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August 16, 2013

South Carolina Workers' Compensation Commission
Judicial Department
Post Office Box 1715
Columbia, South Carolina 29202

Mr. Tobie Parker
1431 Georgia Pacific Highway
Alcolu, SC 29001

Mr. Tobie Parker
1052 Primrose Lane
Manning, South Carolina 29102

Mr. William Shepherd
1052 Primrose Lane
Manning, South Carolina 29102

Timothy B. Killen, Esquire
Attorney for South Carolina Uninsured
Employers' Fund
4500 Fort Jackson Boulevard
Columbia, South Carolina 29209

West Manning Auto
1431 Georgia Pacific Highway
Alcolu, SC 29001


Re: Michael McCain vs. West Manning Auto
WCC #: 0914243
Appellate Case No.: 2013-001071
File No. 09062

Dear Sir/Madam:

Please find enclosed a copy of the Transcript of Proceedings in connection with the above referenced matter.

With kindest regards, I am

Sincerely yours,


J. Joseph Condon, Jr.

JJCjr/jas

Encl.

cc: South Carolina Court of Appeals

RECEIVED

AUG 20 2013

SC Court of Appeals

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Post Office Box 1715
Columbia, South Carolina 29202

The South Carolina Court Administration
Calhoun Building
1015 Sumter Street, Suite 200
Columbia, SC 29201-3739

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Columbia, South Carolina 29209

Mr. William Shepherd
1052 Primrose Lane
Manning, South Carolina 29102

Re: Michael McCain vs. West Manning Auto
WCC #: 0914243
Appellate Case No.: 2013-001071
File No. 09062

Dear Sir/Madam:

Please find enclosed a copy of the Transcript of Proceedings of March 19, 2013
in connection with the above referenced matter.

With kindest regards, I am

Sincerely yours,


J. Joseph Condon, Jr.

JJCjr/jas

Encl.

cc: Jenny Abbott Kitchings, Clerk of Court, South Carolina Court of Appeals

THE STATE OF SOUTH CAROLINA
COURT OF APPEALS
APPELLATE CASE NO. 2013-001071

Michael McCain, Employee, Appellant,)
)
vs.)
)
Tobie Parker d/b/a West Manning Auto and)
William Shepherd, Employers, and South)
Carolina Workers' Compensation Uninsured)
Employers' Fund, Defendants, Respondents.)

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the Transcript of Proceedings of
March 19, 2013 in WCC# 0914243, on the following individuals or agencies, by
depositing a copy in the United States Mail, postage prepaid, on August 16, 2013:

South Carolina Workers' Compensation Commission
Judicial Department
Post Office Box 1715
Columbia, SC 29202

The South Carolina Court Administration
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West Manning Auto
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Alcolu, SC 29001

Mr. Tobie Parker
West Manning Auto
1431 Georgia Pacific Highway
Alcolu, SC 29001

Mr. William Shephard
1052 Primrose Lane
Manning, SC 29102

Jeanne Spinelli

Jeanne Spinelli
Legal Assistant to J. Joseph Condon, Jr.

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AUG 23 2013

SC Court of Appeals

BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

FULL COMMISSION APPEAL

WCC FILE NO. 0914243

Michael McCain,)
)
 Claimant,)
)
 vs.)
)
 Tobie Parker d/b/a West)
 Manning Auto, Employer,)
)
 and)
)
 South Carolina Employers Fund,)
)
 Defendants.)

TRANSCRIPT OF PROCEEDINGS

March 19, 2013

This hearing was held before Commissioner Gene McCaskill, reported by Kimberly T. Power, Court Reporter and Notary Public in and for the State of South Carolina; said proceedings were held at the South Carolina Workers' Compensation Commission, 1333 Main Street, Columbia, South Carolina, on Tuesday, March 19, 2013.

