

P.3

REASONS FOR DESIGNATION

Case No. 2025001178

Ex A. 12A Form, This document serves as material evidence, when a Commissioner's fail to consider First Injury Report, it undermines the Commissioner's assessment of nature of the injury work-relatedness or the credibility of the Claimant testimony, do to the fact, the Commissioner's made a finding with incomplet records, prejudicing my case, by not consider the 12A Form, violated my right to due process, fundamental right to fairness, the Commissioner did not analyze this 12A document, to help determine my burden of proof, not consider the material evidence 12A, the Commissioner finding is not supported by substantial evidence but the record show, the Commissioner's this material evidence, was not consider by the Commissioner, not even in the fact of finding.

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B: WORK EXCUSE, From Family

Health Center: Due to the fact, the compensation carrier fail to provide medical as promise in written letter from claim Adjuster, Andrea Torres. date 11-8-2022, This November 8, 2022 had me to believe, that medical will be provide like promise, but i was not provide. The Family Health Center, is the only place i could go with out money (no insurance), Commissioner's fail to consider FNP Prognosis and diagnosis as to Working ability, Commissioner's fail to estop the carrier from going back on the written statement of agreement. Never the less Family Health Center, FNP Juila Weston, is the only Medical provider, that i could get treat by due to No Income, trying to get the Medical help that i need, My FNP, the Commissioner fail to weight her Medical evidence, that is none contradic, heavily weight to the IME who Contradic his Medical exam, with his deposition remark, and statement

P.5 D. MRT exam of lumbar spine date:
of report 1-17-23 this report show damage at
L5-S1: 2.1 mm annular disc herniation with
posterior annular. Due to the fact my past
medical history show not never have herniation
disc, in my past medical history, the fact
to consider that this is a new injury, Commission
fail to properly consider the material evidence
which could change to outcome, for meeting
my burden of proof, that I do have compensable
claims.

F. Full Commissioner's Order January 13, 2025, discovered upon, decision and order contain a scrivener error, dated, dated in September 9, 2024, incomplete record is not a scrivener. even after the full panel order, the record still came back incomplete, so therefore, the ~~did not reach a decision~~ with Full Commissioner did not reach a decision with substantial evidence.

F. May 16 2025 Commissioner's Decision and Order

The Commissioner's decision is legally and factually void because the evidentiary foundation upon which it rests is critically incomplete and deficient. The Commissioner failed in its fundamental duty to ^{ensure} ensure the record contained sustainable evidence necessary to reach a definitive finding of fact. Due to the incomplete nature of the record - the procedural breakdown identified in this Designation Matter - the Commissioner's conclusion that the Claimant was not entitled to benefits is unsupported by the requisite legal standard of substantial evidence. No rational trier of fact could sustain the denial based on a record marked by material omissions. This procedural and evidentiary failure mandates immediate intervention by this Court. Accordingly the decision of the Worker Compensation must be REVERSED and this should enter an award of benefits in favor of the Claimant without remand.

Case No. 2025001178

BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC FILE NO. 2216315

Amos Mack,)
Claimant,)
vs.)
Don's Car Crushing,)
Employer,)
BusinessFirst Insurance Company,)
Carrier,)
Defendants)

2025001178

ORDER ADDENDUM

P1063

The Full Commission discovered upon review that the Decision and Order of the undersigned dated September 9, 2024, contains a scrivener's error. The APA Submissions and Exhibits listed in the Decision and Order do not accurately reflect the APA Submissions and Exhibits that were admitted into the record and considered by the undersigned. Therefore, this matter was remanded by the Appellate Panel to the undersigned by the Full Commission order dated January 13, 2025, for the limited purpose of settling the record by identifying the APA Submissions and Exhibits that were considered by the undersigned in reaching the decision. All other issues are held in abeyance and remain pending before the Full Commission¹.

IT IS THEREFORE ORDERED that, following a review of the APA Submissions and Exhibits considered by the undersigned, the Decision and Order of September 9, 2024 shall be supplemented to list the APA Submissions and Exhibits as follows:

¹ This order corrects the scrivener's error only. Such error did not have any impact on the undersigned's decision in this matter. Nothing in this order shall be construed as making any changes on the single Commissioner's decision on the merits of the claim under review.

Court Fax #
803-734-1839
Case #
2025001178

**Social Security Administration
Supplemental Security Income**

Notice of Award

SOCIAL SECURITY
1379 SIMS ST
ORANGEBURG, SC 29115-3456
Date: July 21, 2025
BNC#: 25D1345H52362-DI
NCJ

AMOS MACK
1256 TONEY BAY RD
HOLLY HILL, SC 29059-8603

Dear AMOS MACK

This is to notify you that you are eligible to receive Supplemental Security Income (SSI) payments under the provisions of Title XVI of the Social Security Act. The rest of this letter will tell you more about our decision.

