



Harold E. Trask  
Roy A. Howell, III  
Kirsten L. Barr  
Jamie C. Guerrero

**TRASK & HOWELL, L.L.C.**  
*Workers' Compensation Defense*

Phone  
(843) 881-4228  
Fax  
(843) 881-8784

Jill W. King  
William H. Lyon  
D. Alan Westerlund, Jr.

763 Johnnie Dodds Boulevard  
P. O. Box 2167  
Mt. Pleasant, SC 29465  
June 25, 2013

E-mail  
kbarr@trask-howell.com  
Direct Dial: (843) 881-1027

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

Re: Samuel A. Rose v. JJS Trucking, LLC/SCUEF and Chris Thompson  
Services, LLC/Bridgefield Casualty Insurance Company  
W.C.C. File No.: 1112328  
Appellate Case No.: 2013-001322  
Carrier File No.: 943450  
Date of Accident: August 10, 2011

Dear Ms. Kitchings:

Please find enclosed our letter dated June 13, 2013 to the South Carolina Court of Appeals with Notice of Appeal indicating that a courtesy copy of the Notice was forwarded to The Honorable Virginia Crocker of the South Carolina Workers' Compensation Commission. Also enclosed is our letter of June 13, 2013 to Ms. Crocker enclosing the Notice of Appeal.

Pursuant to your correspondence of June 21, 2013 (copy attached), we are enclosing a Proof of Service serving The Honorable Virginia Crocker of the South Carolina Workers' Compensation Commission with our Notice of Appeal to the South Carolina Court of Appeals.

If you have any questions, please contact me.

Yours very truly,

Kirsten L. Barr

KLB/lrb/les  
Enc.

cc: Kiema Lewis, Summit Holdings (w/enc.)  
Chris Thompson, Chris Thompson, LLC (w/enc.)  
Joseph B. Fisher, Esq. (w/enc.)  
Amy V. Cofield, Esq. (w/enc.)  
Sedrick Smalls, JJS Trucking, LLC (w/enc.)  
Honorable Virginia L. Crocker, SCWCC (w/enc.)

118/133V-Court of Appeals serving WCC-notice

**RECEIVED**

JUN 28 2013

**SC Court of Appeals**



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

June 21, 2013

Ms. Kirsten Leslie Barr  
PO Box 2167  
Mt. Pleasant SC 29465-2167

Re: Samuel Rose v. JJS Trucking  
Appellate Case No. 2013-001322

Dear Counsel:

Upon reviewing your notice of appeal, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- A proof of service showing that a copy has been served on the South Carolina Workers' Compensation Commission has not been provided as required by Rule 203(e), SCACR.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Joseph Brooks Fisher  
Amy V. Cofield  
Jana E. Shealy  
Sedrick Smalls

**RECEIVED**

JUN 28 2013

**SC Court of Appeals**



Harold E. Trask  
Roy A. Howell, III  
Kirsten L. Barr  
Jamie C. Guerrero

**TRASK & HOWELL, L.L.C.**  
*Workers' Compensation Defense*

Phone  
(843) 881-4228  
Fax  
(843) 881-8784

Jill W. King  
William H. Lyon  
D. Alan Westerlund, Jr.

763 Johnnie Dodds Boulevard  
P. O. Box 2167  
Mt. Pleasant, SC 29465

E-mail  
kbarr@trask-howell.com  
Direct Dial: (843) 881-1027

June 13, 2013

Ms. Virginia Crocker  
Judicial Director  
S. C. Workers' Compensation Commission  
P. O. Box 1715  
Columbia, SC 29202-1715

Re: Samuel A. Rose v. JJS Trucking, LLC/SCUEF and Chris Thompson Services,  
LLC/Bridgefield Casualty Insurance Company  
W.C.C. File No.: 1112328  
Carrier File No.: 943450  
Date of Accident: August 10, 2011

Dear Ms. Crocker:

Enclosed, please find a copy of our Notice of Appeal to the South Carolina Court of Appeals in the above-referenced matter. If you should have any questions, please do not hesitate to contact me.

