

September 30, 2022

The Honorable Jenny Abbot Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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SC Court of Appeals

Dear Honorable Jenny Abbot Kitchings:

Please allow this letter to serve as Notice for Appeal under SC App.Ct.R.203 (6), SCRCR Rule 50; motion to alter or amend a commissioner's judgement/decision. SCRCR Rule 52(c) and provided for judgment on partial findings and referred to it as "judgment as a matter of law." reference to Worker's Compensation Case No.: 1817544 in the matter of Alicia Ruffin vs. Builders First Source/Liberty Mutual. The Appellant's cause for an appeal are as follows:

Did the Commission violate the Appellant's 14th Amendment Rights specifically the Claimant's Right to a Fair Trial?

Commissioner Wilkerson recites that Respondent's position is protected under *Res Judicata*. The Appellant stands that *Res judicata* does not bar the Appellant's ability to plead their case, since there was repeated wrongful or tortious actions committed against the Appellant, by the Commission and Opposing Counsel. On May 27, 2022, the Appellant appeared before Commissioner Gene McCaskill. "A pre-trial conference..." with "No testimony was taken on the record."

An order or decision cannot be rendered/adjudicated off record. But the May 27, 2022, pre-hearing order states the Commission adjudicated a decision off the record. Atty. Amanda Neely and Atty. Mary Kate Littlejohn was ordered to attend, but neither were present. Atty. J. South Lewis and the Appellant along with the Commissioner McCaskill and the Court Reporter was

present. No one was sworn in and the Court Reporter was ordered not to be take record. Then, Commissioner Avery Wilkerson on August 8, 2022, states that the case was brought before him, but the Appellant was never notified to appear for hearing. Then, Commissioner Wilkerson adopts the same decision that Commissioner McCaskill penned; after the “No testimony was taken on the record” Pre-hearing. Both hearings were conducted off record. Under Workers Compensation hearings, all parties are to be present before a judge/ commissioner. Under the Promissory Estoppel Doctrine an agreement /promise between the Appellant and the Commission was established to grant the Appellant the opportunity of a Fair Trial.

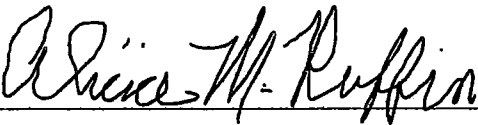
Also, Commissioner Beck failed to adjudicate a decision of the Appellant’s neck. Under Title 42 Workers Compensation SC code 42-9-30 (21) speaks to compensation of the back and SC code 42-9-30 (23) speaks to compensation of the neck. Under Workers Compensation law, the law identifies 2 separate regions of the spine. But the AMA Guide is the guide that the Commission uses to provide ratings for the different area of the body, i.e. Spine Thoracic, Spine Lumbar, and Spine Cervical and more. The Appellant sustained injury to both the Spine Cervical and Spine Lumbar. But the Spine Lumber was only one that received a decision and placed at MMI by Commissioner Beck.

The Commission on multiple occasions has accept evidence that was altered/doctored by Opposing Counsel.

One of these transgressions would have permanently closed the Appellant’s case and criminal charges would have been filed against the Appellant for insurance fraud. But the Appellant has had all these actions committed against her within this case. The Appellant has suffered repeated injuries by the authorized treating physicians; that along with the initial injury has made the Appellant’s condition worst. It is the Appellant’s belief that this case has suffered

irreparable damage to the point that the Appellant no longer feels that it is possible to have a Fair Hearing within the confines of the SC Workers Compensation Commission; so, the Appellant begs for relief by means of Court of Appeals reversing the previous decision to allow the Appellant to plead their position concerning the Appellant's neck injury since that was not adjudicated by the Commission. Liberty Mutual stated to the Department of Insurance, Jimmy Winders, "Mrs. Ruffin sustained a compensable injury to her lower back and cervical spine when the truck she was driving, hit a pothole going through a rough area...." The Appellant is requesting this resolve to be taken place by the power of the Court of Appeals.

Respectfully I Submit this Request before the Court of Appeals,



Alicia M. Ruffin
Appellant/*Pro SE* 09/30/2022