to useful employment as soon as possible. *Medical benefits are awarded for as long as necessary.*

Code 18.2-456(4) Misbehavior of an officer of the court in his official character... also authorizes courts to issue contempt sanctions based upon a party's "[d]isobedience or resistance... to any lawful process, judgment, decree or order of the court." ATTORNEY

Rule 4:10 IME Physician's duty is limited solely to the exercise of due care consistent with the applicable standard of care... Only to ascertain information relative to underlying litigation. Physician's duty solely to examine patient without harming her in the conduct of the examination.

Rule 5:10(b) commits dispute to the trial court when case was not afforded equal "Due Process of the Law" 9 Legal Abuse- "Abuses can originate from virtually every part of

the legal system... attorneys, law enforcement and judiciary can abuse the system... more often intentionally. Legal abuse can also be systemic, such as when the principles, processes, and consequences of law itself encourage and enable individuals to legally harm others." https://en.wikipedia.org/wiki/Legal_abuse

Virginia Supreme Court-Record on Appeal

2A:3(b) The agency secretary shall prepare and certify record as soon as possible after the notice of appeal... transmit the record to the clerk of the court named in the notice of appeal.

2A:3(c) The record on appeal from the agency proceeding shall consist of all notices of appeal, application/petition, all orders/regulations promulgated in the proceeding by the agency, opinions, **transcript or statement of testimony filed by appellant**, and **all exhibits** accepted or rejected, together with such other material as may be certified by the agency secretary to be part of the record.

S.C.R. 1795, Penhallow v. Doane's Administrators (3 U.S. 54; 1 L.Ed. 57; 3 Dall. 54), "The prosecutor is not a witness; and he should not be permitted to add to the record either by subtle or gross improprieties. Those who have experienced the full thrust of the power of government when leveled against them know that the only protection the citizen has is in the requirement for a fair trial."

Scheuer v. Rhodes, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974) The U.S. Supreme Court "...When a judge acts as a trespasser of the law... when a state officer acts under a state law in a manner violative of the Federal Constitution, he comes into conflict with the superior authority of that Constitution."

Workers' Compensation v. Accident Fund National Insurance Company, No. 20195866 Accident Fund Failure To Timely Comply With A Final Or Binding Contested Case Hearing Decision And Order...

Nanochemonic Holding v John McKinney "Under doctrine of compensable consequences, a claimant may recover for any injury that results from an employment accident even if the injury does not develop until some future time."

Beglund Chevrolet, Inc. v Landrum 43 Va 742, 751, (2004) "When the primary injury is shown to have arisen out of and in the course of employment, every natural consequence

that flows from the injury likewise arises out of the employment..." **Disproportionate Rulings.**

ARGUMENT

This extensively long case is only at its 7th Year because of complications created by the Appellee's, enabled by Virginia Workers Compensation Commission. Now, they seem to must continue working together because if one breaks away to follows the Rule of Law, will implicate the other and themselves.

Back in June 6, 2014, Appellant just went to work like people do around the world. Since broken leg/foot/ankles and about 30 medical work injuries diagnosed, Appellant forced to fight for her natural born Constitutional rights to Due Process of the laws, constantly denied in courts by enabling Appellee's unethical disobedient towards VAWCC opinions-medical Awards granted, while the collaboration with VAWCC enablement by not enforcing their very own opinions accelerated this case from State violations to Constitutional and Federal violations against the Workers Compensation Act, Due Process,/Civil Rights/Human Rights/Americans with Disability Act/*Title 18, U.S.C., Section 241-Conspiracy Against Rights/U.S.C., Section 242-Deprivation of Rights Under Color of Law>Title 18, U.S.C., Section 245-Federally Protected Activities/U.S. Department of Justice 910-false statement..., concealment..."knowingly and willfully" ... induce belief in falsity/to mislead.*

It could've been simple in 2016, with instructions from VAWCC opinion granting Appellant Medical Awards ordering Appellee's to pay for treatment and wage lost.

Not to unlawfully micro-manage treating physician and case, not be disobedient in constant contempt of VAWCC orders/medical awards.

To follow orders, law, and pay for Appellants medical treatment. That's it.

The complications were willfully created by all the Appellee's under the direction of their attorney/officer of the court-Amanda Tapscott Belliveau, enabled by VAWCC.

All clearly knowing, with intent to deny Appellant/patient much needed medical care for around 30 diagnosed work injuries. The enormous supportive evidence in CAVA Record (some vital medical records/documents omitted) undeniably and overwhelmingly demonstrates Appellee's with VAWCC willful collaborations, from those in law knowing the law (The Color of Law-crime) against Constitutional oaths, with years of clear intent to interfere, harass and intimidate pro se/Appellant, deny Appellants obvious Awarded medicals, harm Appellants health/recovery, deny rightful protections under the law.

Unashamedly, laws were broken by Appellee's, and laws were ignored by VAWCC.

Appellee's willful created distractions enabled by VAWCC is the only reason Appellants Awarded medical visits to referred physicians, treating physician, referred physical therapy they unlawfully canceled. 2016 initial physicians Referral to pain

manager on record (Rec 821-821, 144), and prescriptions that can only be filled by a pharmacy and paid by Appellee's.

Rules/laws simply were not followed by Appellee's and VAWCC, while everyone following this case watches them get away with crimes. No one is above the law.

Only one party in this case provided the truth with 7+ Years of tangible docketed evidence. While the other party has 7+ Years of court docketed history of intent to change case narrative without supportive evidence to distract issues. Appellee's and VAWCC are absolutely evidently incorrect insinuating Appellant or any confusions caused Appellee's to stop VAWCC Awarded medical care since February 2019 from 2016-2017-2018 VAWCC Awards.

Argument categories assist in clarity of this layering complicated 7+ year case. References to case, law, and record unite in Standard of Review and Argument from category linkage.

Complications Created by Appellee's-Contrasting Chart of Evidence/Facts.

APPELLANT	APPELLEE'S
Awarded numerous medical-injuries.	VAWCC Order to pay for medicals.
Cannot write/approve/fill prescriptions.	Receives/Approves prescription payments.
Can only schedule/attend appointments.	Receives/Approves medical payments. Against opinion/Unlawfully Cancels treating physician-referral appointments, 7+ Years interfering in Appellants treatment/recovery.
7+ Years filed docketed notices to VAWCC all medicals and pay stopped.	7+ Years interrupting, manipulating Appellants medicals and disobeying VAWCC opinions/Awards.

Same treating physician (Dr. Omohundro) for 7 years, since 6/9/2014.	Knowledge of VAWCC records indicating same treating physician since 2014-work injuries onset.
2/26/2019 Treating physician Dr. Omohundro physical therapy referral for 5% range of ankle motion, 2/3 pain manager referral for pain, wrist surgery counsel, cortisone shot-wrist pain, and advises to return for treatment.	Last "approved" medical appointment allowed by Defense after licensed physician National Electronic Notes record wrist surgery. Appellee's also canceled Appellants physical therapy after 1st-day treatment, refused pain manager office request for approval (since-2016). Oh! All prescriptions abruptly stopped.
	Amanda Tapscott Bellevea (officer of the court) Defense attorney 10/15/19 unethical/untrue letter to Appellant informing treating physician has no further care/Appellee's will no longer authorize or pay treatments. Patient's physician is to inform patient.
10/29/19 Arrived at Dr. Omohundro's scheduled appointment, informed me Defense just called to canceled. I said I have Awards for them to pay since 2016. Office lost VAWCC Award document said once I give another copy they will reschedule me. Even though a patient since 2014...	Appellee's unchecked unlawfully and unethical interference-micro-managing/manipulating Appellants medical treatment with treating physician since 6/9/14 and VAWCC medicals Awarded. Moreover, After VAWCC 1/23/18 opinion warning to stop.
Having VAWCC 2016-2017-2018 Awards for ankles, Appellant filed Appellee's (Accident Fund Insurance) 7/12/19 deceptive letter to treating physician (since 2014) stating further visits no longer authorized.	Accident Fund Insurance Co. 7/12/19 unethical/unlawful/untrue letter given to Appellants treating physician (Dr. Omohundro) informing " <i>further visits are no longer authorized.</i> " " <i>Bilateral Ankle denied.</i> "
Pleading for VAWCC to protect my rights (<i>their Duty</i>) and enforce (<i>their Duty</i>) own VAWCC opinions/Awards.	Appellee's violations enabled by VAWCC for 7+ years without any lawful corrections against their own opinions/Awards is collaboration.

By the record, comparisons, and basic common sense, a reasonable mind would find the fault of Awarded medicals and prescriptions often denied to Appellant is the willful combined violations of Appellee's and VAWCC. Now over 7-Years of this mess.

Everyone knows, patients cannot approve and fill our own prescriptions as VAWCC Nevin's opinion stated Appellant "filling prescription." If this were a fact, the drug stores would have lines down the street everyday/all day. Imagine the 24-Hour drug store...

This vile Unconstitutionally neglected unchecked case is nonsensical.

Fact 1. Treating Physician never gave written notice informing not my physician.
Fact 2. 2/26/19 appointment Dr. Omohundro advised me on wrist surgery and to **return**. This knocks out any Appellee's claim from 8/27/18 created check-box questions to Dr. Omohundro (6-months **prior**) to him counseling me for wrist surgery and returning. Again, not a 7/31/20 Hearing issue, **1½ YEARS-LATER** after physician visit consulting wrist surgery. Well known to VAWCC at hearing. Yet, VAWCC supports Appellee's fraudulent/irrelevant inserted story holding their hand at Hearing and opinion on this? Again, Unconstitutional and collaborative Federal crime. VAWCC has irrelevant opinion on this non-matter. Again, in collaborated offenses they must stick together because following the Rule of Law now will be confessing to violations. More Evidence Appellee's and VAWCC have been wasting everyone's time, including 7+ YEARS of my life stolen from me by Appellee's/VAWCC creating falsities covering-up without ever having supportive evidence. Proof Appellees only protection is VAWCC.
Fact 3. From 6/9/2014 –8/17/20 Opinion, Dr. Omohundro is treating physician.
Fact 4. The 8/17/2020 VAWCC blindsided Opinion Unconstitutionally inserts a decision to remove treating physician Dr. Omohundo and blindsides tossing in male "pain manager" as treating physician without changing treating physician docketed as 7/31/2020 HEARING ISSUES. Further, after VAWCC full knowledge of Appellants sexual assault by past male primary care physician (Rec 156-158, 159-160, 161-166, 167-168), VAWCC willful terrifying decision to stop Appellants medical treatment for Appellee's. You don't put terrifying obstacles for patients/Claimant/Appellant to get prescriptions.

Hearing arose from APPELLANTS 11/27/19 filed issues on Appellee's stopping "ALL" Awarded medical appointments/"ALL" Awarded prescriptions.

Fact 5. It is duty of physician to inform his/her patient on medicals not Defense attorney's 10/15/19 letter to physicians patient, written by Amanda Tapscott Beliveau (unethical/officer of the court).

