

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Rodney Ward, Appellant,

v.

ArcelorMittal Georgetown, Inc., Employer, and New
Hampshire Insurance Company, Carrier, Respondents.

Appellate Case No. 2016-000510

Appeal From The Workers' Compensation Commission

Unpublished Opinion No. 2018-UP-021
Submitted November 1, 2017 – Filed January 10, 2018

AFFIRMED

Raymond Carl Fischer and William Stuart Duncan, both
of Georgetown, for Appellant.

Francis Drake Rogers, III, Stephen Lynwood Brown, and
Catherine Holland Chase, all of Young Clement Rivers,
of Charleston, for Respondent ArcelorMittal
Georgetown, Inc.

Francis Drake Rogers, III, of Young Clement Rivers, of
Charleston, for Respondent New Hampshire Insurance
Company.

PER CURIAM: Rodney Ward appeals the decision of the Appellate Panel of the Workers' Compensation Commission (the Appellate Panel). He argues the Appellate Panel erred in finding (1) Ward failed to give ArcelorMittal Georgetown, Inc. (ArcelorMittal) timely notice of his repetitive trauma injury; (2) Ward failed to timely file his claim; (3) the equitable doctrine of laches barred Ward's claim; and (4) Ward failed to establish his work with ArcelorMittal caused his repetitive trauma injury. We affirm.¹

We find the Appellate Panel did not err in finding Ward failed to provide ArcelorMittal with timely notice of his repetitive trauma injury. *See* S.C. Code Ann. § 42-15-20(C) (2015) ("In the case of repetitive trauma, notice must be given by the employee within ninety days of the date the employee discovered, or could have discovered by exercising reasonable diligence, that his condition is compensable, unless reasonable excuse is made to the satisfaction of the commission for not giving timely notice, and the commission is satisfied that the employer has not been unduly prejudiced thereby."); *King v. Int'l Knife & Saw-Florence*, 395 S.C. 437, 444, 718 S.E.2d 227, 230 (Ct. App. 2011) ("An employee's obligation to report a work-related repetitive trauma injury is not triggered by the onset of pain but, rather, by the employee's diligent discovery that his condition is compensable."); *id.* at 444, 718 S.E.2d at 230-31 ("[A] work-related repetitive trauma injury does not become compensable, and the ninety-day reporting clock does not start, until the injured employee discovers or should discover he qualifies to receive benefits for medical care, treatment, or disability due to his condition."); *Bass v. Isochem*, 365 S.C. 454, 475, 617 S.E.2d 369, 380 (Ct. App. 2005) (providing in a repetitive trauma case, a claimant's ninety-day period to notify his employer of his injury is separate from the two-year statute of limitations period to file his claim); *id.* at 476, 617 S.E.2d at 380 ("Generally, the injury is not compensable if timely notice is not given.").

Because our decision on the issue of timely notice is dispositive, we need not address Ward's remaining issues on appeal. *See Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (holding an appellate court need not address remaining issues when disposition of a prior issue is dispositive).

AFFIRMED.

WILLIAMS, KONDUROS, and MCDONALD, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.