Yours very truly,

Kirsten L. Barr

KLB/lrb/les

Enc.

cc: Kiema Lewis, Summit Holdings  
Chris Thompson, Chris Thompson, LLC  
Joseph B. Fisher, Esq.  
Amy V. Cofield, Esq.  
Sedrick Smalls, JJS Trucking, LLC  
The Honorable Jenny Abbott Kitchings, Clerk, S.C. Court of Appeals  
118/133U-Court of Appeals-WCC Notice



Harold E. Trask  
Roy A. Howell, III  
Kirsten L. Barr  
Jamie C. Guerrero

**TRASK & HOWELL, L.L.C.**

*Workers' Compensation Defense*

Phone  
(843) 881-4228  
Fax  
(843) 881-8784

Jill W. King  
William H. Lyon  
D. Alan Westerlund, Jr.

763 Johnnie Dodds Boulevard  
P. O. Box 2167  
Mt. Pleasant, SC 29465

E-mail  
kbarr@trask-howell.com  
Direct Dial: (843) 881-1027

June 13, 2013

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

Re: Samuel A. Rose v. JJS Trucking, LLC/SCUEF and Chris Thompson Services,  
LLC/Bridgefield Casualty Insurance Company  
W.C.C. File No.: 1112328  
Carrier File No.: 943450  
Date of Accident: August 10, 2011

Dear Ms. Kitchings:

Enclosed for filing, please find a Notice of Appeal in the above-referenced case. Also enclosed are the following:

1. Proof of Service of the Notice of Appeal on the Respondent
2. A copy of the Order that is being challenged on appeal
3. Filing fee in the amount of \$100

Thank you for your time and attention to this matter. Should you have any questions or concerns, please do not hesitate to contact me.

Yours very truly,

Kirsten L. Barr

KLB/alr/les

Enc.

cc: Ms. Kiema Lewis, Summit Holdings (w/enc.)  
Mr. Chris Thompson, Chris Thompson, LLC (w/enc.)  
Joseph B. Fisher, Esq. (w/enc.)  
Amy V. Cofield, Esq. (w/enc.)  
Mr. Sedrick Smalls, JJS Trucking, LLC (w/enc.)  
The Honorable Virginia Crocker, SCWCC (w/enc.)

118/133\I-Court of Appeals-Notice

Trask & Howell, L.L.C.

40007

DATE	DESCRIPTION	INVOICE #	AMOUNT	CHECK DEDUCTION	NET AMOUNT
06/12/13	232 Clerk, S.C. Court of Appeals 118.0133 Fee for filing Notice of Appeal	S ROSE	100.00		100.00

CHECK DATE	CONTROL NUMBER	TOTALS	Gross:	Ded:	Net:
06/12/13	4007	▶	100.00	0.00	100.00

TRASK & HOWELL, L.L.C.  
ATTORNEYS AT LAW  
763 Johnnie Dodds Blvd  
P.O. Box 2167  
Mt. Pleasant, SC 29465-2167

WACHOVIA BANK, NA  
DIVISION OF WELLS FARGO BANK, NA  
BA 776/532

40007

DATE: 06/12/13 AMOUNT: \*\*\*\*\$100.00

PAY TO THE ORDER OF: Clerk, S.C. Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

\*\*\* ONE HUNDRED & 00/100 DOLLARS

*[Signature]*  
AUTHORIZED SIGNATURE

Security features included. Details on back.

⑆040007⑆ ⑆053207766⑆ 2001006337185⑆

Trask & Howell, L.L.C.

Vendor: 232 Clerk, S.C. Court of Appeals

40007

Date	Description	Invoice #	Amount	Disc	Net Amt
06/12/13	118.0133 Fee for filing Notice of Appeal	S ROSE	100.00		100.00

Check Date	Check #	Gross Amt	Disc Amt	Net Amt
06/12/13	4007	100.00	0.00	100.00

*Linda*

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION  
COMMISSION  
The Honorable Avery B. Wilkerson, Commissioner

---

W.C.C. 1112328

---

Samuel A. Rose, Employee,.....Respondent,

v.

