

February 22, 2023

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

RECEIVED
Feb 23 2023
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) SCRPC Rule 50; motion to alter or amend a Commissioner's Judgement/decision. SCRPC Rule 52(c) and provided for judgement on partial findings and referred to it as "judgement as a matter of law." Reference to Workers' 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:

- I. On any occasion did the Commission as a whole or any Single Commissioner fail to follow any rules, or regulations as it relates to South Carolina Workers' Compensation Commission?**
- II. On any occasion did the Commission as a whole or any Single Commissioner display the appearance of bias or improprieties against the Claimant?**
- III. Did the Commission violate the Appellant's 14th Amendment Right specifically the Claimant's Right to a Fair Trial?**
- IV. Did the Defendants fail to meet the elements for Res Judicata?**

Commissioner Wilkerson recites that Respondent's position is protected under *Res Judicata*. The Appellant stands that *Res Judicata* should not bar the Appellant's ability to plead their case, since there was repeated wrongful or tortious actions committed against

the Appellant. "A pre-trial conference..." with "No testimony was taken on the record."; was conducted on May 27, 2022.

An order or decision cannot be rendered/adjudicated off record. But the May 27, 2022, pre-hearing order states the Commissioner 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 take testimony or record. Then, Commissioner Avery Wilkerson August 8, 2022 order, states that the case was brought before him, but the Appellant was never notified to appear for a hearing. Then, Commissioner Wilkerson plagiarizes what Commissioner McCaskill penned; both orders was conducted off record. Under Workers Compensation hearing, all parties are to be present for scheduled hearings for Res Judicata to be considered. The Appellant could not appeal a decision that was conducted off record. 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; and that has yet to happen.

Also, Commissioner Beck served as the Attorney for the September 16, 2020, hearing. This is a clear violation of Ethics. In addition, Commissioner T. Scott 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 neck. Under Workers Compensation law, the law identifies 2 separate regions of the spine. The AMA Guide is the guide book that the Commission uses to provide ratings for the different areas of the body, i.e. Spine Thoracic, Spine Lumbar, and Spine

Cervical and more. The Appellant sustained injury to both the Spine Cervical, Spine Lumbar and damages to the Episodic Nervous System. But the Spine Lumbar was the only area that Commissioner Beck only gave a decision for and gave an MMI rating to.

On multiple occasions the Commission has accepted evidence that was altered/doctored for the benefit of those that were serving the interests of Liberty Mutual at the time. And the Appellant failed to mention that Atty. Amanda Neely perjured herself before the Court of Appeals September 15, 2021, when she stated that she was not proper process served. The Appellant was unaware that by serving Atty. Mary-Kate Littlejohn; she was in turn serving the whole firm since they were all working together. Later Atty. Neely mailed a settlement check in the name of Atty. Mary-Kate Littlejohn and the Appellant.

One of these transgressions, would have permanently closed the Appellant's case and the Appellant would have been facing criminal charges for insurance fraud and a list of others. But these incidents were committed against the Appellant. 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 irreparability to the point that the Appellant no longer feels that Justice can be rendered within the confines of the SC Worker Compensation Commission. Liberty Mutual has accepted liability, but refuses to fairly compensate the Appellant for all the Economic and Non-Economic damages that are necessary for medical treatment and the care of family responsibilities.

So, the Appellant begs for relief by means of Court of Appeals to reverse the SC Workers Compensation Commission's decision. The Appellant begs for the Court of Appeals to allow the Appellant to plead their position concerning the Appellant's has not been fully litigated; since Opposing Counsel did not satisfy all 4 elements for Res Judicata to bar the Appellant from litigating her position. And to grant the Appellant compensation for all injuries incurred by Builders First Source and Liberty Mutual's physicians.

Respectfully I submit this Request before the Court of Appeals,



Alicia M. Ruffin
Appellant/Pro SE 02/22/2023