

Brain cancer patient 'did not voluntarily resign'

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MARSHVILLE -- Tedd Hamilton has terminal brain cancer. In February 2019, the ABC Board removed him from his position, and as a result, he was stripped of his health care.

Hamilton was general manager of the Marshville ABC store from September 17, 2018 to February 1, 2019 and is now on unpaid medical leave. As of February 7, 2019, Hamilton's pathology report, according to his email, showed his cancer was in grade four.

A records request sent to town council allowed the Enquirer-Journal access to Hamilton's personal affidavit, emails forwarded to former Town Manager Scott Howard outlining the case and a notice of right to sue sent by the U.S. Equal Employment Opportunity Commission. Notices of Right to Sue are issued on request.

The Diagnosis

Hamilton, of Indian Trail, began working at the Marshville ABC store as a general manager in September of 2018. Less than a month later, in mid-October, he started to experience the first symptom of brain cancer -- seizures or stimulus sensitive myoclonus. A brain tumor was discovered nearly two weeks later following a CT scan. That December, Hamilton was diagnosed with Anaplastic Astrocytoma and the tumor was categorized as Grade three. In February, his tumor was raised to grade four.

"Needless to say, everything in my life, my world would be changing. I had a few weeks to get my personal business in order. I did the best I could do," according to an email Hamilton sent to council on the morning of Valentine's Day.

In the email, Hamilton wrote that he lives a "very private life." He shares little about himself except with those who he considers his "trusted and guarded friends." However, his experience with cancer made him want to open up about having a life-threatening illness.

"I am happy and own up with the choices I have made (both good and bad) that have governed my life. While my parents were alive, I thanked them both for my life. To this day, I am so thankful that I stated this to them. Likewise, I truly love and appreciated what my grandparents did for me, when my parents could not be there," Hamilton wrote. "The prism of cancer makes one re-evaluate and focus on one's life standing -- what is truly important and not focusing so much on worldly things and/or the American Dream."

In the same email he wrote, "no one person, no cancer, will be allowed to strip me of my dignity and integrity. I am blessed by this event in my life. I am at peace."

Hamilton's perspective

Hamilton, in his personal affidavit, told the council he suffered from seizures for five weeks, having one every 36 hours to 46 hours. He wrote that Kee witnessed a couple of them. All store employees witnessed one of Hamilton's seizures while he trained them on the alarm system.

Sara Kee was an assistant to Hamilton and is now the current General Manager of Marshville's ABC store.

"I requested Sara not to say anything to the Board until we made it to opening day on Nov. 17, 2018. I told her that \$200,000 was riding on this project. My mission and determination was to get the store open," Hamilton noted in his personal affidavit, "immediately after opening day, I informed (Morgan) of my medical condition."

After a biopsy on Dec. 13, 2018, Hamilton wrote that he felt better and had no problems taking care of his daily responsibilities as general manager of the Marshville ABC store. "I was cleared to work by my surgeon and I had no mental impairments from my biopsy or craniotomy."

According to Hamilton's Feb. 14 email, an informal board meeting took place in Morgan's office at Morgan and Sons Funeral Home the day after Christmas. Morgan, Hamilton and Patti Gauthier met to discuss Hamilton's mental fitness and his ability to continue working. Per Hamilton's email, Morgan alleged that Hamilton's personality and mental health had changed after surgery.

"I informed him and Patti that I wasn't using my surgery as an excuse and that they shouldn't either," Hamilton wrote in an email dated February 14, 2019. According to Hamilton, he was taking an anti-seizure pill at that time.

"I left the meeting feeling that they did not fully grasp or understand that my medical situation was terminal. I informed them, both, that radiation, chemotherapy and surgery were only treatments for my cancer and not a cure," Hamilton wrote.

Hamilton said in his February email he received a letter dated Dec. 28, 2018, requiring him to stay away from the store and to not have any future contact with all store employees. He wrote that he was not formally banned from the store. "No formal ban, letter or explanation was presented to me by Bob Morgan or any Marshville ABC Board member," he stated.

On January 23, 2019, Hamilton said he received a letter from law firm Burns, Gray and Gray that his employment and health benefits would cease on February 1.

"The very last thing I assumed would ever happen was the possibility of losing my health coverage by an employer, especially when they were aware of my cancer diagnosis. Although I did state that I wanted to 'pull the plug' on my position due to my cancer, I did not voluntarily resign from my position," Hamilton wrote in the personal affidavit.

According to Hamilton in the affidavit, the Marshville ABC Board had written requirements for Hamilton before he could return to work. Those requirements included having "no restrictions" and a medical release, in writing. "No one is ever cancer free and that clause is total nonsense. Knowing that I can only meet only one of those two stipulations, even my doctor stated my employer was discriminating against me."

"I've lost jobs, quit jobs and have been fired from jobs in the course of my life. Up until this point, none have literally placed my care and well being on the line like the events surrounding my expulsion from the Marshville ABC store," Hamilton wrote in a personal affidavit.

Paying for treatment

He explained, in the affidavit, his financial situation and the burden he has of trying to pay for medical treatment out-of-pocket. He spent his savings and "maxed out" his credit on insurance deductibles. He paid with "upfront cash" for surgeries, a CT scan, four MRI's, medicine, funeral arrangements and attorney fees.

In February when his health care was terminated, he applied for Medicare, Adult Social Security Disability and SNAP food stamps. He visited the Veteran's Assistance office, the ESC, Human Services. He contacted Prudential Retirement and his health provider, National General Insurance.

Hamilton wrote that he got approval from Adult Social Security Disability, but that does not guarantee money right away. He could have to wait five months before seeing any money to cover his medical expenses. At the earliest, it would be July of 2019 before he could receive money from disability claims. He said funding from Veteran's Assistance could take a year to receive.

As of February 2019, Hamilton was fighting for approval for a Critical Illness and Cancer plan with National General Health Insurance policy.

"Their service department has informed me that I may not qualify for my claim due to the fact that I didn't meet the required death period," Hamilton wrote in the affidavit. "I had to tap into my emergency 'Hardship Withdrawal' from my 401K policy. Presently, I only receive \$512 a month from supplemental insurance claim to survive off of."

"It's very possible I will not be alive to see any of these pending benefits," Hamilton wrote.

Morgan directed a request for an interview to his attorney, John Burns. Multiple attempts to reach Burns were unsuccessful at presstime.

What now?

On May 9, Hamilton received an email with a notice of right to sue from the U.S. Equal Employment Opportunity Commission.

A copy of it was sent to Morgan.

From THE FRONT PAGE

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