Fact 6. Given State, Federal and Constitutional violations, VAWCC 2020 unethical opinions and VAWCC 2018 terrorizing orders, all provided multiple reversable offenses.

VAWCC State/Federal Offenses/Not Enforcing Own Opinions/Reversable Offenses

Code of Virginia §65.2-201, indicates Commissioner's duty is to correct and enforce Opinions. Meaning their very own. However, VAWCC 5-Year-Long-History of never enforcing Appellee's (AFGI, MHT/NDT) to comply with VAWCC Medical Opinions (orders, if any to Appellee's) and Medicals Awarded to Appellant. Even after knowledge and possessing years of Appellants filed documents in VAWCC with evidence on Appellee's disobeying and contempt of VAWCC Opinions providing Appellant her Medical Awards. (Rec 8/30/17, 141-153, 563-567, 610-611, 614-625, 723-735, 951-956, 994) (Rec/adm 9/25/16, 10/20/16, 5/1/17, 8/30/17, 10/27/17, 1/3/18).

It's clearly irrefutable, VAWCC has no record of enforcing their very own opinions since 2016, enabling Appellee's disobedience to VAWCC opinion together on one accord.

Injuring Appellants medical recovery/denying her Constitutional rights and violating State and Federal laws, knowingly and willfully violating The Color of Law. This case has multiple reversable offences.

Yet, VAWCC willfully and knowingly refusing to obey *Code of Virginia §65.2-201* rule and enforce opinions to protect Appellant, knowing her health/recovery depends on medical treatments for about 30 diagnosed injuries. Cruel.

In fact, VAWCC opinions since-2016 appeal willfully-knowingly-blatantly favored only Appellee's, with further aggressions on retaliations from Appellant 2017 appeal, with covered-ups, ignored issues, or dismissively brushed over Appellee's in collaboration. Deprivation of Rights.

VAWCC has proven clear dangerous intent to deny Appellant her due medical care/Awarded, intent to harm Appellant health/recovery ignoring Awarded medicals consenting now 2½-YEARS of no Appellant medicals, interrupted by both Appellee's manipulations and VAWCC opinions with torturous obstacles for Appellant to receive prescriptions. VAWCC violated Constitutional Oath, Constitutional Due Process, Human Rights, Civil Rights, Title 18, U.S.C., Section 241-Conspiracy Against Rights, Title 18, U.S.C., Section 242-Deprivation of Rights Under Color of Law, Title 18, U.S.C., Section 245-Federally Protected Activities, and the U.S. Department of Justice 910-false statement, concealment... "knowingly and willfully"... with intent to deceive, induce belief in falsity/mislead.

In sync with Appellee's past 5+ years of constant contempt of VAWCC Orders, no surprise Appellee's Unconstitutionally halted All VAWCC Awarded Medical

Treatment to Appellant. Today, Appellee's vile law violations, state and federal rules/laws not enforced/nor reprimanded.

The why did Appellee's cut-off my prescriptions, the VAWCC non-enforcement/sanctions in Opinion (Rec 941-950)? After 2018 Opinion (Rec 77-80) warning Appellee's against" *...activities that smacks of medical management... claimant is not required to seek permission for every little item recommended by the treating physician..."*

Appellee's allowed years to manipulate/abuse case throughout last 2017 appeal-present in the FACE OF LAW, while in Virginia's Appellate Courts and during Appellant's petition to the U. S. Supreme Court. (Rec. 7, 30-36, 42-44, 81-82, 369, 432-490, 563-567 ,610-611, 614-625, 941-950, 951-956, 994-995). Clearly displays disproportionate rulings, collaborations, and willful deprivations of Appellants Constitutional Rights.

Section 242 of Title 18 *A crime for person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution...shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results... shall be fined under this title or imprisoned not more than ten years..."*

Virginia Workers' Compensation Commission Unconstitutional discriminate, disproportionate, collaborating with Appellees with direct intent to harm Appellant health/recovery, manipulate law and get away with fraud. VAWCC enabling Appellee's to Withhold Appellants medical awards while they constantly get away with crimes is torturous and inhumane.

Appellee's and VAWCC breaching Appellant contract without resolution, needs to be removed immediately from harming Appellant, just like any other assault case removing the assailant. Abuse should never prevail in courts.

Scheuer v. Rhodes, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974) The U.S. Supreme Court stated, "...When a judge acts as a trespasser of the law... when a state officer acts under a state law in a manner violative of the Federal Constitution, he comes into conflict with the superior authority of that Constitution."

Filing case inherently protects Appellants rights to a fair/equal trial/hearing/case within the U.S. Constitution.

VAWCC Insertion of Non-Hearing Issues/Opinion on Non-Hearing Issues

Hearing derived from Appellants 11/27/19 (Rec 563-567) filed letter informing VAWCC since February-2019 treating physicians appointment counseling her on wrist surgery, Appellee's unlawfully Stopped all her VAWCC Awarded prescriptions, treating physician visits, and all referrals by treating physicians. Interfering physicians treatments, and Obstructing VAWCC opinions. Appellant also stated "...concerned that my years of filings on defense destructive behavior is overlooked by the Virginia Workers' Compensation commission throughout the past Five and a half years."

Irrespective, 7/31/20 hearing transcript (Rec 720-723), commissioner Nevin immediately lead with misleading statements:

- "I am seeking **additional treatment**."

11/27/19 filing clearly states, I have not received ANY VAWCC Awarded medical treatment. Since **February-2019**, Defendants keeps canceling/not approving VAWCC

Awarded Medical referrals by treating physician. Against Workers Compensation Act.

- "...You want to **get back** and see Doctor Omohundro." 11/27/19 filing clearly states All treatment from doctors/referrals stopped in February-2019. VAWCC aware I have treating physician since-2014 who advised return for treatment and surgery.
- "**Some prescriptions** have not been provided." 11/27/19 filing clearly states, I have not received ANY VAWCC Awarded prescriptions since **February-2019**. Against Workers Compensation Act. (Rec 723).
- "**Case has been improperly managed** on the medical side." 11/27/19 filing clearly states, ENTIRE CASE is Unconstitutionally manipulated by both Appellee's and VAWCC not honoring duty to Enforce own Opinions, and Appellee's allowed constant contempt since 2016. (Rec 724-739).

The four misleading comments from Commissioner Nevin are significant from onset of Hearing because commissioner immediately set tone away from docketed hearing issues. Slyly by confusion, including parts of Appellants claims. Further, slyly inserting/created hearing topics outside docketed issues, while Appellant thinks she's obeying/answering commissioners' questions. With Appellee's quiet-not having to answer VAWCC questions throughout most of hearing concerning Appellee's numerous violations. Nearly all questions directed at Appellant, when issues were not.

VAWCC and Appellee's cleverly misleads Appellant to perfectly frame predetermined narrative of Nevin's opinion. Again, Unconstitutional actions by commissioner, intent to cover/protect Appellee's wrongs, deprives Appellant medicals.

U.S. Department of Justice 910-false statement... concealment..."knowingly and willfully"... induce belief in falsity/to mislead.

As Commissioner Nevin admitted while Appellant listed rules violated (Rec 740), "I'm familiar with the procedural posture of the case. I've actually read a lot of these opinions." Willful intent-unlawful distractions/concealing docketed Hearing issues, knowledgeable of case/opinion/medical-Awards. Yet, intentionally tricking Appellant for the purpose of deprivation (again) of Appellants medicals/U.S. Constitutional Due Process. Clear unlawful intimidation, entrapment, and trickery.

Why my Hearing testimony states filings/hearing issues/read multiple rules both violated (Rec734-743), informing I'm staying on docketed issues concerning VAWCC/Appellee's vile violations throughout 10-pages, to no avail.

Commissioner Nevin has power to write opinion, according to laws, or not.

This is how... 11/17/20 Opinion (Rec 941-950) makes decision on non-related/non-Hearing issue not prepared, with surprise removal of Appellants treating physician (since-2014), stating Dr. Omohundro has no further treatment for Appellant, from question check-box (Rec 882) created by Appellee's he answered 11/22/18. 2/26/19 Appellants Dr. Omohundro visit (Rec 521-524)omitted from VAWCC 1st Appendix. supersedes with National Electronically Medical Signed Record advising return for treatment-counseled for wrist-surgery... Same physician, six-months later.

Technically, by 7/31/20 hearing date, Commissioner Nevin's willfully induced Appellee's 11/22/18 check-box issue, also "get back... see Dr. Omohundro" are willful constructed fabrications. Commissioner said, *"I'm familiar with the procedural posture of the case. I've actually read a lot of these opinions."* Willful/Knowledgeable/Practices-Educated in Law/Intent to conceal/Fabricating hearing issues.

Void-out by known 2/26/19 physicians National Electronically Signed medical records. Induced irrelevant issues at hearing anyway.

VAWCC and Appellee's actions to deprive Appellant previously granted Awarded medical care distracts from law and medical recovery for years. THEY are wasting my years I cannot reclaim and courts time with willful State/Federal violations.

Back to the four clever adjusted issues by commissioner. Completing opinion package with "You are seeking **additional treatment**," and "...You want to **get back** and see Doctor Omohundro?" As if Appellant received any treatment at-all and didn't have treating physician. Surprise inserted issues at Hearing

Appellant claimed "ALL" medicals stopped 2/19. VAWCC didn't try to resolve filed issue-why Appellee's cut-off all Appellants medicals-Their Duty! Irrelevant "get-back" to doctor diverts away from case issues-ties in with removal of Appellants treating physician in opinion.

Well-orchestrated.

VAWCC "Some prescriptions have not been provided," (Rec 720-744), ties in with created confusion from all to some, framing with not seeing treating physician, knowing Appellee's unlawfully denied/canceled all patients/Appellants doctor visits from Appellants filing on 11/27/19 (Rec563-567).

VAWCC "Case has been **improperly managed** on the medical side," created willful confusions omitting Appellant filing directly includes both VAWCC and Appellee's mismanaging, manipulating and Judicial Abuse.

All distracted and dismissively brushed away in opinion without resolve again. Hearing issues derived from Appellants filed 11/27/19 claims (not Appellee's) on VAWCC/Appellee's violations. Unfairly mischaracterizing my filings/case, not affording my Constitutional Rights to Fair/Equal Hearing/Due Process of the Laws.

Appendix shows medical referral orders, my letters to VAWCC informing Appellee's stopped treating physicians' referrals and appointments over 5-Years. (Rec 7, 30-36, 42-44, 81-82, 369, 432-490, 563-567, 610-611, 614-625, 880-882, 941-950, 951-956, 994-995).

Incomprehensible, after 9-pages (Rec735-743) I have chopped/edited-sentences(Rec742/edited)?

Omitted from transcript were amazingly... Hearing issues!