1 APPEARANCES

2
3 COMMISSIONER MCCASKILL, CHAIRMAN
4 COMMISSIONER BARDEN
5 COMMISSIONER WILKERSON

6 ATTORNEYS FOR THE CLAIMANT

7 CONDON LAW FIRM
8 BY: J. JOSEPH CONDON, ESQUIRE
9 3842-C Leeds Avenue
10 North Charleston, South Carolina 29405

11 ATTORNEYS FOR THE DEFENDANT
12 SOUTH CAROLINA INSURED EMPLOYERS FUND

13 WILLSON JONES CARTER & BAXLEY, PA
14 BY: TIMOTHY B. KILLEN, ESQUIRE
15 4500 Fort Jackson Boulevard
16 Columbia, South Carolina 29209

17 TOBIE PARKER, PRO SE

18 WILLIAM SHEPPARD, PRO SE
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1 COMMISSIONER MCCASKILL: Today's date is
2 March 19, 2013. This is Workers' Compensation
3 Commission File Number 0914243. This is the case of
4 Michael McCain, Claimant/Employee vs. Tobie Parker
5 d/b/a West Manning Auto and William Sheppard,
6 Employers, and the South Carolina Workers' Compensation
7 Insured Employers Fund, Defendants.

8 Prior to going on the record, we had a
9 discussion when we discovered for the first time that
10 Mr. Sheppard was not properly noticed of the hearing
11 that was conducted that resulted in the appeal that
12 we're here today to hear. That, of course, is a
13 problem. It's a due process issue.

14 Before I go any further, I want to make sure
15 we capture for the record, gentlemen, both of your
16 correct mailing addresses. Mr. Parker, what is your
17 correct mailing address?

18 MR. PARKER: It's 1431 Georgia Pacific Road
19 Alcolu, South Carolina, 29001.

20 THE COURT: And, Mr. Sheppard, what is your
21 correct mailing address?

22 MR. SHEPPARD: 1052 Primrose Lane, Manning,
23 South Carolina.

24 COMMISSIONER WILKERSON: Primrose?

25 MR. SHEPPARD: That's P-R-I-M-R-O-S-E.

1 COMMISSIONER BARDEN: And the ZIP?

2 MR. SHEPPARD: 29102.

3 COMMISSIONER MCCASKILL: All right. Because
4 of this notice issue --

5 COMMISSIONER WILKERSON: Can we get telephone
6 numbers, too, just for the record?

7 COMMISSIONER MCCASKILL: Just for the record.

8 MR. PARKER: Home number?

9 COMMISSIONER WILKERSON: Yes, sir.

10 COMMISSIONER MCCASKILL: Yes, sir.

11 MR. PARKER: 803-473-7049.

12 MR. SHEPPARD: And mine is 803-505-6863. I
13 had to think about that.

14 COMMISSIONER MCCASKILL: All right. And
15 because of this issue, it would not be appropriate for
16 us to go forward today. We are going to vacate the
17 Single Commissioner's ruling in this case and return it
18 to the jurisdictional Commission for a de novo hearing
19 which means, gentlemen, it goes back the Commissioner
20 that would hear it, the jurisdictional Commissioner,
21 for a brand new hearing which you will both be noticed
22 of. Okay. Any questions from any party?

23 MR. CONDON: I just want to make sure I've
24 got Mr. Parker's phone number.

25 MR. PARKER: 803-473-7049.

1 MR. CONDON: This is your home address?

2 MR. PARKER: That's home, yes.

3 COMMISSIONER MCCASKILL: All right.

4 Mr. Parker and Mr. Sheppard, in our conference before
5 we went on the record, I did advise you of your right
6 to counsel today. It was my understanding at that time
7 that you were representing yourselves today; is that
8 correct?

9 MR. PARKER: Yes.

10 COMMISSIONER MCCASKILL: Mr. Sheppard?

11 MR. SHEPPARD: Yes, sir.

12 COMMISSIONER MCCASKILL: All right. And, of
13 course, you are entitled to have counsel for this new
14 hearing. So if you wish to get an attorney for that
15 hearing, you have that right.

16 COMMISSIONER BARDEN: Otherwise, it will go
17 forward because we will issue an order memorializing
18 what we're saying here today so you are apprized of
19 that right today so that that hearing can go forward
20 because this gentleman's client has a right to have a
21 hearing in a relatively short period of time. So we
22 want to make sure that it goes forward when it's
23 rescheduled.

24 MR. PARKER: I don't think I need a lawyer
25 for anything.

1 COMMISSIONER MCCASKILL: That's your right
2 and your choice. Anything else from any party?

3 (There was no response.)

4 COMMISSIONER MCCASKILL: All right, folks.
5 That concludes this proceeding. Thank y'all very much.

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