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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE
South Carolina Workers Compensation Commission
Appellate Panel

SCWCC Case No. 2202001

Hector Lopez-Vasquez, Employee,.....Claimant/Appellant

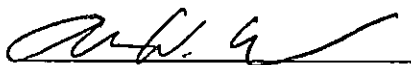
v.

Ox Paper Tube & Core Carolina, LLC and
Berkshire Hathaway Homestate Insurance, Employer,.....Defendants/Respondents

NOTICE OF APPEAL

Claimant, Hector Lopez-Vaquez, appeals the order of the South Carolina Workers Compensation Appellate Panel dated February 05, 2024. Appellants received written notice of entry of this order on February 05, 2024.

February 28, 2024


Andrew W. Creech, Esq.
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Amity Edmonds, Esq.
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55 Beatie Place
Suite 1200
Greenville, SC 29601
ATTORNEY FOR RESPONDENT

**Hector Vasquez-Lopez v. Ox Paper Tube & Core Carolina, LLC;
And Berkshire Hathaway Homestead Ins. Co.:**
SCWCC Case No. 1120778

Grounds for Appeal

- 1. Did the Single Commissioner and Full Commission err in making Finding of Fact #23 as it is completely irrelevant that Ms. Roldan-Dimas does not speak English and could not fill out logs in English?**
- 2. Did the Single Commissioner and Full Commission err in finding that Ms. Roldan-Dimas refused Defendants offer of a third-party home health service provider only because the Claimant preferred her to provide the at-home care, when the record actually shows the offer was declined because Ms. Roldan-Dimas and her husband live in Ms. Roldan-Dimas' daughter's home who would not allow a third party care giver in their home at all times of the day and night.**
- 3. Did the Single Commissioner and Full Commission err in Conclusion of Law #8 by interpreting 42-15-60(A) to only allow attendant care service by a licensed professional?**
- 4. Did the Single Commissioner err in Conclusion of Law #10 by interpreting the differences and limitations of treatment between 42-15-60(A) and 42-15-60(c)?**
- 5. Did the Single Commissioner and Full Commission err in Conclusion of Law #11 in the interpretation of 42-15-60(A) and its limitation on the Commission's ability to order non-professional attendant care, nursing services, and other reasonable treatment or care prior to MMI?**
- 6. Did the Single Commissioner and Full Commission err in Conclusion of Law #13 by finding the Commission is constrained in its authority to order unskilled nursing services pursuant to 42-15-60(A)?**
- 7. Did the Single Commissioner and Full Commission err in Conclusion of Law #14 that despite the authorized treating doctor ordering unskilled attendant care, 42-15-60(a) prohibits the Commissions ability to do so prior to MMI?**
- 8. Did the Single Commissioner and Full Commission err in Conclusion of Law #15 that the cited cases by Claimant were not instructive on the broad authority granted in 42-15-60(A)?**
- 9. Did the Single Commissioner and Full Commission err in Conclusion of Law #19 determining that unlicensed or non-professional care creates a liability conundrum?**
- 10. Did the Single Commissioner and Full Commission err in Conclusion of Law #20 by concluding that by Ms. Roldan-Dimas being paid for the care she is providing to her**

husband that she could somehow be an employee of the Defendant, or that by her not speaking English that somehow limits her ability to properly monitor Claimant?

- 11. Did the Single Commissioner and Full Commission err in Conclusion of Law #21 in failing to order payment or reimburse Ms. Roldan-Dimas for her care services, and instead only concluding that Defendants must provide care services with a licensed professional skilled home health aide and/or nurse, for which Claimant is unable to accept.**

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Hector Vasquez-Lopez, Employee, Claimant/Appellant,

v.

Ox Paper Tube & Core Carolina, LLC, Employer, and
Berkshire Hathaway Homestead Insurance Co., Carrier Defendants/Respondents

PROOF OF SERVICE

I certify that I have served the **Notice of Appeal** to the attorney of record for Ox Paper Tube & Core Carolina, LLC and Berkshire Hathaway Homestead Insurance Company, Amity Edmonds, Esquire, as well as the South Carolina Workers' Compensation Commission by depositing a copy of it in the United States Mail, postage pre-paid, on February 16, 2024.

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Columbia, SC 29202-1715

Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

A handwritten signature in black ink that reads "Casey Barber". The signature is written in a cursive style with a horizontal line underneath the name.

Casey Barber
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March , 2024

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March 01, 2024

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

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SC Court of Appeals

RE: Hector Vasquez-Lopez v. Ox Paper Tube & Core Carolina, LLC; and
Berkshire Hathaway Homestead Ins. Co.:
SCWCC Case No. 2202001

Dear Ms. Kitchens:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of Service of the notice of appeal on the respondents
- (2) A copy of both the single commission and full commission orders which are to be challenged on appeal
- (3) A filing fee of \$100.00
- (4) Transcript of the Single Commission Hearing
- (5) Correspondence to the court reporter requesting the transcript of the Full Commission Hearing which will be provided upon receipt.

Sincerely,

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ATTORNEY FOR RESPONDENTS

Helping Injured People