- 7/12/19 AF letter to Dr. O
- 10/15/19-Amanda Belliveau letter to me
- 10/29/19-Physicians 30 min visit. No mention of another Dr. or No more visits. Kim/Michelle just got off phone/Appellee's not-paying.

- My 11/2/19 Hearing file not receiving medical prescriptions since Feb 2019.

Also, omitted, end of hearing, Nevin asking me twice again, if I wanted to return to Dr. Omohundro. Commissioner averted 11/27/19 claims. Nothing ever resolved.

Belliveau only responses to Nevin... (Rec 721, 725, 727, 733,734, 741,743) "That's fine, Your Honor." "Thank you." Brief statement on irrelevant issues outside docketed claims. "Objection to the hearsay, Your Honor," "Thank you," "Objection of irrelevance." "No. I don't, Your Honor." Clearly doesn't seem like hearing issues directed to Appellee's.

Importantly, (Rec 727-p8), Belliveau states, "...we rest upon Doctor Pearson's medical questionnaire that's included in the medical designation."

Resting? Hearing beginning? Page 8/of 24-page-transcript?

Appellee's briefly produced/explained irrelevant issues, then ready to rest? Seems like she knew hearing almost over, or anything afterwards would not matter anyway. Collaboration and cover-up benefits both Appellee's and VAWCC violations.

Observe and weigh:

7+ Years/same issues.

11/2/19 hearing-issues.

Entire Transcript (*just 24-pages*).

2020 Opinion.

This brief.

"... "knowingly and willfully" ... induce belief in falsity/to mislead.

5+ years Awarded prescriptions-medical treatment continuously cut-off, commissioner Nevin didn't ask Appellee's counsel why? Didn't reprimand them? Didn't perform his duty to enforce obedience to VAWCC orders/medical Awards?

Ignored Appellees untrue/calculative 7/12/19 letter to treating physician stating, *"Please note that any further visits with Dr. Omoundro are no longer authorized."*

"Bilateral Ankles is DENIED."?

Ignored Appellee's counsel Amanda Belliveau 10/15/19 untrue calculative letter to Appellant informing treating physician has no further treatment? Then cancels her scheduled 10/30/19 treating physician appointment right before she arrived?

But lawful to punished Appellant deprived of ALL VAWCC medicals for 2-YEARS, with torturous obstacle to visit another male physician in his office to get my prescriptions after known sexual assault?

Is this really happening in a court of LAW?

Belliveau is not a physician, nor Dr. Omohundro's attorney (as far as I know). Only physician can inform patient by law.

VAWCC Favoritism. Page 6-2020 transcript (Rec. 720-744), Commissioner tells me to answer Appellee's attorney questions. *"At this time, I'd like for you to answer any questions Ms. Belliveau might have. Go ahead, Ms. Belliveau."*

Opinion Pages 4-5(Rec 943-945), **SUMMARY OF EVIDENCE**, totaling 11. VAWCC listed ALL Appellee's 9-pieces of evidence. Listing just 2 for Appellant (Hearing

Testimony and 11/27/19 filing) Discriminating. Omitting 6/4/20, 7/13/20 (Rec 610-611, 614-625) my response to Appellee's contempt and VAWCC non-enforcement, and other filings concerning Hearing.

Opinion Page-4 (Rec. 944-945) clearly states only three HEARING ISSUES. 1. CASE MISMANAGED. 2 NO PRESCRIPTIONS. 3. NO MEDICALS (since February 2019). Does not mention needing wrist surgery or the rest of filed Appellants Hearing claims to resolve on Appellee's and VAWCC violations. Knowingly/willfully/beneficially diverted actual hearing issues away from Appellee's and VAWCC towards Appellant by VAWCC creating irrelevant issues, inserted pain manager, specific prescriptions previously resolved... Intentionally deprivation of Rights.

14th Amendment requires equal rights to fair trial/hearing.

Shockingly without Due Process, opinion overlooks claimed issues/ruling in favor of dishonoring VAWCC opinions/Awards.

Especially not sensibly recognizing dates.

1. **8/22/18** Appellee's check-box questions to Dr. Omohundro's (Rec 882) with "no longer needs to see Appellant after 8/14/18 visit..." checked off.
2. **2/26/19** physicians Electronically signed medical records(Rec 521-524) advising patient/Appellant return for treatment, wrist surgery, cortisone shot-wrist pain, surgery-outcomes, Referral to Physical-Therapy-ankle. SIX months **AFTER** check-box question. Verses, Nationwide medical systems Electronically Signed by physicians. Common sense, this overrides **prior** elementary paper check-box question.

3. VAWCC 8/17/20 opinion breaching contract with Appellant, again. With obvious date sequence on record, willfully-knowingly did not protect Appellants U.S. Constitutional rights nor Awarded medicals. Opinion lopsidedly catered to unlawful Appellee's.

My mother and Father both watched Hearing, immediately afterwards discussed how they have never seen a Defense attorney hardly say anything at a Hearing, quiet as a mouse. "Just unrealistic! Hearing issues were on HER CLIENTS unlawful case manipulations!" Protected.

Another inaccuracy. My mother and I made it clear that she was just an observer. Commissioner kept saying she's a witness so she could not hear. I have others watching to take account of extensive case violations.

VAWCC is to protect Appellants rights as well, not just the Appellee's. Breach fo contract and extreme misapplication.

At hearing, commissioner aware, claimant not received medical treatment/prescriptions in 17-MONTHS, 1 ½ YEARS?!

Note: Hearing was canceled DAY of Hearing, Rescheduled TWICE for claimant without medicals over-a-year? (Rec. 594-586, 598-601, 714-717). Appellant not afforded virtual like other hearing instead of day of cancelation.

Hearing issues were entirely on Appellee's, VAWCC, and counsel Amanda Belliveau collaborations. As months/years go on, they Pile on more violations with falsity to mislead. Sharing common violations of laws, attempting to continue getting away.

Enough is Enough. Why the brief is lengthy.

VAWCC Opinion Contradiction

1/23/18 VAWCC Opinion (Rec 77-80) warns Appellee's they cannot medically manage case with a treating physician assigned (since 6/2014).

Stating "ONCE A PHYSICIAN BECOMES THE TREATING PHYSICIAN, MEDICAL MANAGEMENT OF THE EMPLOYEE IS NOT TO BE DIRECTED BY THE EMPLOYER. CONTROL OVER THAT TREATMENT REMAINS WITHIN THE PURVIEW OF THE TREATING PHYSICIAN."

Citing: Richmond Memorial Hospital v. Allen, 3 Va. App. 314, 318, 349 S.E.2d 419, 422 (1986). "THE DEFENDANTS ARE, THEREFORE, CAUTIONED FROM ENGAGING IN ANY ACTIVITY THAT SMACKS OF MEDICAL MANAGEMENT. THE CLAIMANT IS NOT REQUIRED TO SEEK PERMISSION FOR EVERY LITTLE ITEM RECOMMENDED BY THE TREATING PHYSICIAN TO MANAGE HER CARE."

1/23/18 VAWCC Opinion warning Appellee's. Aware Appellee's are NOT to manage case with treating physician *for an injuries to the left leg, left foot, left ankle, right ankle, left wrist, right wrist, left knee, and including the conditions of tibial tendinitis, Achilles tendinitis, and neuralgia on the left.*

A disconnect and contradiction with VAWCC opinions.

Disproportionate 8/17/20 VAWCC Opinion (Rec 941-950).

1. Since-2017 appeal-VAWCC possesses over 3-years Appellant docketed evidence on Appellee's and VAWCC judicial misconduct.
2. The VAWCC 2018 Opinion warning Appellee's not micro-manage and manipulate this case, not enforcing.

3. Appellee's violations accelerated in the face of law while on appeal up to the U.S. Supreme court with no shame continuing acceleration of additional unlawful case manipulations. VAWCC recent Opinion dismissively stated, "they" are not persuaded Appellee's have engaged in improper medical management of the claimant's treatment? Without evidence or citing ANY case examples.

Knowing, medical treatment/prescriptions **arranged between treating physician (ordering), and Appellee's** (stop-paying). Meaning, Appellant couldn't possibly have anything to do with medical prescriptions/treatment halted. Commissioner had no resolution.

Without a doubt, it's the responsibility of the treating physician and Appellee's to provide Appellant her Awarded Medicals.

It the duty of VAWCC Commissioner to adjudicate THIS issue, find out the why directed at Appellee's.

Instead of acknowledging Hearing issues, VAWCC avoided, enables Appellee's. Opinion shifts on Appellant (not responsible for producing prescriptions, nor responsible for asking APPROVAL for *every little treating physicians appointments and referrals*). Yet, VAWCC continued deviations, "... but we are not persuaded by the claimant's testimony and her perception that the defendants are....

Note: Claimant's testimony was all on fact. Produced proof, cited cases, cited Federal Laws, cited Virginia Rules, cited VAWCC disproportionate opinions, cited and listed Rules on VAWCC commission violations not enforcing own Opinions, stated Appellees unethical violations of law manipulating physicians...

Constitutional Due Process and VAWCC own Opinions Awarding my medicals are not “persuasion,” they are to be ENFORCED by law.

Commissioner pointing “**Perceptions**” were factual evidence in his record, also the Rule of Law. VAWCC record since-2014 to present reeks of Appellee’s unchecked violations.

VAWCC Opinion contradictions:

- VAWCC granted Appellant multiple medical Awards.
- VAWCC refusal to enforce Appellants multiple medical Awards.

Opinion did not include my “evidence,” brushed away my very detailed factual testimony. 7+ years, Appellant has only told the facts/laws/rules/violations.

Commission at Hearing told me to stop, he heard enough, while I listed VAWCC and Appellee’s violently violated VA-Rules, cited Workers-Comp cases, U.S. Constitution, *Hudock v. Indus. Comm'n of Va, The Cura Group, Inc. v VAWCC 2005, United Airlines, 58 Va. App. At 237-38* Causation not solely on medical evidence but on claimant’s testimony.

Multiple VAWCC commissioner opinions ignored Appellee’s violations of law and opinions, disproportionate. Proves heavy favoritism towards Appellee’s Unconstitutional.

Historically, evidently very clear, VAWCC will never provide Appellant her born U.S. Constitutional rights to a Fair Hearing and Due Process of the Laws from concealing

own and Appellee's Judicial Misconducts obstructing laws. Also, very clear VAWCC will never enforcing own Opinions Awarding Appellants Medicals.

Reminder, this is a Health issue concerning rightful medicals unlawfully rejected.

VAWCC aware of:

11/27/19-My filing (Rec 563-567) creating 2020 Hearing.

1/23/18-Opinion (Rec 77-80) warning Appellee's no case manipulations.

7/20/16-Opinion (Old-Rec 400-412) granting Appellant Medical Awards.

2017-Opinion (Kennards 6/6/2017) Awarding Appellant further Medicals.

7/12/19-(Rec 556-567) Appellee Accident Fund General Insurance letter to treating physician, *"Please note that any further visits with Dr. Omohundro are no longer authorized."* Against VAWCC Opinion/Medical Awards.