JJS Trucking, LLC, Employer, and the South Carolina  
Uninsured Employers' Fund,.....Respondents.

and

Chris Thompson Services, LLC, Statutory Employer, and  
Bridgefield Casualty Insurance Company, Carrier,.....Appellants..

---

**NOTICE OF APPEAL**

---

Chris Thompson Services, LLC, and Bridgefield Casualty Insurance Company  
appeal the Decision and Order of the South Carolina Workers' Compensation  
Commission dated May 15, 2013. The Appellants received written notice of the order on  
May 17, 2013. The grounds of the appeal and alleged errors of law are as follows:

1. The Commission erred in finding that Chris Thompson Services, LLC is liable to  
pay Claimant all benefits to which he is entitled under the Act, as this "finding" is

arbitrary, capricious, impermissibly vague, and unsupported by substantial evidence in the record or the applicable law.

2. The Commission erred in finding that the Claimant sustained an injury to his head, knee, leg, back, and neck, as this finding is arbitrary, capricious, impermissibly vague, and otherwise unsupported by substantial evidence in the record or the applicable law.
3. The Commission erred in “finding” that the Claimant is entitled to temporary total disability benefits from August 10, 2011 and continuing until, as this finding is arbitrary, capricious, impermissibly vague, and otherwise unsupported by substantial evidence in the record or the applicable law.
4. The Commission erred in “finding” that the Claimant is entitled to an evaluation to determine the extent of his injuries, as this finding is arbitrary, capricious, impermissibly vague, and otherwise unsupported by substantial evidence in the record or the applicable law.
5. The Commission erred in “finding” that the Claimant is entitled to ongoing medical treatment, as this finding is arbitrary, capricious, impermissibly vague, and otherwise unsupported by substantial evidence in the record or the applicable law.
6. The Commission erred as a matter of law in concluding that the Claimant has not received all benefits due under the Act, as this “conclusion” is arbitrary,

capricious, and otherwise unsupported by substantial evidence in the record or the applicable law.

7. The Commission erred as a matter of law in concluding that the issue of transfer of responsibility to the UEF is not ripe for adjudication at this time, as this conclusion is arbitrary, capricious, and otherwise unsupported by substantial evidence in the record or the applicable law.

Respectfully submitted,



Kirsten L. Barr  
Trask & Howell, L.L.C.  
P.O. Box 2167  
Mt. Pleasant, SC 29465  
(843) 881-4228  
Attorneys for Appellants

June 13, 2013

Other Counsel of Record:

Joseph B. Fisher, Esq.  
PO Box 63506  
North Charleston, SC 29419  
(843) 569-1700  
Attorney for the Respondent, Samuel A. Rose

Mr. Sedrick Smalls, *pro se*  
JJS Trucking, LLC  
765 McDaniel Town Road  
Ridgeville, SC 29472  
(843) 270-4031

Amy V. Cofield, Esq.  
The Cofield Law Firm  
809 South Lake Drive  
Lexington, SC 29072  
(803) 951-0389  
Attorney for the S.C. Uninsured Employers Fund

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION  
COMMISSION  
The Honorable Avery B. Wilkerson, Commissioner

---

W.C.C. 1112328

---

Samuel A. Rose, Employee,.....Respondent,

v.

JJS Trucking, LLC, Employer, and the South Carolina  
Uninsured Employers' Fund,.....Respondents.

and

Chris Thompson Services, LLC, Statutory Employer, and  
Bridgefield Casualty Insurance Company, Carrier,.....Appellants..

