

Alexander Guice

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September 6, 2013

The Honorable Jenny A. Kitchings
Clerk of Court
SOUTH CAROLINA COURT OF APPEALS
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
SEP 10 2013
SC Court of Appeals

Re: Alexander Guice v. US Foodservice, Inc. et al
Appellate Case No. 2013-001804

NOTICE TO RESCIND WITHDRAWL OF NOTICE TO APPEAL

Dear Ms. Kitchings or To Whom It May Concern:

Please be advised that effective immediately, I hereby Rescind my Notice to withdraw my Notice of Appeal dated September 4, 2013 with regards to the above captioned matter.

In particular, as I stated in the withdrawal notice dated September 4, 2013, I was under the impression that I could seek remedies as it relates to Alexander Guice v. US Foodservice, et al, WCC Case number 0506205 through motions, pursuant to Regulation 67-215 of the Act. However, I received correspondence from J. Keith Roberts, Staff Attorney for the SC Workers' Compensation Commission, via e-mail, informing me that my decision to terminate my appeal of the Commission Appellate Panel Decision and Order dated July 17th, 2013 with the Court of Appeals "...exhausted all the remedies available to you under the Workers' Compensation Act." I have enclosed a copy of the e-mail received from Mr. Roberts for your review and consideration. I certainly did not intentionally attempt to terminate my appellate rights as it relates to seeking a remedy with regards to WCC# 0506205, and my conclusions with respect to filing pleadings by motion and not appealing the Decision and Order dated July 17th, 2013 reflects an error made in good faith.


I also would ask that the Court consider that I am a *pro se* Litigant, and should not be held to same high standards of perfection and technical expertise as practicing attorneys. Please see In Re: Hall v. Bellmon 935 F.2d 1106 (10th Cir. 1991).

In considering this notice to rescind my notice to withdraw my notice to appeal, I request that the time limits with respect to the parties' option to enter the Pilot Program for the Voluntary Mediation of Workers' Compensation Appeals and the filing of the Initial Brief of the Appellant be stayed pending a determination of the Court with regards to accepting this notice to rescind my notice to withdraw my notice to appeal.

By copy of this letter, I have provided Erin L. Hantske, the representative for the Respondents,

and Virginia L. Crocker, Judicial Director for SC Workers' Compensation Commission, a copy of the same, via regular mail with enclosures. Should you have any questions or concerns, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours,


Alexander Guice
Appellant, *pro se*

/AG

Enclosures:

Email Correspondence from J. Keith Roberts, SCWCC dated September 5, 2013

cc:

Erin L. Hantske
Virginia L. Crocker

From: **Roberts, Keith** (keroberts@wcc.sc.gov) This sender is in your contact list.

Sent: Thu 9/05/13 3:48 PM

To: Alexander Guice (alguice@hotmail.com); Cannon, Gary (gcannon@wcc.sc.gov); Crocker, Virginia (vcrocker@wcc.sc.gov); Beck, Scott (sbeck@wcc.sc.gov); Hollmon, Eugenia (EHollmon@wcc.sc.gov); Erin Hantske (erin.hantske@mgclaw.com)

Dear Mr. Guice,

Since you have chosen to terminate your appeal, the Decision and Order of the Commission dated July 17th, 2013 is now the law of the case. The July 17th, 2013 Decision and Order of the Appellate Panel fully and finally adjudicated your claims arising out of your accident on May 5th, 2005. Therefore, you have exhausted all the remedies available to you under the Workers' Compensation Act. Since you voluntarily ended your appeal, there is no mechanism available under the law for the Workers' Compensation Commission to take any further action on your claims.

If you desire a further explanation as to the effect of the Decision and Order of July 17th, 2013 on your rights, you have the right to retain an attorney licensed to practice law in South Carolina to provide you with counsel. There is nothing more the South Carolina Workers' Compensation Commission can do with regard to your claims arising from your accident on May 5th, 2005. Please be advised the SC Workers' Compensation Commission will not respond to any future correspondence from you with regard to your allegations or inquiries related to your claims arising from your accident on May 5th, 2005. Whatever remedy you are seeking, the South Carolina Workers' Compensation Commission is not the appropriate forum from which to seek it.

J. Keith Roberts

Attorney at Law
South Carolina Workers' Compensation Commission
1333 Main Street - Suite 500
Columbia, South Carolina 29201
Direct: (803) 737-5701
KeRoberts@wcc.sc.gov

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

APPELLATE CASE NO.: 2013-001804

Alexander Guice,

Employee, Claimant, Appellant,

v.

U.S. Food Service, Inc., Employer, and Gallagher Bassett Services, Inc.,

Defendants, Respondents.

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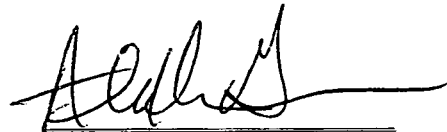
SEP 10 2013

SC Court of Appeals

PROOF OF SERVICE

I certify that I have served a copy of a Notice to Rescind Withdrawal of Notice to Appeal dated September 6, 2013, a copy of an e-mail correspondence received from J. Keith Roberts, Staff Attorney for SC Workers' Compensation Commission dated September 5, 2013 and proof of service by depositing a copy of the same in the United States Mail, postage prepaid, on September 6, 2013 and addressed to: **Erin L. Hantske, Esq.**, McAngus, Goudelock & Courie, LLC, P.O. Box 650007 Mt. Pleasant, SC 29465; **SCWCC, Attn: Judicial Dept.** P.O. Box 1715, Columbia, SC 29202; and **SC Court of Appeals**, P.O. Box 11629 Columbia, SC 29211.

September 6, 2013



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Appellant, *pro se*