04/2018-Appellee's counsel Amanda Belliveau unethical letter to Appellant wrongly informing Appellant on Appellants physician.

Having docketed evidence, VAWCC still not "persuaded" with HIPPA violations by Appellee's counsel Amanda Belliveau, officer of the court-violative-unethically misbehaved letter to Appellant, *"... Dr. Omohundro has opined that he has no further treatment to offer to you..." "Also, they will no longer authorize visits."* I have Medical Awards! Unauthorized release/sharing/notification of my own medical information, further being falsified.

Officer of the court, not Dr. Omohundro's attorney, dishonestly, against HIPPA rules, unauthorized letter inserting herself between Appellant and her physician? Vile case manipulation.

VAWCC not "persuaded" by Unlawful Appellees medically managing treatment/case with treating physician. Evident-clear-constantly manipulating case. Unconstitutionally violating 14th Amendment, collaborating, against the Color of Law

Deprivation of the Rights Under Color of Law Title 18, U.S.C, Section 242, to willfully subject deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States. Again, breaching VAWCC contract with Appellant not protecting Appellants rights, not enforcing Opinions Awarding Appellant medicals dismissive of medicals cut-off by Appellee's, dismissive of 5+ years of Appellants evidence. (Rec 1-2, 723-725, 735-736, 738-743, 952-956, 971-976)

Unfortunately, timeframe of evidence indicates Appellee's unlawfully pressuring licensed physicians, leading up to VAWCC 2017-2020 Opinions benefiting Appellee's want.

VAWCC violating Va. Code 65.2-201(A) *"It shall be the duty of the Commission to administer this title and adjudicate issues and controversies relating thereto... to punish for contempt."*

Continuing Case Violations

- U. S. Constitution.
- Civil Rights.
- 6th Amendment.
- 8th Amendment against torture.
- 14th Amendment.
- Title 18, U.S.C., Section 241-Conspiracy Against Rights.
- Title 18, U.S.C., Section 242-Deprivation of Rights Under Color of Law.
- Title 18, U.S.C., Section 245-Federally Protected Activities.*
- Human Rights Act.
- Workers' Compensation Act.
- Virginia Workers Compensation Act.

- Virginia Court Rules.
- Judges and Commissioners Constitutional Oath.
- Attorney Constitutional Oath.

Without courts acknowledgment, accountability, adjudication, resolutions...

Opinion Contradictions; Having tangible VAWCC opinions granting Medical-Awards and Constitutional Rights. Unreasonably tormented in U.S. COURTS over SEVEN-YEARS constantly ignoring opinions/Awarded medicals and my born U.S. Citizen Right upon filing, entitling my Constitutional Rights without discrimination or retaliations.

Case unlawfully unhinged with no order.

Appellee's and VAWCC Unconstitutional Collaboration and Retaliation.

Virginia Workers' Compensation Commission, Accident Fund General Insurance, Model Home Temps/Next Day Temps and their counsel Amanda Tapscott Belliveau of McCandlish Holton appear to collaborate in acts of harsh retaliations from/during 2017 appeal and continuing presently. Violating the U.S. Constitution, Workers Compensation Act, Human Rights Act Articles 2/3/5/6/7/10, their Oaths.

Title 18 U.S.C. Section 241-Conspiracy Against Rights.

Title 18 U.S.C. Section 242-Deprivation of Rights Under Color of Law.

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

Evidence in appendix and appendix addendum (*omitted files*) proves, 7/20/16 VAWCC Opinion Awarding Appellant medicals, stating:

Pursuant to Va. Code 65.2-603, "...medical benefits are awarded for as long as necessary for an injuries..."

VAWCC 6/6/17 Opinion Adding Awards for osteopenia/plantar fasciitis/left metatarsalgia/left tarsal tunnel syndrome/left equinus gastrocnemius/left ankle contracture.

Without a doubt, and Ordered in VAWCC, these Awarded injuries have been granted to Appellant in 2016/2017/2018.

Even with direct orders providing Appellant specific Medical Awards by VAWCC 5+ Years ago, this case became rogue without any order—yet possessing multiple orders.

Unfathomable. Can no longer be ignored.

VAWCC has 7+ Years of Appellants docketed files (Rec563-567, 566-567/adm 2, 4, 6,7) on years of Appellee's stopping my prescription, calling/canceling treating physician, physical therapy appointments and remainder, refusing future (All Awarded), ignoring treating physicians/referring doctors/pain-managements (since 2016) calls/emails/Medical Referrals, after only 1-appointment with pain-management ignored office calls/emails again for further treatment. Appellee AFGI 2019 (Rec 566-567) false-calculative letter to treating physician-no further (Awarded) treatment will be authorized, Appellee Amanda Tapscott Belliveau false-calculative letter (Rec 566-567, 880-882) to Appellant stating treating physician has no further treatment needed violating HIPPA-this **after** same treating physician visit **2/26/19** National Electronically Signed Medical Records indicating RETURN/counseled-wrist surgery ops-rehabilitation.

Nothing about this is right. Avoidance-Gone Unchecked by VAWCC without Acknowledgment-Accountability or Constitutionally. Enabling Appellee's constantly illegally micro-manage and manipulate medicals.

Appellee's clear avoidance of the truth, Rule of Law, and unlawful freedom by courts allowing and overlooking Appellee's vile violation of State and Federal laws is how this case became rogue without order.

How many times do we need to hear/read evidence of Appellee's saying they are "not approving medical treatment" AWARDED, "no further treatment" AWARDED... and years of Appellee's Unconstitutionally/harshly manipulating evidence/manipulating physicians, micro-managing/manipulating case/manipulating Appellant and medical treatment?

What level of violent behavior do Appellee's need to achieve before courts enforce them to stop and reprimand them?

As my mother said after 2017 hearing, "... **Lord, all they had to do was just follow the Court Order....."**

Opinions tone and tenor seems to wiggle out of Appellee's violations/actions prove disproportionate rulings and collaboration providing judicial misconducts and years of Appellee's created case chaos.

Examples-Disproportionate/Retaliations/VAWCC not enforcing Opinions:

1. VAWCC 2-quick turn-around Orders (Rec 159-160, 167-168) Appellant to attend Male IME (Appellee's 10/2018 Motion-to-Compel)(Rec 156-158), Appellant emailed counsel 3½ weeks prior to IME only requesting Female IME. VAWCC First-Order to male IME threatening to remove case seems wrong assumptions from Appellees. Appellants 11/6/18 letter (Rec 161-166)informing VAWCC only

requested Female IME from recent sexual assault from (past) primary care physician Dr. Batra and his Heart Stress Technician Mr. Hogo after scheduled Stress Test in 2018. Clearly, VAWCC knowledgeable of assault, willfully ordered again to male IME (Rec 167, 168). Appellant filed for hearing concerning this aggression (Rec 169, 170) **Hearing Never Scheduled**. Aggressive abusive forced with retaliation towards Appellant. This is terrorizing-unethical, especially from a Female Commissioner.

What took 15-days and two-Orders without any resistance from Appellant, could have been resolved in less than 30-min. by just rescheduling with Female IME.

2. VAWCC 2-quick same-day Orders. 9/17/19 (Rec 370-371), Commissioner Kennard refusing to recuse himself on 9/17/17 hearing (Rec 369) request. 9/18/19, Appellant 2nd request/reconsideration (Rec 372-431) for Commissioner Kennard to recuse himself indicating-*he does not enforce VAWCC Orders, ignores my documents/filings on Appellee's contempt of orders, judicial misconducts, disproportionate opinions, favor Appellee's violations, cause of 2017 appeal*. Yet, after detailed/good cause/attached exhibits, Commissioner Kennard still refused to recuse himself in his 9/18/19 Order (Rec 491-492).

At time, case between Supreme Court of Virginia and the U.S. Supreme Court.

Both examples proving VAWCC can honor/enact Code of Virginia §65.2-201

Commissioner's duty to correct and enforce Opinions. If they want. Unconstitutionally chose not.

For VAWCC to produce 2-quick turn-around irrelevant orders to Appellant, also produce 2-quick Same-Day Orders/1-Day apart with commissioner refusing to recuse himself, **not One-Single-Order in 5+ YEARS** for Appellee's in Contempt of court orders demanding/enforcing them to obey VAWCC Opinions to protect Appellants Awarded Medicals rejected by Appellee's is unfathomable, discriminatory and severely Unconstitutional.

Only doing what they know they can get away with.

According to the **U.S. Department of Justice 910.**

Knowingly and Willfully, The prohibition of 18 U.S.C. 1001 requires that the false statement, concealment or cover up be "knowingly and willfully" done, the statement must have been made with intent to deceive, induce belief in falsity or to mislead.

7+ years, I followed rules Orders and numerous Appellee's IME appointments without issue (until I requested female/from assault needing adjustments).

Dismissiveness is a form of abuse. True case example on how commissioner/judge dismissive avoidance of true/proven violations of law harms everyone, the U.S. Constitution, and citizens belief in attorneys and courts.

Appellee's Counsels Involvements in Case Manipulations/Judicial Misconducts.

Scheuer v. Rhodes, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974) The U.S. Supreme Court stated,
"...When a judge acts as a trespasser of the law... when a state officer acts under a state law in a manner violative of the Federal Constitution, he comes into conflict with the superior authority of that Constitution."

Defendants/Appellee's counseled by Amanda Tapscott Belliveau, officer of the court. Exhibiting more than unethical behavior obstructing Appellants Awarded by VAWCC medical care noted throughout brief.

Inserting herself beyond by calling treating physician canceling VAWCC Awarded appointments, calling physical therapy right before appointment canceling. All VAWCC Awarded treatment.

S.C.R. 1795, Penhallow v. Doane's Administrators (3 U.S. 54; 1 L.Ed. 57; 3 Dall. 54),

"The prosecutor is not a witness; and he should not be permitted to add to the record either by subtle or gross improprieties. Those who have experienced the full thrust

of the power of government when leveled against them know that the only protection the citizen has is in the requirement for a fair trial."

Appellant received 10/19/2016 referral (Rec 821-823) to pain management from treating physician Dr. Omohundro. Ms. Belliveau and her clients ignored all calls and emails from Appellant and Dr. Pearson's office for TWO-YEARS! Interfering with license physicians treatment and disobeying VAWCC Orders Awarding Appellant medicals.

Ms. Belliveau finally contacts Dr. Pearson, not for appointment-concerning upcoming 2018 Hearing for support, sending calculative check-box questions indicated in 7/31/20 Hearing-Transcript (Rec 727/p8, 880-882). Violating HIPPA Rules by transmission/3rd-party/without Appellant's knowledge or authorization concerning patients medical records/information with a physician Appellant's visited.

After only 1-appointment-Appellee's ignored pain-managers calls/emails again for further treatment needed-requesting approval.

October 19, 2016-Treating physician Dr. Omohundro pain-management referral.

