

**FORM 13
BRIEF OF APPELLANT***

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM BAMBERG COUNTY
Court of Common Pleas

George E. Brown, Circuit Court Judge

Case No. 2013-002228

Piggly Wiggly,

Respondent,

v.

George Glover,

Appellant.

[INITIAL.] BRIEF OF APPELLANT

George Glover
235 Progressive Way
Denmark, South Carolina 29042
(803) 793-6375
Appellant

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SC Court of Appeals

* Under Rule 267(e), SCACR, the cover of the final briefs should be the following colors: brief of appellant - blue; brief of respondent - red; reply brief - gray; and amicus curiae or intervenor - green.

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STATEMENT OF ISSUES ON APPEAL

I am appealing my case in which I was injured on the job on September 27, 2010. I am requesting to be compensated for my injuries that occurred while I was working at Piggly Wiggly. I am also requesting that I get the treatment that I fairly deserve for the injuries that took place at Piggly Wiggly. I am appealing my case in which, to be fully compensated for salary and wages not received at the time of injury, necessary treatment that is needed for my injuries to my shoulder, neck, lower back, and left hand (any other injuries that may have occurred because of non-treatment). Along with my appeal, I would also like to include prescriptions and/or medications (that was paid by me or is needed to assist me with recovering from my injuries), doctor's visits (paid for by the Respondent in order to make sure the necessary treatment is given) and compensate for the time out of work (because of injuries that occurred while working at Piggly Wiggly). I believe that I was not treated fairly at the hearing by Commissioner Williams. He made a statement that he didn't think that I was hurt at that time, while my medical records show differently. I have proof of all doctors that I went to in order to support my case in order to be compensated.

STATEMENT OF THE CASE

On September 27, 2010, George Glover was injured on the job where he work for Piggly Wiggly and sustained injuries to his shoulder, neck, lower back, left hand/wrist and is asking for compensation.

Client contends he injured his left shoulder, left wrist, lower back on September 27, 2010, when he slipped and fell while pushing shopping carts. If it is found compensable, he claims entitlement to further medical treatments and reimbursement for any causally related medicals. On the other hand defendant deny that client sustained an injury by accident arising out of the course and scope of employment, and content that the client is barred by client's false representation in his application for employment pursuant to Cooper v. Mc DeVitt and Street Co., 260S.C.463,196S.E.2d833(1973).

The hearing was held by Commissioner Williams on November 28, 2011. The hearing was also held by Commissioner Avery Wilkerson on May 7, 2013. On June 6, 2013, Commissioner Wilkerson issued an order concerning the client, George Glover and denied the claim.

On October 4, 2013, George Glover served the Notice of Appeal on Piggly Wiggly.

ARGUMENTS

- I. BECAUSE RESPONDENT COULD HAVE RAISED FRAUD IN HIS PRIOR BREACH OF CONTRACT SUIT AGAINST APPELLANT, HE IS BARRED BY RES JUDICATA FROM BRINGING THIS SUIT.


[Res Judicata bars re-litigations of the case.]

- II. BECAUSE FRAUD MUST BE PROVED BY CLEAR AND CONVINCING EVIDENCE, THE TRIAL COURT ERRED WHEN IT CHARGED THE JURY THAT THE RESPONDENT MUST PROVE FRAUD BY A PREPONDERANCE OF THE EVIDENCE.

[Commissioner Wilkerson sent instructions to Attorney Chase on May 15, 2013 to draft a proposal order with his directive within 30 days]

CONCLUSION

For the reasons stated, this Court should reverse the judgment of the circuit court. Regulation 66-701(a) of the South Carolina Code of Laws is applicable in defining the period in which the client has a right to file a form 30 request for commission review with the commission.

Respectfully submitted, 

November 1, 2013

/s/ George Glover
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