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THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM FLORENCE COUNTY

South Carolina Workers' Compensation Commission

WCC Case No. 1013465

Delores Porter, Claimant,.....Appellant,

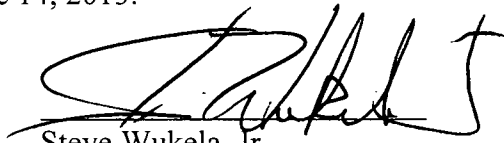
v.

Medford Nursing Center, Employer, and
Key Risk Insurance Company, Carrier Respondents.

NOTICE OF APPEAL

Delores Porter appeals the Appellate Panel Decision and Order of the South Carolina Workers' Compensation Commission dated June 14, 2013. Appellant received written notice of entry of this Decision and Order on June 14, 2013.

July 8, 2013



Steve Wukela, Jr.
Wukela Law Firm
Post Office Box 13057
Florence, South Carolina 29504
(843) 669-5634
Attorney for Appellant

Other Counsel of Record:

George D. Gallagher, Esquire
McAngus Goudelock & Courie, LLC
Post Office Box 12519, Capitol Station
Columbia, South Carolina 29211-2519
(803) 779-2300
Attorney for Respondents

RECEIVED

JUL 10 2013

SC Court of Appeals

GROUNDS FOR APPEAL

The Appellant appeals the Appellate Panel Decision and Order of the South Carolina Workers' Compensation Commission dated June 14, 2013 on the following grounds:

1. Did the South Carolina Workers' Compensation Commission err as a matter of law in failing to dismiss the Employer/Carrier's Form 21 Request for Hearing dated May 31, 2012, over the objections of the Claimant, in violation of S. C. Code Ann. § 42-9-260(F) which, among other things, specifically mandated, "...Further, the commission may not entertain any application to terminate or suspend benefits unless and until the employer or carrier is current with all payments due?"
2. Did the South Carolina Workers' Compensation Commission err in failing to order the Employer/Carrier to bring the Claimant current on all unpaid temporary partial or temporary total disability benefits from September 19, 2011 and to continue payments until further order of this Commission and pursuant to S. C. Code Ann. § 42-9-260(G) awarding a twenty-five (25%) percent penalty be imposed upon the Employer and the Carrier computed on the amount of benefits withheld in violation of S. C. Code Ann. § 42-9-260(F)?
3. Did the South Carolina Workers' Compensation Commission err in failing to award pursuant to S. C. Code Ann. § 42-9-90 an additional ten (10%) percent penalty upon the Employer and the Carrier for any installment of compensation that should have been paid pursuant to S. C. Code Ann. § 42-9-260(F) that were not paid within fourteen (14) days after each became due as provided in S. C. Code Ann. §§ 42-9-230, 42-9-240, or 42-9-260(F)?
4. Did the South Carolina Workers' Compensation Commission err, having once conducted a hearing in violation of the specific mandate of S. C. Code Ann. § 42-9-260(F), in failing to find the Claimant had sustained an injury to her low back on January 23, 2010 in addition to the admitted injuries to her spine and right shoulder which needed evaluation and treatment by an orthopaedist against substantial evidence in the record?
5. Did the South Carolina Workers' Compensation Commission err, having once conducted a hearing in violation of the specific mandate of S. C. Code Ann. § 42-9-260(F), in failing to find the Claimant had sustained an injury to her right foot on January 23, 2010 in addition to the admitted injuries to her spine and right shoulder which needed evaluation and treatment by an orthopaedist against substantial evidence in the record?
6. Did the South Carolina Workers' Compensation Commission err in failing to find Claimant had not reached maximum medical improvement and that she is in need of additional treatment for her low back and right foot against substantial evidence in the record?