June 13, 2018-Finally-Appellant appointment.

July 12, 2018-Appellee's fax-Pain Manager report filed as CONFIDENTIAL.

October 11, 2018-Dr. Pearson response to Ms. Belliveau check-box questions.

Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

Appellee's irrelevant manipulative check-box question issue also inserted by VAWCC and counsel in 7/31/20 hearing, (Rec 720-744). Not docketed Hearing issues.

Appellant now making corrections on falsified accounts by Amanda Belliveau. Belliveau's unethical case manipulations and insertions of issues avoiding Dr. Pearson's office and Appellants calls and emails 2-Years, then sending a check-box questions to Pearson and Dr. Omohundro getting him to say no further treatment in 2019. Afterwards, 2020 Dr. Omohundro electronically Signed medical records dictate Appellant to RETURN for treatment/advised wrist surgery, cortisone shot, and Physical Therapy referral for ankle 5% range of motion. At this point in 2020, Amanda Belliveau's check-box questions paper is technically voided, of no use.

Still Belliveau with Appellee's persist ignoring 2020 treating physicians National Electronic record for Appellant to Return/wrist surgery/Physical Therapy (after their 2019 check-boxes (Rec 880-882) notes to return, then 2019 (Rec 521-524/Defense designation #12 p.5). Now, knowingly and willfully collaborating with VAWCC, Belliveau does a miraculous change, fighting to replace treating physician (since-2014) with the once denied pain-manager of 2-Years Dr. Pearson. Avoiding wrist-surgery?

Pain manager cannot perform wrist surgery. Also, Belliveau is knowledgeable of my August-2018 sexual assault/previous 2018-request for FEMALE IME (Motion to Compel male IME).

Vicious intent, unethical, and willful harsh retaliation against Appellant, for Amanda Belliveau, a Female, manipulation-involvement under her direction as officer of the court.

VAWCC January 23, 2018 Opinion (Rec 77-80) warned Appellee's against medically manage.

Richmond Memorial Hospital v. Allen, 3 Va. App. 314, 318, 349 S.E.2d 419, 422 (1986). "THE DEFENDANTS ARE, THEREFORE, CAUTIONED FROM ENGAGING IN ANY ACTIVITY THAT SMACKS OF MEDICAL MANAGEMENT. THE CLAIMANT IS NOT REQUIRED TO SEEK PERMISSION FOR EVERY LITTLE ITEM RECOMMENDED BY THE TREATING PHYSICIAN TO MANAGE HER CARE."

Afterwards, the records show under the direction of Belliveau, Appellee's continued-on with violations anyway.

Amanda Belliveau client Accident Fund General Insurance letter to treating physician **7/12/19** (Rec 563-567) "*Please note that any further visits with Dr. Omohundro are no longer authorized.*" Treating physician office provided Appellant a copy.

Amanda Belliveau, further directly inserts herself writing/signing fallacious calculative **10/15/19** letter, unethically sends to Appellants (Rec 563-567), "... *Dr. Omohundro has opined that he has no further treatment to offer to you..." "Also, they will no longer authorize visits.*"

After 1/23/18 Opinion Warning to Appellee's to Stop.

- 8/22/18 Belliveau manipulative/unauthorized/HIPPA violating check-box questions?
- 2/26/19 Dr. Omohundro's electronic signed record-Appellant Return for treatment ignored voiding check-box questions-continuing today?
- 7/12/19 Letter to Dr. Omohundro. "*Please note... visits... are no longer authorized.*"
- 10/15/19 Belliveau letter to Appellant informing her physician has not further treatment.
- 7/31/20 Belliveau/VAWCC inserting falsified/non-Hearing Issues on their check-box question to Dr. Omohundro not Hearing issues.

People only do what they know they can get away with. Unethically counseled by Amanda Belliveau, violating her Constitutional Oath depriving Appellant her medicals and Constitutional Rights to fair trial/hearing without discriminations or retaliations.

Belliveau 2018 check-box questions canceled only 6-months later by (same physician) Dr. Omohundro's 2/26/19 National Electronically-signed medical records for Appellant to Return.

Yet-and-still Belliveau, Appellee's, and VAWCC unlawfully persist hand-n-hand with canceled-out/irrelevant/fabrications (no further treatment) on record at Hearing/transcripts/2020 opinion to NOW conveniently viciously fight for male pain-manager who cannot perform wrist surgery.

All violating Federal crimes under
Title 18, U.S.C., Section 242 - Deprivation of Rights Under Color of Law
Title 18, U.S.C., Section 245 - Federally Protected Activities

VAWCC Breach of Contract

Filing case inherently protects Appellants rights to fair/equal trial/hearing according to the Constitution.

It's VAWCC responsibility to enforce Opinions.

It's Appellee's responsibility to pay Awarded medicals. Amanda Belliveau counseling accordingly.

It's VAWCC responsibility to protect Claimant/Appellant rights and medicals, not ignore own VAWCC Medical Awards they granted to Appellant. Not retaliate, discriminate, block wrist surgery, violate oath. VAWCC Breach of Contract/agreement.

VAWCC breach contract with Appellant, refusing to protect her rights under State, U.S. Constitution and Workers' Compensation Act.

VAWCC **breach** by not performing Duty to enforce Opinions and Medical Award violating **Code of Virginia §65.2-201**. Absolutely no VAWCC Opinions/Orders enforcing Appellee's to obey opinions.

VAWCC **breached** by ignoring own medical opinions/Awards. (Rec563-567/ 738-743).

VAWCC **breached** making two unlawful decisions in Opinions without docketed as Hearing issues, preparation, heard, deliberated/adjudicated at Hearings. History of offence-2017 Opinion without issue removing Knee (Rec 612-625, 941-950).

1. Surprise treating physician (6+ Years) removal, without removal scheduled/docketed-Hearing issue, not deliberated at hearing or known-by-Appellant. Not included in Appellant 11/27/19 letter producing 7/31/20 Hearing.
2. Surprise new treating physician addition/6+ Years later, without new treating physician scheduled/docketed-Hearing issue, deliberated at hearing, Appellant not aware of issue, not included in Appellants 11/27/19 letter leading to 7/31/20 Hearing.

VAWCC **breached** omitting 11/27/19 filed Hearing issues from 8/17/20 Opinion: (Rec 563-567).

- a. VAWCC Omitted majority of Appellants Evidence (Rec 951-956, 961-976, 566-567, 566-567, 614-625, (4/22/17 claim), except 11/27/19, threw-in transcript before even produced.
- b. VAWCC violations not enforcing own Medical-Opinions/ignoring filings.
- c. Appellee's destructive behavior overlooked by VAWCC.
- d. **Appellee's-AFGI 7/12/19** calculative letter (Rec 566, 567) to treating physician *"...any further visits with Dr. Omohundro are no longer authorized."* **"Bilateral**

Ankles Denied." Appellant has VAWCC-Ankles Award. Proves my filings since-2016 Appellee's manipulate physicians. Proves obstruction/interfering with licensed physicians medical practice, my medicals without my authorization violating HIPPA Rules, intentional/tangible evidence/officially **Notifying-Appellee's will DISOBEY VAWCC-opinion.**

- e. Appellee's attorney Amanda Belliveau inserts herself TWICE directly-writing manipulative check-box questions to Appellant physician. Moreover, writes/signs fallacious calculative 10/15/19 letter (as Defendant attorney/officer of court) inaccurately informing Appellant of physicians statement on Appellant medicals (Rec 563-567), "*... Dr. Omohundro has opined that he has no further treatment to offer to you...*" "*Also, they will no longer authorize visits.*" Violating HIPPA Rules contacting my physician without my authorization. Further intentional/tangible evidence/officially **Notifying-Appellee's will DISOBEY VAWCC-opinion.** Nothing positive/legal can come from Defense attorney contacting Claimants physicians. Should be illegal. If so, wouldn't stop Appellee's or VAWCC.
- VAWCC **breached** with history off selectively not holding Hearings on Appellee's 5+ Years continuous-contempt/disobeying VAWCC own orders, filed/docketed in VAWCC. Enabling years of misconducts.
- VAWCC **breached** colluding/enabling Appellee's years of case manipulation, judicial misconduct, obstruction of justice, ignoring Awarded medicals, prescriptions, also vile retaliatory actions Unconstitutionally.
- VAWCC **breached** mingling Appellants filed 11/27/19 (Rec 563-567, 723-725, 733) letter on VAWCC and Appellee's Case Manipulation/not receiving Awarded Prescriptions for a year, with Appellee's-Defendants' Exhibit Designation 2 (Rec 628-713 exhibit 2, 700-723) switching facts around and adding irrelevant/disregarded case issues/not docketed Hearing-issues/to distract from Appellants docketed Hearing-issues.

- VAWCC **breached** not providing her Rights to Fair Hearing/Equal Due Process of Laws, unethical, inhumane violating the Eighth Amendment-Cruel and Unusual Punishment, and Unconstitutional.
- VAWCC **breached** not stopping own commissioners from obstruction of justice.
- VAWCC **breached** extending Appellant time without her Awarded prescriptions/not expediting hearing, but continuing hearing twice on 4/8/20 and 7/21/20 (Rec 598-586, 714-717). Knowledgeable of NO-Prescription/NO-Treatment since February-2019. Also, canceling day of Hearing without affording Appellant virtual Hearing as many other cases had. Took 8-Months for a hearing. 17-Months without Awarded prescriptions.
- VAWCC **breached** contract by not removing abusers from Appellant for protection with AFGI, MHT/NDT, and counsel orchestrating/performing judicial misconducts, Not Obeying VAWCC Awarded Medical Appointments, harming her health/recovery, falsifying to physicians' offices they must "approve" while rules/VAWCC Opinion (Rec 77-80) indicate only treating physician medically manages case/Appellant "*does not have to get approval for every little*" yet, hindering medical treatment (stalling/stopping), Not "Approving" VAWCC "Awarded" Prescriptions then Stopping prescription often since-2016. Further illegally obstructing licensed physicians medical practice and violating HIPPA rules.
- VAWCC breached contract Deputy Commissioner Kennard twice refusal to recuse himself (Rec 369-492). Case violations/retaliations escalated in 2017 by Kennard. Disproportionate opinions, favoring Appellee's violations, fracturing own Constitutional oath.

Case is Like Twilight Zone. Unlawful.

VAWCC held virtual Hearings hearing day. Mine canceled day of Hearing/Notice mailed out Hearing-day. With epidemic health crises/knowing I am without medications.VAWCC should've afforded me virtual Hearing other cases. Instead,

canceled day of as 11/27/19 filing stated Appellee's already stopped medicals and prescriptions and I was 1½ years without AWARDED prescriptions. Lack of honor.