---

**PROOF OF SERVICE**

---

The undersigned hereby certified that the Notice of Appeal was served on Samuel A. Rose and the South Carolina Uninsured Employers Fund by depositing a copy of it in the United States Mail, first class postage prepaid, on June 13, 2013, addressed to their attorneys of record as follows:

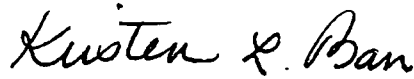
Joseph B. Fisher, Esq.  
PO Box 63506  
North Charleston, SC 29419

Amy V. Cofield, Esq.  
The Cofield Law Firm  
809 South Lake Drive  
Lexington, SC 29072

The undersigned also served JJS Trucking, LLC by depositing a copy of the Notice of Appeal in the United States Mail, first class postage prepaid on June 13, 2013, addressed as follows:

Mr. Sedrick Smalls  
JJS Trucking, LLC  
765 McDaniel Town Road  
Ridgeville, SC 29472

June 13, 2013



---

Kirsten L. Barr  
Trask & Howell, L.L.C.  
P.O. Box 2167  
Mt. Pleasant, SC 29465  
(843) 881-4228  
Attorneys for Appellants

**BEFORE THE  
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSIONS'  
APPELLATE PANEL**

SAMUEL A. ROSE, )  
Claimant/Respondent, )  
 )  
v. )  
 )  
JJS TRUCKING, LLC )  
Uninsured Employer/Respondent, )  
and )  
CHRIS THOMPSON SERVICES, LLC, )  
Upstream Contractor, and )  
BRIDGEFIELD CASUALTY INS. CO., )  
Carrier, Appellants, )  
and )  
S.C. UNINSURED EMPLOYERS' FUND, )  
Respondent. )

W.C.C. FILE NO. 1112328

**DECISION & ORDER**

**Statement of the Case**

This matter is before the Commission's Appellate Panel pursuant to the Form 30 filed by Chris Thompson Services and Bridgefield Casualty, seeking review and reversal of the August 23, 2012 Decision and Order of Hearing Commissioner McCaskill. The Appellants respectfully contend that Commissioner McCaskill erred as a matter of law in failing to transfer liability to the UEF pursuant to S.C. Code Ann. § 42-1-415, erred as a matter of law in ordering the Appellants to reimburse "all out of pocket medical expenses," and erred as a matter of law in awarding the Claimant future medical treatment pursuant to S.C. Code Ann. § 42-1-415.

The Hearing Commissioner's Decision and Order contained the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. *Samuel Rose was an employee of JJS Trucking on August 10, 2011.*
2. *On August 10, 2011, Samuel Rose sustained an injury by accident to his head, knee, leg back and neck arising out of and in the course of his employment with JJS Trucking.*
3. *Claimant has an average weekly wage of \$650.00 and a compensation rate of \$433.34.*
4. *Claimant is not at maximum medical improvement.*
5. *As a result of his accident, Claimant is entitled to temporary total disability benefits beginning on August 10, 2011 and continuing until such time as he reaches maximum medical improvement.*
6. *As a result of his accident, Claimant is entitled to an evaluation to determine the extent of his injuries and is entitled to ongoing medical treatment as prescribed by an authorized treating physician to be selected by the carrier.*
7. *On or about October 8, 2010, JJS Trucking, LLC represented to Chris Thompson Services, LLC that it had workers' compensation insurance.*
8. *On August 10, 2011, JJS Trucking was operating without proper insurance as required by the Workers' Compensation Act.*
9. *On August 10, 2011, JJS Trucking was operating as a subcontractor for Chris Thompson Services, LLC. Chris Thompson Services, LLC, is an "upstream employer" pursuant to §42-1415.*
10. *Chris Thompson Services, LLC is liable to pay Claimant all benefits to which he is entitled under the Act.*

