

NOTICE OF APPEAL IN A WORKERS'S COMPENSATION CASE

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Feb 23 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM THE WORKERS' COMPENSATION COMMISSION

Commissioner Avery B. Wilkerson, Commissioner Mike Campbell,
Commissioner Gene Mc Caskill Commissioner T. Scott Beck
Commissioner Aisha Taylor and Commissioner Melody James

Case No. 2022-001394

South Carolina Workers Compensation
Commission,

Respondent,

v.

Alicia Ruffin,

Appellant,

The South Carolina Court of Appeals

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Feb 23 2023

SC Court of Appeals

South Carolina Workers' Compensation Commission,
Respondent,

v.

Alicia Ruffin, Appellant,

Appellate Case No.: 2022-001394

Notice of Appeal

This appeal arises out of an order of an order from the Panel of Commissioner of the South Carolina Worker's Compensation Commission for dismissing the Appellant's petition for a hearing. Because the final order has dismissed the Appellant's request for a hearing See S.C. Code Ann §1-23-380 (Supp.2021) ("...A preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency decision would provide an adequate remedy. Except as otherwise provided by law, and appeal is to the court of appeals). Appellant followed directions given by Section 42-15-20 and filed timely reports based on instructions given by Section 42-15-70. Liberty Mutual accepted liability of Appellant's claim. But after the Appellant suffered further injury from Liberty Mutual's physician causing permanent total disability. The Commission has refused to Medical care and reasonable Compensation for the now Occupational Diseases incurred Liberty Mutual's Physicians. The Appellant wish to prove that Res Judicata should not bar the Appellant from an Appeal since Opposing Counsel did not satisfy all 4 elements of Res Judicata and none of the Commissioners has ever allowed the Appellant to litigate the full merits of the case. The one Commissioner served as Prosecutor and Commissioner for the initial hearing. There is no other hearing on record. And under Separation of Powers Doctrine, it is unconstitutional for a Commissioner to "administratively dismiss" a case while acting in an executive position. Over \$80,000 has been mis-appropriated or re- directed by SCWCC. Procedurally, these actions have occurred, and Appellant is respectfully requesting and appeal.

Columbia, South Carolina


FOR THE COURT

cc: South Lewis, Esquire
Mary-Kate Littlejohn, Esquire
Amanda Neely, Esquire
Robert Keith, Esquire