Appellant hadn't received prescriptions since-2/2019
Appellant filed for Hearing-11/27/19
Notice of Hearing-12/31/19
Notice of Hearing Continuance-4/8/20
Notice of Hearing Continuance-7/31/20
Virtual Hearing-7/31/20
Opinion-8/17/20

Code 18.2-456(4) Misbehavior of officer of the court in his official character... also authorizes courts to issue contempt sanctions based upon party's "[d]isobedience/resistance... any lawful process, judgment, decree or order of the court."

BREACH OF CONTRACT EXAMPLE-Disproportionate/retaliatory actions.

Appellant requested Continuance and Commissioner Kennard recuse himself in 9/24/19 hearing, starting Judicial Abuse/case spiraling out of control. DENIED-same day 9/17/19.

My 2nd request filed following day, detailing why he needs to recuse himself, exhibiting (Rec. 369, 370, 371, 372-431, 432-490). Onset gross judicial misconduct/Unconstitutional/favoritism/ignoring-filings/unhinged since. Kennard himself, Ordered-DENIED request same day (18th). Torturous.

Categories divided for clarity. In doing so, realized each proves all facet of collaboration by linkage, depriving Appellant granted medical awards, willful-actions manipulating case/physicians, and infringing against law and orders. Common wants turned into willful common needs of all violative parties (VAWCC/Appellee's/Appellee's

counsel) to continue getting-away with State now Federal/Constitutional violations, benefiting all collaborative violative parties.

CONCLUSION

I, Appellant am seeking CAVA reversal of VAWCC 8/1/20 unlawful Opinion on the merits of this case. Acknowledge Appellee's and VAWCC errors, enforce corrections and penalties for the sake of other injured workers and our established Constitution.

Requesting my Constitutional rights finally protected/enforced, and 7+ YEARS of Unconstitutional judicial abuse/torturous-retaliation cease immediately. With the unrestrained abusers (Appellee's) including attorney and VAWCC be entirely removed from Appellant life.

If possible, emergency order to mediate for settlement, end/close-out any/all dealings with Appellant from lengthy harmful torturous 7+ Year abuse being purely inhumane, irrational, unethical, and against courts well known State, Federal, and U.S. Constitutional laws.

Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958) Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason. The *U.S. Supreme Court* has stated that "no state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it."

Appellant requesting an oral argument.

(Adrienne) mallard

Adrienne Mallard
Claimant, Pro Se
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Beltsville, MD 20705
AdrienneRealtor1@gmail.com

Word count 13,452. Font Palatino Linotype 12. Below 15,530 as per September 10, 2021,

Order.

CERTIFICATE OF SERVICE

I certify, that on October 13, 2021, I served by webfile on Court of Appeals of Virginia,
and U.S. mail a copy of this Brief to:

Model Home Temps and Accident Fund General through their attorney, McCandlish
Holton, Amanda Tapscott Belliveau, 1111 E. Main Street, #2100, Richmond, VA 23219.

(Adrienne) mallard

Adrienne Mallard Petitioner, Pro Se
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AFFIDAVIT

Virginia Workers Compensation Commission Virginia Court of Appeals

I, Adrienne Mallard hereby affirm on July 31, 2020 during the Virginia Workers Compensation Commission (VAWCC) Hearing via WebEx, I was not aware Commissioner Nevin curtail my filed November 27, 2019 Hearing issues, seeming in avoidance of the actual Hearing issues.

On page 1- 2 in the Hearing transcript, Commissioner slyly adjusted my (claimant) issues, positioning statement as if I were questioning *portions* or *additions*. Unfairly mischaracterizing my filings, my case, and not affording me my Constitutional Rights to a Fair and Equal Hearing / Due Process of the Laws.

VAWCC Adjusted Statements:

- I am seeking “*additional*” medical treatment.

While my November 27, 2019 filing clearly states, I have not received **ANY** VAWCC Awarded medical treatment. Since **February 2019**, Defendants keeps canceling or not approving my VAWCC Awarded Medical referrals by treating physician. Against Workers Compensation Act.

- I am seeking “*some*” prescriptions.

While my November 27, 2019 filing clearly states, I have not received **ANY** VAWCC Awarded prescriptions since **February 2019**. Against Workers Compensation Act.

- He alleged I stated my case is improperly managed on the “*medical*” side.

While my November 27, 2019 filing clearly states, my **ENTIRE CASE** has been Unconstitutionally manipulated by both VAWCC not honoring duty to Enforce VAWCC very own Opinions, and the Defendants allowed constant contempt of VAWCC Orders since 2017.

On page 2 of transcript, I responded, correct. Although, not entirely correct from commissioner adjustments from my filed case issues. I am affirming, I disagree because of the misrepresentation of my filing of which this Hearing was on.

These inclusions veer from my November 27, 2019 filing for hearing, which produced the July 31, 2020 Hearing. The inclusions apparently opened the door for Defendants and VAWCC to deviate from Hearing issues on irrelevant items in avoidance of the scheduled Hearing issues.

Example:

On page 3 (the following page) in the Hearing transcript, Commissioner also slyly inserted an entirely different issue outside of scheduled Hearing issues:

=VAWCC said, “I understand that you want to *get back* and see Doctor Omohundro.”

=I stated, “As far as I’m concerned, I didn’t know I could not see him.”

=VAWCC, “Do you want to *go back* and see him?”

=VAWCC, “... I’ll *get back* to that... You want to go back to Doctor Omohundro. When did you last see him?

VAWCC asked me 3 time at beginning of Hearing, aware Dr. Omohundro has been my treating physician since June 2014. Inserting this issue of "go back" is irrelevant knowing he is the VAWCC AWARDED treating physician. My November 2019 filing never mentioned "going back," nor was this a scheduled Hearing issues. I stated, SINCE FEBRUARY 2019 Defendants HAVE UNLAWFULLY CANCELED MY SCHEDULED AWARDED DOCTORS APPOINTMENTS, REFERRAL APPOINTMENTS, AND STOPPED MY AWARDED PRESCRIPTIONS. VAWCC NOT ENFORCING.

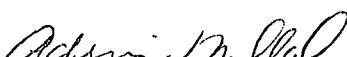
VAWCC also inserted at Hearing mentions of this pain manager who Defendants have been denying me to see since treating physicians first Referral me in 2016. 2018-Defendants finally "approved" one visit. Unlawful for Defendants to deny in Workers Compensation when claimant has a treating physician (since 2014). Actions allowed by VAWCC.

Also affirming, my attached November 27, 2019 filing for Hearing did not mention the pain manager Pearson at all, nor did I ever mention any specific medications as VAWCC and Defendants took on at Hearing. Yet, avoided my filed issues on VAWCC correction on injuries on file, Defendants Dr. Dakens 2017 abusive IME visit, VAWCC not enforcing Opinions, Defendant's manipulation. VAWCC never enforced Opinions nor resolved Defendants not providing me Awarded prescriptions/ physicians appointments for 2 years. Never protecting my rights and my Awarded Medical Treatment.

However, Opinion unlawfully and abusively inserted surprise removal of my treating physician of over 6 years since 2014 injuries and switched to pain manager (male) who cannot do wrist surgery, nor treat ligaments, tendons, nerve damages... With VAWCC Knowledgeable of my filed VAWCC document informing I was sexual assaulted by primary care Dr. Rajeev Batra, requesting Female doctor.

I am affirming, since my February 2019 appointment with treating physician Dr. Omohundro who counseled me on wrist surgery, possible outcome and rehabilitation, the Defendants have not allowed me to return to Dr. Omohundro because of mentions of wrist surgery in his notes. Defendants also stopped my prescriptions in February 2019. Further, they have been retaliating against my case since my 2017 appeal on Defendant's case manipulation.

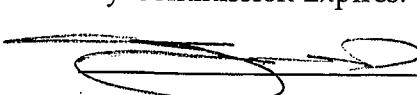
Date is the 11 day of August, 2021



Signature of Affiant

SWORN to subscribe before me, the 11th day August, 2021

My Commission Expires:





SEONG HEE SHIN
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires Sept. 24, 2023
Montgomery County

UNPUBLISHED

COURT OF APPEALS OF VIRGINIA

Present: Judges O'Brien, Callins and Senior Judge Annunziata

ADRIENNE MALLARD

v. Record No. 0321-21-4

NEXT DAY TEMPS, INC. AND
ACCIDENT FUND GENERAL INS. CO.?

MEMORANDUM OPINION*
PER CURIAM
DECEMBER 7, 2021

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Adrienne Mallard, on brief), *pro se*.

(Amanda Tapscott Belliveau; McCandlish Holton, P.C., on brief),
for appellees.

Adrienne Mallard ("claimant"), *pro se*, appeals a final order of the Workers' Compensation Commission ("Commission") denying her claims, *inter alia*, that appellees¹ were required to pay for ongoing treatment with Dr. Phillip Omohundro, had refused to fill her prescription medications, and had engaged in improper medical management.

Upon reviewing the record and briefs of the parties, we conclude that this appeal is without merit. Accordingly, we summarily affirm the decision of the Commission. See Rule 5A:27.

BACKGROUND

"On appeal from a decision of the Workers' Compensation Commission, the evidence and all reasonable inferences that may be drawn from that evidence are viewed in the light most

* Pursuant to Code § 17.1-413, this opinion is not designated for publication.

¹ Appellees are employer Next Day Temps, Inc. and insurer Accident Fund General Ins. Co.

favorable to the party prevailing below.” Anderson v. Anderson, 65 Va. App. 354, 361 (2015) (quoting Artis v. Ottenberg’s Bakers, Inc., 45 Va. App. 72, 83 (2005) (*en banc*)). This opinion summarizes only the evidence applicable to the claims before this Court.

On June 6, 2014, claimant suffered injuries after falling down a set of stairs at work. She began treatment with orthopedic surgeon Dr. Omohundro, who initially diagnosed her with a left lateral malleolus fracture and a left ankle sprain, but later noted numerous other injuries including but not limited to bilateral wrist pain, a right ankle sprain, and a left knee contusion. Claimant treated with Dr. Omohundro’s office throughout 2014 and 2015. As relevant here, her treatment included medications such as Fosamax, lidocaine patches, and gabapentin.

Beginning in December 2015, claimant filed several claims for medical benefits with the Commission. In July 2016, Deputy Commissioner Dana Plunkett found that claimant suffered compensable injuries to her left leg, left ankle, left foot, left knee, right ankle, and both wrists, specifically a lateral malleolus fracture, left ankle sprain, foot pain, tibial tendinitis, Achilles tendinitis, neuralgia, wrist contusions, and wrist pain resulting from the use of crutches. Deputy Commissioner Plunkett denied claimant’s claims for injury to her left hip, right elbow, and for reflex sympathetic dystrophy (“RSD”) to the left ankle.