### CONCLUSIONS OF LAW

1. *On August 10, 2011 Samuel Rose was an "employee" of JJS Trucking as defined in S.C. Code Ann. § 42-1-130 (1976).*
2. *At the time of the Claimant's accident, JJS Trucking possessed over the Claimant the actual right and authority to control and direct his particular work or undertaking and the manner or means of its accomplishment, consistent with the definition of an employee provided in Young v. Warr, 252 S.C. 179, 189, 165 S.E.2d 797, 802 (1969).*
3. *The testimony of the Claimant, his immediate employer, Cedric Smalls, and the upstream contractor, Chris Thompson, combined with the evidence available in the record, when evaluated using the factors outlined in Nelson v. Yellow Cab Co., 564 SE 2d 110 (S.C. 2002), weigh towards finding Claimant is an employee and not an independent contractor. This finding is consistent with South Carolina's policy to resolve jurisdictional doubts in favor of the inclusion of employers and employees under the Workers' Compensation Act. See South Carolina Workers' Compensation Comm'r v. Ray Covington Realtors, Inc., 318 S.C. 546, 459 S.E.2d 302 (1995).*
4. *Claimant is entitled to temporary total disability benefits beginning on August 10, 2011 pursuant to § 42-9-10 until such time as he is able to return to work.*
5. *Claimant is entitled to medical treatment causally related to his injury pursuant to §42- 15-60. Claimant is entitled to reimbursement for all out of pocket medical expenses incurred to date. Carrier shall select an authorized treating physician.*
6. *Claimant was an employee of JJS Trucking which, at the time of his accident, was an uninsured subcontractor. Pursuant to § 42-1-415(A) Chris*

*Thompson Services, LLC, as the higher tier contractor, shall pay all benefits due the Claimant under the Workers' Compensation Act.*

5. *Chris Thompson Services, LLC, asserted in its pleadings and at the Hearing that liability for this claim should be transferred to the South Carolina Uninsured Employer's Fund. § 42-1415 only permits the higher tier contractor to petition the Commission to transfer responsibility for benefits to the UEF after it has paid all benefits due the Claimant under the Act. The evidence in the record indicates that Claimant has not received all benefits he is due under the Act from Chris Thompson Services, LLC, or its carrier. Therefore, the issue of transfer of responsibility to the UEF is not ripe for adjudication at this time.*
6. *Chris Thompson Services, LLC is entitled to credit for any compensation paid to the Claimant prior to the date of this Order.*
7. *Traveler's Indemnity was not the carrier for JJS Trucking, LLC on the date of Claimant's injury and therefore is dismissed as a party to this claim.*

Furthermore, the Form 30 filed by the Appellants alleges the followings errors and exceptions:

1. *The Hearing Commissioner erred in finding that Chris Thompson Services, LLC is liable to pay Claimant all benefits to which he is entitled under the Act, as this "finding" is arbitrary, capricious, impermissibly vague, and contrary to the greater weight of the evidence and the applicable law..*

2. *The Hearing Commissioner erred in finding that the Claimant sustained an injury to his head, knee, leg, back, and neck, as this finding is arbitrary, capricious, impermissibly vague, and otherwise contrary to the greater weight of the evidence and the applicable law.*
3. *The Hearing Commissioner erred in "finding" that the Claimant is entitled to temporary total disability benefits from August 10, 2011 and continuing until, as this finding is arbitrary, capricious, impermissibly vague, and otherwise contrary to the greater weight of the evidence and the applicable law.*
4. *The Hearing Commissioner erred in "finding" that the Claimant is entitled to an evaluation to determine the extent of his injuries, as this finding is arbitrary, capricious, impermissibly vague, and otherwise contrary to the greater weight of the evidence and the applicable law.*
5. *The Hearing Commissioner erred in "finding" that the Claimant is entitled to ongoing medical treatment, as this finding is arbitrary, capricious, impermissibly vague, and otherwise contrary to the greater weight of the evidence and the applicable law.*
6. *The Hearing Commissioner erred as a matter of law in concluding that the Claimant is entitled to reimbursement for all out of pocket medical expenses incurred to date, as this conclusion is arbitrary, capricious, and otherwise contrary to the greater weight of the evidence and the applicable law.*

7. *The Hearing Commissioner erred as a matter of law in concluding that the Claimant has not received all benefits due under the Act, as this "conclusion" is arbitrary, capricious, and otherwise contrary to the greater weight of the evidence in the record and the applicable law.*
8. *The Hearing Commissioner erred as a matter of law in concluding that the issue of transfer of responsibility to the UEF is not ripe for adjudication at this time, as this conclusion is arbitrary, capricious, and otherwise contrary to the greater weight of the evidence in the record and the applicable law.*

