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June 27, 2013

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1015 Sumter Street
P.O. Box 11629
Columbia, SC 29211

Re: Rose Uzell vs Williamsburg County Disabilities & Special Needs Board (
WCC File No.: 1006958 DOI: 5/8/2010
Carrier: Hartford Underwriters Insurance Company - Claim No.: 026-CB-EHZ7858E
WJC&B File No.: 0020.03483

Dear Ms. Kitchings:

We represent the Defendants in the above-referenced matter. Enclosed please find the original and one copy of the Amended Notice of Appeal and a Proof of Service indicating that a copy of the Amended Notice has been served on Nelson R. Parker, claimant's attorney. I would appreciate your filing the original and clocking the copy and returning it in the enclosed self-addressed, stamped envelope.

With kindest regards,

WILLSON JONES CARTER & BAXLEY, P.A.

Timothy B. Killen

TBK/kec

Enclosures

cc (w/enclosure): Ms. Virginia L. Crocker
Nelson R. Parker, Esquire

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JUN 28 2013

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION JUN 28 2013

SC Court of Appeals

SCWCC File No. 1006958

Rose Uzell, Claimant/Employee Respondent,

v.

Williamsburg County Disabilities & Special Needs Board, Defendant/Employer and Hartford Underwriters Insurance Company, Defendant/Carrier.....Appellants.

AMENDED NOTICE OF APPEAL

The Hartford Underwriters Insurance Company appeals the Decision and Order of the Appellate Panel of the South Carolina Workers' Compensation Commission dated May 7, 2013. Appellants received written notice of entry of this Order on May 8, 2013.

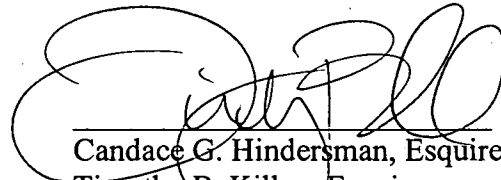
GROUND FOR APPEAL

1. Did the Workers' Compensation Commission err in Finding of Fact No. 3, that the Claimant sustained an injury to her back and shoulders on March 28, 2010 which was timely and properly reported to the employer/carrier, when such a finding is against the greater weight of the evidence in the record?
2. Did the Workers' Compensation Commission err in Finding of Fact No. 4, that the Claimant's testimony regarding the meeting with her supervisor upon her return to work on or May 5 or 6, 2010 was credible and the Claimant was neither told not to lift anything nor not to lift Addie Hodge in particular, when such a finding is against the greater weight of the evidence in the record?
3. Did the Workers' Compensation Commission err in Finding of Fact No. 5, that the Claimant and a co-worker were bringing four consumers to the house where they stayed and that the Claimant assisted three of the four consumers into the house and when she came back outside, she saw Addie Hodge was sitting down on the pavement, when such a finding is against the greater weight of the evidence in the record?
4. Did the Workers' Compensation Commission err in Finding of Fact No. 6, that the Claimant was in the scope of her employment when she was injured on May 8, 2010 and that she was in compliance with her work instructions, when such a finding is against the greater weight of the evidence in the record?

5. Did the Workers' Compensation Commission err in Finding of Fact No. 7, that she has no intention of injuring herself and that she felt that lifting with assistance and with a back support belt she felt she had adequate protection from being injured, when such a finding is against the greater weight of the evidence in the record?
6. Did the Workers' Compensation Commission err in Finding of Fact No. 8, that the Claimant properly and timely reported her accident to her supervisor, when such a finding is against the greater weight of the evidence in the record?
7. Did the Workers' Compensation Commission err in Finding of Fact No. 9, that Dr. Johnson diagnosed increasing low back pain, bilateral leg pain, rule out disc injury, and that Claimant had not reached MMI, when such a finding is against the greater weight of the evidence in the record?
8. Did the Workers' Compensation Commission err in Finding of Fact No. 10, that the Claimant could not return to any previous employment which she has performed based on the nature of the previous work and the Claimant's description thereof, when such a finding is against the greater weight of the evidence in the record?
9. Did the Workers' Compensation Commission err in Finding of Fact No. 11, that the Claimant has been effectively unable to work since August 2, 2010, when such a finding is against the greater weight of the evidence in the record?
10. Did the Workers' Compensation Commission err in Finding of Fact No. 12, that the Claimant sustained her burden of proving a compensable injury by accident on May 8, 2010 to her neck, shoulders, and low back and is in need of additional medical treatment, when such a finding is against the greater weight of the evidence in the record?
11. Did the Workers' Compensation Commission err in Finding of Fact No. 13, that the Claimant testified credibly and did not seek to embellish or magnify her complaints and her testimony concerning being told to work with another care giver in lifting patients, when such a finding is against the greater weight of the evidence in the record?
12. Did the Workers' Compensation Commission err in Finding of Fact No. 14, that the Claimant could not have expected this injury to occur, had been assigned instructions by her employer to lift with assistance, and that she followed her employers guidelines, when such a finding is against the greater weight of the evidence in the record?
13. Did the Workers' Compensation Commission err in Finding of Fact No. 15, that Dr. Johnson provided an evaluation in this case and the undersigned assigned his opinions great weight, and that he should be designated as the authorized treating physician, when such a finding is against the greater weight of the evidence in the record?
14. Did the Workers' Compensation Commission err in Finding of Fact No. 16, that the Claimant is entitled to temporary total disability from August 2, 2010 to the present and continuing, when such a finding is against the greater weight of the evidence in the record?

15. Did the Workers' Compensation Commission err in Finding of Fact No. 17, that the Defendants are responsible for reimbursement for all causally related medical expenses to date and further treatment and evaluation with Dr. Donald R. Johnson, II., when such a finding is against the greater weight of the evidence in the record?
16. Did the Workers' Compensation Commission err in Conclusion of Law No. 6, that pursuant to § 42-1-160 the Claimant sustained a compensable accident, when such a finding is against the greater weight and preponderance of the substantial evidence in the record and is based upon erroneous legal conclusions?
17. Did the Workers' Compensation Commission err in Ordering the Claimant receive the MRI recommended by Dr. Donald R. Johnson, II., when such an Order is against the greater weight of the evidence in the record?
18. Did the Workers' Compensation Commission err in Ordering that Dr. Johnson is designated as the authorized treating physician, when such an Order is against the greater weight of the evidence in the record?
19. Did the Workers' Compensation Commission err in Ordering the Claimant receive temporary total disability benefits from August 2, 2010 to the present and continuing and reimbursement for all causally related medical bills to date, when such an Order is against the greater weight of the evidence in the record?

June 27, 2013



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Attorneys for Appellants

Other Counsel of Record:

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Columbia, SC 29202-1715

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v.

Williamsburg County Disabilities & Special Needs Board, Defendant/Employer and Hartford
Underwriters Insurance Company, Defendant/Carrier Appellants.

PROOF OF SERVICE

I certify that I have served the Amended Notice of Appeal on Rose Uzell, 400 Chatman Rd., Salters, SC 29590, Respondent, by depositing a copy of it in the United States Mail, postage prepaid, on June 4, 2013, addressed to her attorney of record, Nelson R. Parker, Esquire, Land, Parker & Welch, PA, P.O. Box 138, Manning, SC 29102, attorney for the Claimant/Employee.

June 27, 2013


Kira E. Campbell
4500 Fort Jackson Boulevard
Columbia, SC 29209
Attorneys for Appellants

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