Claimant continued to see Dr. Omohundro throughout 2016 with ongoing pain. Following a January 2016 visit, Dr. Omohundro wrote that claimant “ha[d] a healed left lateral malleolar fracture and persistent pain complaints in . . . both ankles, the left knee, left hip and both hands” and that “[a]ll . . . studies ha[d] been normal except for the left ankle.” In May 2016, Dr. Omohundro noted “no structural damage” to claimant’s foot or ankle and wrote that claimant “ha[d] many complaints for which no specific pathology [was] identified.” He suspected that “nerve sensitivity” was causing claimant’s ongoing pain. In December 2016, Dr. Omohundro wrote that claimant had bilateral wrist pain, bilateral knee pain, ankle pain, left

foot and ankle nerve pain, and depression, and opined that all of these ailments were causally related to the June 2014 injury.

In October 2016, claimant filed another claim for benefits, asserting chronic regional pain syndrome (“CRPS”) in her left ankle, left foot, left hip, left knee, and both wrists, neuralgia in her right ankle, and a left leg fracture. Later that month, Dr. Omohundro referred claimant to pain management specialist Dr. Levi Pearson to treat claimant’s neuralgia and neuritis. Appellees deposed Dr. Omohundro in February 2017. He testified that claimant’s left ankle fracture had completely healed, that there was likely some neurological basis for claimant’s ongoing complaints, and that, although there were no objective findings to substantiate claimant’s complaints, her complaints were consistent. Dr. John Daken conducted an independent medical examination (“IME”) with claimant in March 2017 and completed a psychiatric evaluation report. Claimant sent Deputy Commissioner William Kennard a letter in April 2017 outlining various complaints with Dr. Daken’s report.

In June 2017, Deputy Commissioner Kennard awarded claimant medical benefits for left leg osteopenia, left plantar fasciitis, left metatarsalgia, left tarsal tunnel syndrome, left equinus gastrocnemius, left ankle contracture, sural nerve damage, and neuralgia. He denied claimant medical benefits for a left hip injury, arthritis/degenerative joint disease, left knee chondromalacia patella, left knee retinacular, radiculopathy, left shin splint, right knee injury, major depressive disorder, and CRPS/RSD in the left foot and left leg. The full Commission affirmed Deputy Commissioner Kennard’s ruling in December 2017. This Court affirmed the Commission’s ruling on appeal. See Mallard v. Next Day Temps Inc., No. 0028-18-4 (Va. Ct. App. May 14, 2019).

In December 2017, Dr. Omohundro completed a questionnaire at appellees’ request, opining that physical therapy should help claimant’s ankle improve and “may help [her] nerve

pain.” He agreed with appellees that gabapentin and lidocaine patches had not improved claimant’s condition and recommended that her gabapentin dose be increased. Later that month, appellees authorized claimant’s treatment with Dr. Pearson, as well as physical therapy, a TENS unit, and all medications claimant requested except for an antidepressant. Appellees also notified claimant that she was authorized for a podiatry/orthotics referral. In January 2018, Deputy Commissioner Susan Cummins denied claimant’s request for an antidepressant but authorized, pursuant to stipulation, pain management, physical therapy, a podiatrist, orthotics, Fosamax, lidocaine patches, and gabapentin.

Dr. Omohundro next met with claimant in April 2018, writing that there was “[n]o active orthopedic treatment at this time.” He prescribed Pennsaid—a diclofenac topical gel used to treat knee pain—and noted that he had referred claimant to Dr. Pearson for pain management. He did not schedule a follow-up appointment with claimant.

Claimant met with Dr. Pearson for the first and only time in June 2018. Claimant told Dr. Pearson that her pain had not responded to medication, including gabapentin and lidocaine patches. Dr. Pearson devised a treatment plan consisting of lumbar blocks to be followed potentially by spinal cord stimulation. In October 2018, Dr. Pearson completed a questionnaire at appellees’ request, stating that he had examined claimant and had recommended several treatment options, but that she had not followed up with his office for further treatment. He averred that he had not refused to see or treat claimant. He further opined that claimant’s complaints of bilateral wrist pain were not related to the wrist contusions she suffered from the 2014 work accident. Claimant asserted later that month that she attempted to follow up with Dr. Pearson but that appellees refused to return Dr. Pearson’s telephone calls or authorize the recommended treatment plan. She also wrote that Dr. Pearson’s questionnaire made her feel unsafe with him.

Dr. Omohundro met with claimant on August 14, 2018, again writing that claimant was “[n]ot in need of active orthopedic care” and that he “recommended [claimant] to continue under care of pain [management] with Dr. Levi Pearson.” He refilled claimant’s prescriptions for Pennsaid, lidocaine patches, and gabapentin but did not schedule a follow-up appointment. On August 22, 2018, Dr. Omohundro completed another questionnaire for appellees, indicating that he saw claimant most recently on August 14, 2018, that he “no longer need[ed] to see [claimant] for her work-related injuries,” and that he deferred to Dr. Pearson for claimant’s “ongoing care for the work accident.”

In October 2018, appellees moved to compel claimant to attend an IME with Dr. Louis Levitt, which Deputy Commissioner Susan Cummins granted. Claimant wrote a letter to Deputy Commissioner Cummins stating that claimant’s male primary care physician had recently sexually assaulted claimant and that claimant was not ready to treat with “a male doctor[] other than the ones [she] ha[d] been going to and trust[ed].” Deputy Commissioner Cummins acknowledged claimant’s letter but again ordered that claimant attend the IME and stated that the Commission would not consider her case until she did so. Claimant attended the IME in November 2018 but later wrote to the Commission about the distress the IME caused.

In February 2019, claimant met with Dr. Omohundro to discuss possible treatments for claimant’s left wrist pain, which Dr. Omohundro diagnosed as wrist tenosynovitis. Dr. Omohundro also renewed claimant’s Pennsaid prescription. The notes for that encounter reflect that claimant had last been prescribed Fosamax in June 2018, gabapentin in October 2018, and lidocaine patches and Pennsaid (2% strength) in February 2019. Claimant received diclofenac topical solution (1.5% strength) in March 2019.

In July 2019, insurer advised Dr. Omohundro that it would not authorize any further treatment with claimant. In September 2019, appellees’ counsel emailed claimant a panel of

approved podiatrists and reiterated that appellees had authorized claimant to be fitted for orthotics. In October 2019, appellees' counsel advised claimant that appellees would not authorize further treatment with Dr. Omohundro because Dr. Omohundro had transferred her care to Dr. Pearson. Counsel wrote that "treatment for conditions that [were] related to [claimant's] work accident [would] be authorized" but that appellees would "not be responsible for any treatment of conditions that ha[d] been denied by the Commission/Court of Appeals." Counsel again reiterated that appellees had authorized orthotics and treatment with a podiatrist.

On November 27, 2019, claimant filed the instant claim for benefits alleging that appellees had stopped authorizing treatment with Dr. Omohundro, had blocked access to claimant's prescription medications since February 2019, and had engaged in improper medical management of her claims. She claimed that she had scheduled an appointment with Dr. Omohundro on October 29, 2019, but that Dr. Omohundro's office told her when she arrived that the appointment was canceled. She further claimed that she had not received a response to her April 2017 letter to Deputy Commissioner Kennard regarding her IME with Dr. Daken.

In July 2020, appellees approved gabapentin, Fosamax, and lidocaine patches. The parties held a hearing before Deputy Commissioner John Nevin later that month. Deputy Commissioner Nevin began the hearing by summarizing the claims. Claimant responded "[c]orrect" to this summary. Claimant testified that she last saw Dr. Omohundro on October 29, 2019, and that she had only seen Dr. Pearson once because appellees prevented her from returning to him. She testified that she was not receiving any of her prescriptions and specifically listed Fosamax, Pennsaid, and gabapentin. She testified that she had received a lower strength dose of Pennsaid that caused her wrist pain when applying it to her knee. She clarified that her mismanagement claim was based on appellees' alleged denial of medications and treatment with Dr. Omohundro and their "consistent[] . . . contempt" of Commission

opinions. She again attempted to raise her complaints regarding Dr. Draken, but Deputy Commissioner Nevin explained that that issue was not before the Commission. Regarding claimant's medications, appellees asserted that the only prescription requests received by the carrier after March 2019 were for Pennsaid—which appellees argued was prescribed for claimant's asserted knee injuries for which the Commission denied benefits in 2017—and that claimant had not submitted any prescription request to the carrier since May 22, 2019.

In August 2020, Deputy Commissioner Nevin found that appellees were not required to authorize further treatment with Dr. Omohundro based on Dr. Omohundro's stated opinion that no further orthopedic treatment was necessary and his referral to Dr. Pearson for further treatment. Deputy Commissioner Nevin also found that claimant failed to support her claim that appellees had blocked access to prescription medications, stating that he “suspect[ed] that, to the extent the claimant may have experienced difficulty refilling prescriptions, such difficulty may [have] be[en] related to the fact she ha[d] not seen Dr. Omohundro for over a year and ha[d] not seen Dr. Pearson for over two years.” Finally, Deputy Commissioner Nevin found that appellees had not engaged in improper medical management and that it was “not improper” for appellees to submit questionnaires to claimant's physicians.

Claimant appealed to the full Commission. In addition to the claims addressed by Deputy Commissioner Nevin, she again complained about Dr. Daken's 2017 IME and asserted that the Commission had violated her due process rights by, among other actions, canceling her March 2020 hearing due to COVID-19 and rescheduling it to July 2020. She also filed a written statement on review asserting, as relevant here, that appellees and the Commission had retaliated against her due to her previous appeal to this Court. In March 2021, the Commission affirmed Deputy Commissioner Nevin's opinion, agreeing substantially with Deputy Commissioner

Nevin's factual findings and conclusions and finding claimant's additional arguments without merit.

ANALYSIS

"On appeal from a decision by the Workers' Compensation Commission, this Court views the evidence in the light most favorable to the prevailing party below." Loudoun Cnty. v. Richardson, 70 Va. App. 169, 175 (2019). "The Commission's factual findings, if supported by credible evidence, are binding on appeal." Id. See Code § 65.2-706(A). "In determining whether credible evidence exists, the appellate court does not retry the facts, reweigh the preponderance of the evidence, or make its own determination of the credibility of witnesses." United Airlines, Inc. v. Sabol, 47 Va. App. 495, 501 (2006) (quoting Pruden v. Plasser Am. Corp., 45 Va. App. 566, 574-75 (2005)). "If there is evidence or reasonable inference that can be drawn from the evidence to support the Commission's findings, they will not be disturbed by [the] Court on appeal, even though there is evidence in the record to support contrary findings of fact." Richardson, 70 Va. App. at 176 (quoting Caskey v. Dan River Mills, Inc., 225 Va. 405, 411 (1983)). "Such deference to the Commission does not extend to questions of law, which we review *de novo*." Anderson, 65 Va. App. at 361.

I.

Claimant's first assignment of error² is that the Commission has not enforced its prior opinions awarding her medical benefits, in violation of Code § 65.2-201 and the Fourteenth Amendment. Code § 65.2-201 sets forth the Commission's general duties and powers. As relevant here, it provides that the Commission "shall have the power . . . to enforce compliance with its lawful orders and awards." Code § 65.2-201(A). Nothing in this section obligates the

² Claimant did not number her assignments of error. For the purposes of this opinion, we treat her underlined headings as separate assignments.