#### Evidence Summary

The Claimant testified that he was employed as a driver for JJS Trucking on August 10, 2011 when he was injured in a motor vehicle accident. Since the accident, the Claimant has received medical treatment from MUSC, Dr. Abel, and Dr. Wildstein for alleged injuries to his back, knee, and left hand. Although the Claimant testified that he has been unable to work since the accident, the originally hearing in this case had to be rescheduled due to the Claimant's incarceration. According to the Claimant, he was accused of stealing a 32" television, some barstools, and a computer. The Claimant testified that, "the police said a witness observed me running across the parking lot running from an apartment across the street to my mom's car and putting it in the car." In addition, the Claimant testified that he fell down the stairs in January 2012 at his mother's house, which increased his pain and resulted in him using a cane.

Chris Thompson testified that JJS Trucking was operating as a subcontractor Chris Thompson Services, LLC, at the time in question. Mr. Thompson testified that he obtained a

Certificate of Insurance from JJS Trucking at the time his relationship with the company began in 2008 and that he has requested and obtained updated Certificates of Insurance from JJS Trucking on a yearly basis since that time. Mr. Thompson identified the October 18, 2010 Certificate of Insurance contained in the Record (Appellants' APA #6, p.39). This Certificate shows that JJS Trucking had workers' compensation coverage through Travelers Insurance for the period from October 8, 2010 through October 8, 2011. This Certificate shows Chris Thompson Services as the Certificate Holder and is signed by David W. Hayes, whom Mr. Thompson identified as the owner of the Producer, the Swamp Fox Agency. Mr. Thompson testified that after receiving this Certificate of Insurance, he had no reason to believe that JJS Trucking did not have workers' compensation insurance until after the Claimant's accident.

The record reveals that Travelers Insurance did, in fact, insure JJS Trucking for a period after the Certificate of Insurance was issued, but the policy lapsed without notice to Chris Thompson Services by any person or entity. Cedric Smalls, the owner of JJS Trucking, confirmed that he did not ever inform Chris Thompson Services that his workers' compensation insurance had lapsed and further testified that Chris Thompson would not allow him to work as a subcontractor if his workers' compensation insurance ever lapsed.

At the time of the hearing, the Claimant was receiving weekly temporary total disability compensation from the Chris Thompson's carrier, as reflected on the Form 18.

#### Conclusion

After reviewing the record and considering the briefs and oral arguments, we AFFIRM with AMEND in part, as follows:

#### FINDINGS OF FACT

1. Samuel Rose was an employee of JJS Trucking on August 10, 2011.

2. On August 10, 2011, Samuel Rose sustained an injury by accident to his head, knee, leg  
back and neck arising out of and in the course of his employment with JJS Trucking.
3. Claimant has an average weekly wage of \$650.00 and a compensation rate of \$433.34.
4. Claimant is not at maximum medical improvement.
5. As a result of his accident, Claimant is entitled to temporary total disability benefits beginning on August 10, 2011 and continuing until such time as he reaches maximum medical improvement.
6. As a result of his accident, Claimant is entitled to an evaluation to determine the extent of his injuries and is entitled to ongoing medical treatment as prescribed by an authorized treating physician to be selected by the carrier.
7. On or about October 8, 2010, JJS Trucking, LLC represented to Chris Thompson Services, LLC that it had workers' compensation insurance.
8. On August 10, 2011, JJS Trucking was operating without proper insurance as required by the Workers' Compensation Act.
9. On August 10, 2011, JJS Trucking was operating as a subcontractor for Chris Thompson Services, LLC. Chris Thompson Services, LLC, is an "upstream employer" pursuant to §42-1415.
9. Chris Thompson Services, LLC is liable to pay Claimant all benefits to which he is entitled under the Act.

