

**The State of South Carolina
In the Court of Appeals**

Appeal from S.C. Worker's Compensation Commission

Appellate Panel

Susan S. Barden, Commissioner
Avery B. Wilkerson, Commissioner
Gene McCaskill, Commissioner

W.C.C. File No. 1203664

Nathalie I. Davaut,

Appellant,

v.

University of South Carolina,
and State Accident Fund,

Respondents.

NOTICE OF APPEAL

Nathalie I. Davaut appeals from the decision and order of the Appellate Panel of the S.C. Worker's Compensation Commission, filed July 22, 2013. The undersigned Counsel for the Appellant received the decision and order on July 22, 2013.

Pursuant to S.C. Code Ann. §42-17-60, Appellant states the following grounds for appeal, while reserving the right to restate the issues in her brief in accordance with Rule 208(B), SCACR:

1. The Commission erred in concluding that the Employee/Claimant failed to carry her burden of proving an injury by accident arising out of and in the course and scope of her employment on February 16, 2012, because she had been in the University Library on work-related duties and she was walking to her car that was parked in a University owned lot when she was struck by a motorist in a crosswalk on a public street that ran through the Employer/University;
2. The Commission erred in denying benefits to the Employee based on the fact that she was injured when she was crossing a public street because she was crossing that

street after leaving a University library to go to her car which was parked in a parking lot owned and maintained by the Employer University;

3. The Commission erred in denying benefits to the Employee/Claimant based on the fact that there were other University parking areas that might have been available to the Employee because the Employer did not have assigned staff/faculty parking lots/spaces and she was within her rights to choose to park in that particular University lot;
4. The Commission erred in concluding that the Employee/Claimant was not engaged in a duty, task or special errand for the benefit of the Employer when the accident occurred because she had gone to the library to review resumes as part of her work-related duties as a University professor;
5. The Commission erred in concluding that benefits should be denied under the Howell v. Pacific Columbia Mills, 291 S.C. 469, 354 S.E.2d 384 (1987), because in that case the employee was injured before ever setting foot on the employer's property, while in this case the Employee/Claimant had been at work and she had yet to access the ability to egress the University Employer's premises.

Respectfully submitted,



Paul L. Reeves, S.C. Bar. No. 4671
BLACKWELL, TRIMNAL, REEVES & MYERS, LLC
1527 Blanding Street // P.O. Box 11126
Columbia, South Carolina 29211
803.929.0001 // 803.929.0927 Facsimile
Paul@PReevesLaw.com

August 20, 2013

OTHER COUNSEL OF RECORD:

Paul L. Hendrix
Jones & Hendrix, P.A.
50 Applewood Lane
Spartanburg, SC 29307-2225
(864) 583-5577
paulhendrix@jonesandhendrix.com

Certificate of Service

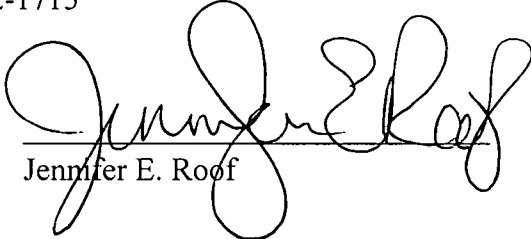
I certify that I have served the Notice of Appeal upon the Respondents by depositing a copy of it in the United States Mail, postage prepaid, on August 20, 2013, to the Counsel of Record, as listed below:

Paul L. Hendrix
Jones & Hendrix, P.A.
50 Applewood Lane
Spartanburg, SC 29307-2225

RECEIVED
AUG 20 2013
SC COURT OF APPEALS

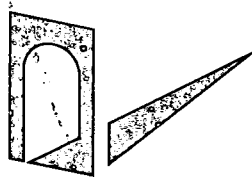
And, I certify that I have served the Notice of Appeal upon the South Carolina Worker's Compensation Commission by depositing a copy of it in the United States Mail, postage prepaid, on August 20, 2013, as listed below:

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


Jennifer E. Roof

Blackwell Trimnal
Reeves & Myers
ATTORNEYS AT LAW

Connecting you to the legal help you need



David Reese Blackwell
Brian O'Neal Trimnal
Paul Lee Reeves
Govan Thompson Myers, III

A Limited Liability Company

Paul Lee Reeves

paul@plrlawfirm.com

REPLY TO:

P.O. Box 11126
Columbia, SC 29211

T: 803.929.0001

F: 803.929.0927

Direct Line : 803.223.6947

www.btmlaw.com

August 20, 2013

RECEIVED
AUG 20 2013

SC Court of Appeals

VIA HAND-DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

RE: Nathalie I. Davaut v. University of South Carolina and State Accident Fund
WCC File No. 1203664

Dear Ms. Kitchings:

Enclosed for filing are the original and one copy of the Notice of Appeal along with the Certificate of Service in the above referenced case. Also enclosed are:

1. a copy of the Decision and Order of the Appellate Panel of the Worker's Compensation Commission which is to be challenged on appeal;
2. the filing fee of \$100.00; and
3. a copy of the letter to the Court Reporter requesting the transcript of the hearing before the Commission and confirming that I agree to pay the per page charges as provided by Rule 607, SCACR.

Please have the copy of the Notice of Appeal clocked in and returned to my courier.

Sincerely,


Paul L. Reeves

Attorney at Law

Enclosures

cc: Paul L. Hendrix, Counsel for Respondents
Virginia Crocker, S.C. Worker's Compensation Commission