Commission to take any specific actions to enforce compliance, nor does claimant provide legal authority for her claim that the Commission is constitutionally obligated to take specific enforcement measures. Construing claimant's assignment of error more liberally, cf. Haines v. Kerner, 404 U.S. 519, 520-21 (1972) (holding that *pro se* complaints are held "to less stringent standards than formal pleadings drafted by lawyers"), we discern the following alleged errors: (1) the Commission erred by finding that appellees were not responsible for ongoing treatment with Dr. Omohundro; (2) the Commission erred by finding that appellees had not blocked claimant's prescription medications; (3) the Commission erred by finding that appellees had not engaged in improper medical management; and (4) the Commission manipulated the hearing issues.

Claimant bears the burden of showing that the medical treatment for which she seeks payment is causally related to a compensable injury, necessary, and recommended by her treating physician. Volvo White Truck Corp. v. Hedge, 1 Va. App. 195, 199 (1985). Whether an expense is medically necessary and reasonable is a question of fact. ARA Servs. v. Swift, 22 Va. App. 202, 208 (1996). Claimant challenges the Commission's determination that appellees were not responsible for her continued treatment with Dr. Omohundro. Dr. Omohundro opined as early as May 2016 that claimant had no structural damage to her musculoskeletal system—the type of damage that would normally fall within the purview of an orthopedic surgeon—and that nerve damage was likely causing claimant's ongoing pain. He reiterated this opinion at his February 2017 deposition. Consistent with this opinion, he referred claimant to Dr. Pearson to treat claimant's neuralgia and neuritis. Moreover, Dr. Omohundro opined in both his treatment notes and in the appellees' questionnaire that claimant required no further orthopedic treatment and should instead treat with Dr. Pearson for her work-related injuries. Accordingly, credible

evidence supports the Commission's conclusion that appellees were not responsible for further treatment with Dr. Omohundro.

In response, claimant asserts that appellees manipulated Dr. Omohundro through questionnaires and insurer's July 2019 letter informing Dr. Omohundro that insurer would not authorize further treatment with claimant. There is no indication that such efforts by appellees to obtain information about claimant's care influenced Dr. Omohundro's opinions, particularly because Dr. Omohundro indicated in his treatment notes from before the questionnaires that claimant required no further orthopedic treatment.

Claimant also points to her February 2019 visit with Dr. Omohundro in which they discussed potential treatment options for claimant's left wrist pain. The Commission previously awarded claimant benefits for bilateral wrist contusions and wrist pain arising from the use of crutches. By contrast, Dr. Omohundro's February 2019 treatment notes discuss wrist tenosynovitis. Dr. Pearson opined in his questionnaire that claimant's complaints of bilateral wrist pain were not related to the 2014 accident. Accordingly, the February 2019 treatment notes do not undermine the conclusion that credible evidence supports the Commissions' factual findings.

Claimant asserts that appellees prevented her from returning to Dr. Pearson as well, stating that appellees ignored emails and calls from claimant and Dr. Pearson's office for two years following Dr. Omohundro's referral. Even if this were true, it does not explain why claimant failed to return to Dr. Pearson after her June 2018 visit. Dr. Pearson stated in his questionnaire that claimant never followed up with his office after the initial visit and that he never refused to see or treat claimant. Additionally, appellees specifically informed claimant that they authorized her continued treatment with Dr. Pearson. Accordingly, notwithstanding

claimant's assertions, credible evidence supports the Commission's finding that appellees never blocked claimant from treating with Dr. Pearson.

Claimant next asserts that appellees denied her access to her prescription medications beginning in February 2019. Although claimant testified at the hearing that she was not receiving her prescription medications, she did not present any evidence showing that appellees were the cause of her difficulties in obtaining medication. In fact, claimant did not present any evidence showing that she had been prescribed any medication after February 2019. The medical records reflect a June 2018 prescription for Fosamax, an October 2018 prescription for gabapentin, and February 2019 prescriptions for lidocaine patches and Pennsaid. Appellees authorized gabapentin, Fosamax, and lidocaine patches in July 2020, though there is no indication as to when claimant presented such prescriptions to appellees. There is no other evidence in the record regarding claimant's prescriptions. Accordingly, claimant failed to carry her burden to prove that appellees had blocked access to necessary medical treatment.

Claimant asserts that appellees engaged in improper medical management. “[M]edical management of the claimant is to be directed by the treating physician, not by an employer's representative.” Jensen Press v. Ale, 1 Va. App. 153, 158 (1985). Neither the employer nor its insurance carrier may limit the treating physician's recommendations or referrals. Id. Credible evidence supports the Commission's finding that appellees did not limit the treating physician's recommendations or referrals. Although claimant asserts that appellees manipulated Dr. Omohundro, Dr. Omohundro consistently opined that he had no further orthopedic treatment to offer for claimant's work-related injuries. In other words, claimant did not demonstrate that appellees limited any of the treating physician's recommendations. It was also proper for appellees to furnish questionnaires on claimant's treating physicians. See Code § 65.2-607 (establishing the right of employers to obtain medical information from employee's doctors in

connection with workers' compensation proceedings). Accordingly, claimant failed to demonstrate a case of medical mismanagement.

Finally, claimant asserts that the Commission manipulated the case in various ways. For example, she claims that Deputy Commissioner Nevin incorrectly summarized her claims at the July 2020 hearing. Claimant did not preserve this issue below. "No ruling of the . . . Virginia Workers' Compensation Commission will be considered as a basis for reversal unless an objection was stated with reasonable certainty at the time of the ruling, except for good cause shown or to enable this Court to attain the ends of justice." Rule 5A:18. The Court will not consider on appeal a question not properly presented to the Commission unless "the record affirmatively shows that a miscarriage of justice has occurred." Mounce v. Commonwealth, 4 Va. App. 433, 436 (1987). Claimant did not raise this issue below, and in fact affirmatively assented to Deputy Commissioner Nevin's summary of her claims. She does not invoke the good cause or ends of justice exceptions to Rule 5A:18, and the Court will not apply the exceptions *sua sponte*. Edwards v. Commonwealth, 41 Va. App. 752, 761 (2003) (*en banc*). Thus, Rule 5A:18 bars our consideration of this claim.

II.

In her second assignment of error, claimant asserts that both the Commission and appellees retaliated against her because she previously appealed the Commission's December 2017 decision. She further asserts that appellees and the Commission discriminated against her on the basis of her race, sex, and *pro se* status and that the Commission violated her Eighth Amendment right to be free from torture. Claimant did not assert her discrimination or Eighth Amendment claims below and does not invoke the good cause or ends of justice exceptions. Accordingly, she has waived considerations of these claims. See Rule 5A:18.

Claimant did assert below that the Commission and appellees retaliated against her based on her previous appeal to this Court. It is unclear which statute or constitutional provision provides the legal authority for claimant's retaliation claim. The Virginia Workers' Compensation Act, for example, prohibits employers from discharging employees in retaliation for those employees filing workers' compensation claims, but the statute is otherwise silent on retaliation. Code § 65.2-308(A). Claimant has not provided any legal authority giving rise to her retaliation claim. In any event, for the following reasons, we find that claimant presented no evidence of retaliation.

The bulk of claimant's retaliation claim appears to be based on the issues already discussed, that is, that appellees retaliated against her by blocking her medications and treatment with Dr. Omohundro. We agree with the Commission's conclusion that it is not illegal retaliation to raise successful defenses to compensation claims. Claimant also asserts that appellees' October 2018 motion to compel her to attend an IME with Dr. Levitt and Deputy Commissioner Cummins' orders granting that motion constitute illegal retaliation. Claimant raised retaliation for the first time at the July 2020 hearing before Deputy Commissioner Nevin but did not elaborate on the basis for her claim. In her filings on review of Deputy Commissioner Nevin's opinion, she referenced allegedly retaliatory treatment, but never specifically asserted that the 2018 IME was in retaliation for her prior appeal. We find that claimant failed to specifically raise this issue below and accordingly has waived appellate consideration. Finally, under her retaliation heading, claimant complains that Deputy Commissioner Kennard did not respond to her April 2017 letter regarding her IME with Dr. Daken. As Deputy Commission Nevin correctly noted at the hearing, claimant's November 17, 2019 claim for benefits did not contain any claims pertaining to that IME. Moreover, Deputy Commissioner Kennard's allegedly unresponsive opinion preceded claimant's first appeal;

indeed, the Commission's affirmance of that opinion was the ruling previously appealed. Therefore, whatever complaints claimant might have with the Dr. Daken IME or the Commission's responsiveness to those prior complaints, they cannot serve as the basis for a retaliation claim. Accordingly, we affirm the Commission's denial of claimant's retaliation claims.

III.

Third, claimant asserts that opposing counsel acted abusively by sending manipulatory questionnaires and fallacious letters to claimant and her doctors. This assignment of error is not directed at any mistakes made by the Commission. Moreover, this assignment of error does not comply with Rule 5A:20(e) because it lacks supporting legal authority. "Unsupported assertions of error 'do not merit appellate consideration.'" Mitchell v. Commonwealth, 60 Va. App. 349, 352 (2012) (quoting Jones v. Commonwealth, 51 Va. App. 730, 734 (2008)); see also Bartley v. Commonwealth, 67 Va. App. 740, 745 (2017) (describing appellant's argument as consisting "solely of conclusory statements unsupported by any legal analysis or authority"). Accordingly, we decline to consider this assignment of error.

IV.

Claimant's fourth assignment of error reiterates that appellees improperly managed her case. This assignment of error is unavailing for the reasons already stated.

V.

In her fifth assignment of error, claimant asserts that the Commission breached its contract with her. Claimant did not assert breach of contract below and has accordingly waived this issue. See Rule 5A:18. Regardless, contrary to claimant's assertions, neither the Commission's statutory duties nor its earlier opinions establish a contract between claimant and the Commission.

VI.

Sixth, claimant asserts generally that the Commission has acted abusively toward her. As with claimant's third assignment, this assignment is an unsupported assertion of error with no supporting legal authority and does not comply with Rule 5A:20(e). We thus decline to consider it.

VII.

Finally, claimant's amended opening brief contains a number of arguments that are not contained within her assignments of error, such as that the Commission and appellees engaged in an illegal conspiracy, in violation of 18 U.S.C. § 241, or deprived her rights under color of law, in violation of 18 U.S.C. § 242. We will not address arguments that were not part of the assignments of error that were designated for appeal. See Rule 5A:20(c) and (e); Hillcrest Manor Nursing Home v. Underwood, 35 Va. App. 31, 39 n.4 (2001) (declining to consider an issue on appeal because it was not "expressly stated" in the questions presented (now assignments of error)).

For the foregoing reasons, we summarily affirm the Commission's rulings. Rule 5A:27.

Affirmed.

**Additional material
from this filing is
available in the
Clerk's Office.**