


THE STATE OF SOUTH CAROLINA
In The Court of Appeals

64088

APPEAL FROM THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

Appellate Panel
T. Scott Beck, Commissioner

WCC File No. 1103604



Michael Philip Worthen,
Employee,

Appellant,

v.

Laurens County, Employer,
And SC Association of
Counties SIF, Carrier,

Respondents.

NOTICE OF APPEAL

Michael Philip Worthen appeals the decision and order of the Honorable T. Scott Beck and the South Carolina Workers' Compensation Commission Appellate Panel (hereinafter, "The Commission"), dated June 14, 2013. Appellant received a copy of this decision on June 14, 2013, which is being appealed on the following grounds and alleged errors of law:

- I. The Commission erred in finding and concluding Appellant did not sustain an injury by accident arising out of and in the course of his employment with Respondent Employer on February 26, 2011.


RECEIVED

JUL 15 2013

SC Court of Appeals

- II. Substantial rights of Appellant have been prejudiced because the Commission's findings, inferences, conclusions, and decision were clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record.
- III. Substantial rights of Appellant have been prejudiced because the Commission's findings, inferences, conclusions, and decision were arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.
- IV. The Commission's decision and order is unsupported by substantial evidence.
- V. The Commission erred in failing to find Appellant's myocardial infarction/heart attack was induced by unexpected strain or overexertion in the performance of the duties of his employment and/or by unusual and extraordinary conditions of employment.
- VI. The Commission erred in failing to find Appellant's defibrillator implantation and coronary artery bypass surgery were causally related to the heart attack Appellant sustained on February 26, 2011.
- VII. The Commission erred in failing to find Appellant's lost time from work was a result of his heart attack.

July 10, 2013



Monty D. Desai (S.C. Bar No. 73967)
monty@thecarolinallawgroup.com
J. Matthew Whitehead (S.C. Bar No. 73803)
matt@thecarolinallawgroup.com
THE CAROLINA LAW GROUP, LLC
910 E. Washington Street
Greenville, South Carolina 29601
(864) 312-4444
(863) 312-4447 (fax)

Attorneys for Appellant

Other Counsel of Record:

Richard B. Kale
WILSON JONES CARTER & BAXLEY, P.A.
872 S. Pleasantburg Drive
Greenville, South Carolina 29607
(864) 527-3280
(864) 235-6015 (fax)

Attorney for Respondents

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

Appellate Panel
T. Scott Beck, Commissioner

WCC File No. 1103604

Michael Philip Worthen,
Employee,

Appellant,

v.

Laurens County, Employer,
And SC Association of
Counties SIF, Carrier,

Respondents.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Respondents Laurens County and SC Association of Counties SIF by depositing a copy of it in the United States Mail, postage prepaid, on July 9, 2013, addressed to their attorney of record, Richard B. Kale, WILSON JONES CARTER & BAXLEY, P.A., 872 S. Pleasantburg, Greenville, South Carolina 29607. I further certify that I have 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 9, 2013, addressed to the SC Workers' Compensation Commission, P.O. Box 1715, Columbia, South Carolina 29202-1715.

(Signature on Following Page)

RECEIVED
JUL 15 2013

SC Court of Appeals

July 10, 2013



Monty D. Desai (S.C. Bar No.)
monty@thecarolinallawgroup.com
J. Matthew Whitehead (S.C. Bar No. 73803)
matt@thecarolinallawgroup.com
THE CAROLINA LAW GROUP, LLC
910 E. Washington Street
Greenville, South Carolina 29601
(864) 312-4444
(863) 312-4447 (fax)

Attorneys for Appellant

CAROLINA LAWGROUP LLC



910 East Washington Street
Greenville, SC 29601
Phone: (864) 312-4444
Fax: (864) 312-4447

Mailing Address:
P.O. Box 5192
Greenville, SC 29606

West Greenville Address:
6304 White Horse Road, Suite B
Greenville, SC 29611

Monty D. Desai*
Nihar M. Patel
J. Matthew Whitehead

www.thecarolinlawgroup.com
Tax ID 27-4810173

July 10, 2013

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

**RE: Michael Philip Worthen, Employer, Appellant v. Laurens County,
Employer, and SC Association of Counties SIF, Carrier, Respondents
WCC File No. 1103604**

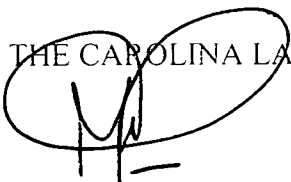
Dear Ms. Kitchings:

Enclosed for filing please find the original and four (4) copies of Appellant's Notice of Appeal in the above-referenced case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the Respondents and the South Carolina Workers' Compensation Commission.
- (2) A copy of the decision and order that is to be challenged on appeal.
- (3) A filing fee of \$100.

Sincerely,

THE CAROLINA LAW GROUP, LLC


Monty D. Desai
monty@thecarolinlawgroup.com

MDD/
Enclosures

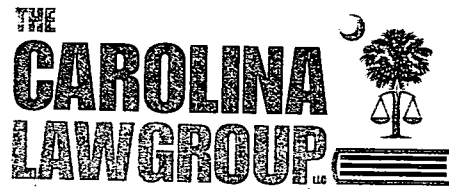
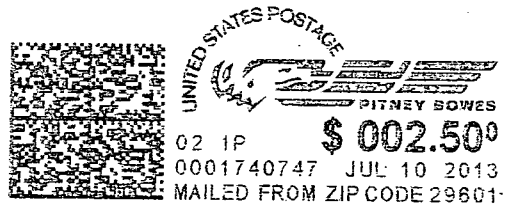
cc: Richard B. Kale, Esquire
SC Workers' Compensation Commission

RECEIVED

JUL 15 2013

SC Court of Appeals





910 E. Washington Street P.O. Box 5192
Greenville, SC 29601 Greenville, SC 29606

www.thecarolinawgroup.com

