

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)
MARY DAVIS,)
Claimant/Appellant,)
v.)
RUIZ FOOD PRODUCTS, INC.,)
Employer, and)
SAFETY NATIONAL CASUALTY)
CORPORATION,)
Carrier,)
Defendants/Respondents.)

BEFORE THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
WCC File Nos. 1923627 & 2223041

Received
JUN 25 2025
SC Court of Appeals

MOTION FOR RECONSIDERATION

SCWCC
APR 17 2023
JUDICIAL

Pursuant to the Commission's Regulations, the Claimant requests reconsideration and/or clarification as to the Findings of Fact and Conclusions of Law and the Order of the Full Commission which affirmed the Hearing Commissioner's Order with Amendments as follows:

1. That the Full Commission Order in the Statement of the Case refers to and quotes the previous Order of Commissioner Aisha Taylor but does not refer to or quote the subsequent Order of Commissioner Avery Wilkerson, and does not address the dictates of that Order which sets out what would be addressed at the hearing. The Statement of the Case should also reflect that two (2) Form 50s were filed, one for the 2019 accident and the second one for the 2022 accident, and importantly that the second Form 50 alleging a separate accident was only filed after

and at the direction of Commissioner Wilkerson. The Commission must also address how the Decision is in accordance with the directions and Order of Commissioner Wilkerson.

2. That the Claimant would seek clarification on the Commission's ruling as to the November 4, 2022 incident as to whether or not the Commissioners are ruling that an incident did not occur or that the incident was insufficient to cause, in the opinion of the Commission, additional compensable injuries. The uncontested evidence is that an incident occurred. Mr. Eugene McClendan gave a statement regarding the event (Depo. Tr. of Opal Jones, p. 10, l. 13-p. 11, l. 8) and another fellow employee, Ms. Octavia Harrison, gave a statement that she thought they (Mr. Eugene and Ms. Davis) were just "playing around" and acknowledged that Ms. Davis "bumped into her". (Depo. Tr. of Opal Jones, p. 17, ll. 6-10). As Ms. Jones stated in her deposition, Ms. Harrison, "told me they are always joking around, hugging each other, high-fiving, so she thought they were just playing." So, the Claimant seeks clarification as to whether or not the Commission is saying an incident did not occur or that whatever occurred was simply insufficient in and of itself in the opinion of the Commission under the facts to not cause the need for medical care.

3. That the Findings of Fact of the Full Commission, which are supposed to be definite and detailed, do not contain

any Findings of Fact noting that the light duty employment, "sedentary work only" according to the doctors, that was made available to the Claimant which she was doing at the time she was terminated for cause, was to throw away product. Since the Claimant's light duty job made available to her was to "throw away bad product", the Commission's Finding of Facts as a matter of law must address how termination for doing that light duty job "throwing away product" was a violation of company policy, and how that constituted just cause since that was her assigned job and only job.

4. That since it was undisputed that the Claimant was terminated for cause for, as the Commission put it in Finding of Fact #6, "after being observed throwing food away, which was against company policy". Again, that was her job so how that constituted a company policy violation needs to be set out factually.

5. That the Full Commission Decision also needs clarification or more detailed Findings of Fact and Conclusions of Law as a matter of law in reference to Finding of Fact #4 wherein the Commission noted that the Claimant had been under light duty restrictions which were being accommodated as described by Dr. Rodney Alan. That Finding of Fact as to the time of the accident in November is patently wrong. Dr. Rakesh Chokshi, who had been authorized to treat her for her low back

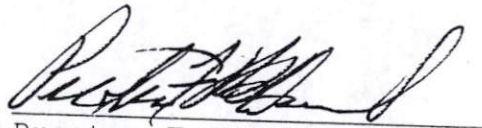
injury only and had been treating her since at least March 23, 2022, according to the undisputed evidence in the Record, placed her at "sedentary work only" (Cl. APA, p. 28), and it was under those work restrictions that she was working uncontested at the time of the incident which occurred on November 4th, and continuing at the time of her termination.

6. That the Full Commission should reconsider its decision and must make detailed Findings of Fact and Conclusions of Law as to whether or not the Hearing Commissioner failed in her statutory responsibility by failing to make detailed Findings of Fact and Conclusions of Law on all the "essential" issues before her for decision. Since the actual decision filed July 29, 2024 by the Commissioner, which she had originally requested in her Order Instructions of January 23, 2024 be drafted by the defense attorney, was in fact drafted by the Hearing Commissioner and was drafted/filed only after a Complaint was filed in the Circuit Court July 11, 2024, seeking a Writ of Prohibition prohibiting her from issuing an Order due to delay between the hearing and Order Instructions and then seven (7) more months before an Order; and her failure to address all the essential issues before her for decision, the Commission is duty bound to make Findings of Fact and Conclusions of Law in reference to that delay and when those additional Findings of Facts addressing those issues were made

and as to whether or not the Commissioner erred in her statutory responsibility. Further, based on those Findings of Fact and Conclusions of Law that must be made by the Commission to fulfill its statutory duty, the Commission must make a determination as to whether the parties and the Claimant are entitled to, as a matter of law for the Commissioner's failures to afford the Claimant due process of law under law and specifically under the SC Constitution, Art. I, §22, to a new hearing on all the issues.

For the foregoing reasons, the Claimant requests reconsideration and realleges all the original issues as presented to the Full Commission for decision.

Respectfully submitted,



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April 16, 2025

CERTIFICATE OF SERVICE

WCC File Nos. 1923627 & 2223041

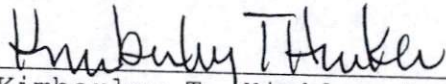
I hereby certify that I have on this day, April 16, 2025, served the following in the matter of Mary Davis v. Ruiz Food Products, Inc. with a copy of the **MOTION FOR RECONSIDERATION** addressed as follows:

Walter H. Barefoot, Esquire
McAngus Goudelock & Courie
Post Office Box 12519
Columbia, South Carolina 29211

RECEIVED

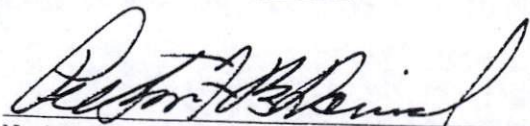
JUN 25 2025

SC Court of Appeals



Kimberley T. Hinkle, Paralegal

SWORN TO BEFORE ME this
16th day of April, 2025.



Notary Public for South Carolina (L.S.)

My Commission Expires: 10/25/28