### CONCLUSIONS OF LAW

1. On August 10, 2011 Samuel Rose was an "employee" of JJS Trucking as defined in S.C. Code Ann. § 42-1-130 (1976).
2. At the time of the Claimant's accident, JJS Trucking possessed over the Claimant the actual right and authority to control and direct his particular work or undertaking and the manner or means of its accomplishment, consistent with the definition of an employee provided in Young v. Warr, 252 S.C. 179, 189, 165 S.E.2d 797, 802 (1969).
3. The testimony of the Claimant, his immediate employer, Cedric Smalls, and the upstream contractor, Chris Thompson, combined with the evidence available in the record, when evaluated using the factors outlined in Nelson v. Yellow Cab Co., 564 SE 2d 110 ( S.C. 2002), weigh towards finding Claimant is an employee and not an independent contractor. This finding is consistent with South Carolina's policy to resolve jurisdictional doubts in favor of the inclusion of employers and employees under the Workers' Compensation Act. See South Carolina Workers' Compensation Comm'r v. Ray Covington Realtors, Inc., 318 S.C. 546, 459 S.E.2d 302 (1995).
4. Claimant is entitled to temporary total disability benefits beginning on August 10, 2011 pursuant to § 42-9-10 until such time as he is able to return to work.
5. Claimant is entitled to medical treatment causally related to his injury pursuant to §42-15-60. Claimant's past causally-related medical treatment should be paid directly to the providers pursuant to the Fee Schedule. Carrier shall select an authorized treating physician for any future medical treatment.

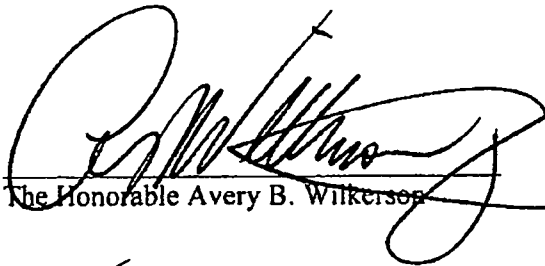
5. Claimant was an employee of JJS Trucking which, at the time of his accident, was an uninsured subcontractor. Pursuant to § 42-1-415(A) Chris Thompson Services, LLC, as the higher tier contractor, shall pay all benefits due the Claimant under the Workers' Compensation Act.
6. Chris Thompson Services, LLC, asserted in its pleadings and at the Hearing that liability for this claim should be transferred to the South Carolina Uninsured Employer's Fund. § 42-1415 only permits the higher tier contractor to petition the Commission to transfer responsibility for benefits to the UEF after it has paid all benefits due the Claimant under the Act. The evidence in the record indicates that Claimant has not received all benefits he is due under the Act from Chris Thompson Services, LLC, or its carrier. Therefore, the issue of transfer of responsibility to the UEF is not ripe for adjudication at this time.
7. Chris Thompson Services, LLC is entitled to credit for any compensation paid to the Claimant prior to the date of this Order.
8. Traveler's Indemnity was not the carrier for JJS Trucking, LLC on the date of Claimant's injury and therefore is dismissed as a party to this claim.

#### ORDER

IT IS THEREFORE ORDERED that the statutory employer, Chris Thompson Services, LLC, through its carrier, Bridgefield Casualty Insurance Company, is liable for this claim and shall pay Claimant's medical treatment and temporary total disability benefits beginning August 10, 2011 and continuing through such time Claimant is able to return to work.

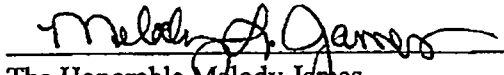
All other issues are held in abeyance.

IT IS SO ORDERED!

  
The Honorable Avery B. Wilkerson

WE CONCUR:

  
The Honorable T. Scott Beck

  
The Honorable Melody James

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, postage paid, in the United State mail addressed to the attorney or attorneys for said parties.

This 15 day of May, 2013  
By Valerie D. Deder

Administrative Assistant to the Commissioner

- Amy V. Cofield
- Kirsten L. Barr
- Joseph B. Fisher
- Chris Thompson Services (Reg & cert)
- JTS Trucking LLC (Reg & cert)