7. Did the South Carolina Workers' Compensation Commission err in failing to find that if Claimant had reached maximum medical improvement that pursuant to S. C. Code Ann. § 42-9-10 she was totally and permanently disabled and entitled to lifetime medical benefits against substantial evidence in the record?
8. Did the South Carolina Workers' Compensation Commission err in failing to determine the date upon which the claimant had reached maximum medical improvement?
9. Did the South Carolina Workers' Compensation Commission err in failing to determine when the Claimant's entitlement to permanent benefits under the Act was to commence?
10. Did the South Carolina Workers' Compensation Commission err in determining the Claimant only sustained a thirty-eight (38%) percent loss of use to her spine without any consideration of her age, education, and work background against substantial evidence in the record?
11. Did the South Carolina Workers' Compensation Commission err in determining the Claimant only sustained a five (5%) percent loss of use to her right shoulder without any consideration of her age, education, and work background against substantial evidence in the record?
12. Did the South Carolina Workers' Compensation Commission err in failing to find that the Claimant had sustained a permanent loss of use to her right foot considering her age, education, and work background against substantial evidence in the record?
13. Did the South Carolina Workers' Compensation Commission err in failing to find that the Claimant had sustained a permanent loss of use to her low back considering her age, education, and work background against substantial evidence in the record?
14. Did the South Carolina Workers' Compensation Commission err in failing to find Claimant was permanently totally disabled pursuant to S. C. Code Ann. § 42-9-10 in failing to consider the combined affects of the Claimant's loss of use to her spine and right shoulder based on her age, education, and work background against substantial evidence in the record?
15. Did the South Carolina Workers' Compensation Commission err in failing to find Claimant was permanently totally disabled pursuant to S. C. Code Ann. § 42-9-10 in failing to consider the combined affects of the Claimant's loss of use to her spine, right shoulder, foot, and low back based on her age, education, and work background against substantial evidence in the record?

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM FLORENCE COUNTY

South Carolina Workers' Compensation Commission

WCC Case No. 1013465

Delores Porter, Claimant,.....Appellant,

v.

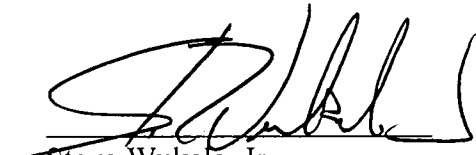
Medford Nursing Center, Employer, and
Key Risk Insurance Company, Carrier Respondents.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the Employer, Medford Nursing Center, and the Carrier, Key Risk Insurance Company, by depositing a copy of it in the United States Mail, postage prepaid, on July 8, 2013, addressed to their attorney of record George D. Gallagher, Esquire, McAngus Goudelock & Courie, LLC, Post Office Box 12519, Capitol Station, Columbia, South Carolina 29211-2519.

I certify that I have also served the Notice of Appeal on the South Carolina Workers' Compensation Commission by depositing a copy of it in the United States Mail, postage prepaid, on July 8, 2013, addressed to the Honorable Virginia S. Crocker, Judicial Director, South Carolina Workers' Compensation Commission, Post Office Box 1715, Columbia, South Carolina, 29202-1715.

July 8, 2013



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July 8, 2013

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: WCC File No. 1013465
Delores Porter, Appellant v. Medford Nursing Center
and Key Risk Insurance Company, Respondents

Dear Ms. Kitchings:

Please be advised this office represents the Appellant Delores Porter in the above entitled worker's compensation appeal. Enclosed for filing is a Notice of Appeal in the above case. Also enclosed are the following:

- (1) Grounds for Appeal;
- (2) A copy of the Appellate Panel Decision and Order of the South Carolina Workers' Compensation Commission dated June 14, 2013 which is to be challenged on appeal;
- (3) Proof of Service of the Notice of Appeal on the Respondents and on the South Carolina Workers' Compensation Commission;
- (4) A check in the amount of \$100.00 for the filing fee.

I would appreciate your returning to me a clocked copy of the Notice of Appeal in the envelope provided.

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JUL 10 2013

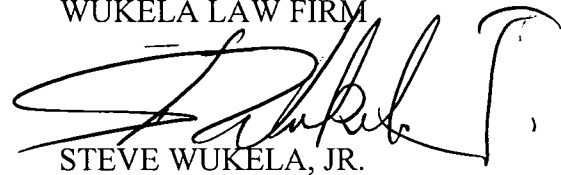
SC Court of Appeals

The Honorable Jenny Abbott Kitchings
July 8, 2013
Page 2

I am by copy of this letter serving the Respondents and the South Carolina Workers' Compensation Commission with this Notice of Appeal.

Sincerely,

WUKELA LAW FIRM

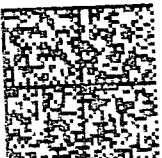
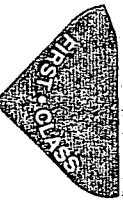
A handwritten signature in black ink, appearing to read "Steve Wukela, Jr.", is written over the printed name. The signature is fluid and cursive, with a large initial "S" and "W".


STEVE WUKELA, JR.

SWJr/dd
Enclosures

cc: George D. Gallagher, Esquire
McAngus Goudelock & Courie, LLC

Honorable Virginia S. Crocker
South Carolina Workers' Compensation Commission



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 Clerk, South Carolina Court of Appeals
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