FAVORABLE

Information Used to Determine Your Payments

For all months shown:

- You were found disabled in October 2022 and continuing.
- You meet all the rules to be eligible for SSI beginning January 18, 2023. SSI rules do not allow us to pay SSI until the month after the month you first meet the rules. The first month we can pay you is February 2023.
- SSI is a Federal program. However, some states give us money to add to the SSI payments. When you are eligible for SSI, payments may include Federal money, or State money or both.
- You were living in SOUTH CAROLINA for January 2023 and continuing.
- You have monthly income which we must consider when we figure your payment. Your monthly income is: S

What We Will Pay And When
THE TOTAL BACK PAYMENT DUE IS \$2324.30

Beginning

Monthly Amount Payable

See Next Page

APA SUBMISSIONS

Claimant's APA Submissions

TAB	DOCUMENT	DATE OF REPORTS	
1	Regional Medical Center of SC	10/17/2022	
2	Family Health Centers	11/14/2022-01/16/2023	12-21
3	Clermont Radiology	01/16/2023	28-32
4	Orthopedic Assoc. of Charleston	02/22/2023	33-37
5	Bowman Family Practice Clinic	04/21/2023-07/13/2023	38-46
6	Midlands Orthopaedics	08/01/2023-09/13/2023	47-55
7	Lowe's Therapy	01/12/2024	56-65
8	RMC Emergency	07/03/2011	66-68
9	Palmetto Health Richland	12/07/2012-01/09/2014	69-94
10	McLeod	01/30/2020-12/15/2020	95-121

2063

Defendant's APA Submissions

TAB	DOCUMENT	DATE OF REPORTS	NO.
1	Dr. Seth Bowman, Midlands' Orthopaedic	11/07/2023	1-2
2	Regional Medical Center	07/03/2011-12/04/2023	3-28
3	Columbia Neurosurgical Associates	12/06/2012	29-30
4	Advanced Diagnostic Imaging Center	06/14/2012	31-34
E	Claimants Written Statement	10/14/2022	35-38
F	Don's Car Crushing, Inc. Pay Stubs	10/01/2022 - 10/14/2022	39-40

EXHIBITS

Defendant's Exhibits

TAB	DOCUMENT	DATE OF REPORTS	NO.
1	Deposition transcript of Dr. Dowse Rustin, MD	08/03/2024	
2	Claimant's Deposition transcripts, for impeachment only, if necessary	01/19/2023	

Claimant's Exhibits

TAB	DOCUMENT	DATE OF REPORTS	NO.
C-1	Summit		1-5

IT IS FURTHER ORDERED that all issues raised in the Form 30 Request for Review remain with the Full Commission for their consideration upon receipt of the addendum. The Commission's Judicial Department shall set this matter for review in accordance with Reg. 67-704 without further action from the parties.

303

AND SO IT IS ORDERED,

Mike Campbell

Commissioner Mike Campbell

Served via USPS:

Amos Mack 1256 Tony Bay Road Holly Hill, SC 29059	Nicolas L Haigler Robinson Gray Stepp & Laffitte, LLC PO BOX 11449 Columbia, SC 29211
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CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of this order in the above entitled action upon all parties to this case by sending an electronic copy hereof by electronic mail addressed to the attorneys for said parties; or if there is an unrepresented party(ies), by depositing a copy hereof, postage paid in the United States mail, first class, addressed to the unrepresented party(ies) and to the attorney(s) for the represented party(ies).

January 30, 2025 By: Mackenzie Stites, Administrative Assistant to Commissioner Campbell

STATE OF SOUTH CAROLINA
BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
W.C.C. FILE NO.: 2216315

Amos Mack,)
)
 Claimant/Appellant,)
)
 v.)
)
 Don's Car Crushing, Inc., Employer,)
)
 and)
)
 BusinessFirst Insurance Company, Carrier,)
)
 Defendants/Respondents.)

**DEFENDANTS' BRIEF IN RESPONSE
TO CLAIMANT'S APPEAL**

STATEMENT OF THE CASE

Amos Mack ("Claimant/Appellant") has appealed the Decision and Order of Commissioner R. Michael Campbell, II ("Hearing Commissioner") filed on September 9, 2024. Don's Car Crushing, Inc., and BusinessFirst Insurance Company, collectively Defendants or Respondents, submit this brief in response to the Claimant's appeal. Claimant is appearing pro se.

By way of background, the Claimant alleges to have sustained an injury by accident on October 14, 2022, causing injuries to his left shoulder, right arm, left arm, left hand, right hand, right hip and right leg. The defendants denied this claim in its entirety, primarily based upon the contention the Claimant did not have any medical evidence causally relating the alleged injuries to the accident, but also based on the fact the accident was unwitnessed and occurred within hours of starting his employment and just after receiving workers' compensation benefits from the state of Louisiana for 9 or 10 years.

Following a Hearing on May 15, 2024, and subsequent to the recusal of the Hearing Commissioner, Commissioner Campbell reviewed the evidence and testimony issued a Hearing. By way of the Decision and Order filed on September 9, 2024, Commissioner Campbell issued an order denying the claim in its entirety.

STANDARD OF REVIEW

As an appellate body, the Full Commission is given great discretion to review decisions made at the Hearing Commissioner level and to make its own findings and conclusions. Specifically, "the Full Commission is empowered to make its own findings of fact and to reach its own conclusions of law consistent or inconsistent with those of the hearing commissioner." McGuffin v. Schlumberger-Sangamo, 307 S.C. 184, 414 S.E.2d 162 (1992) (citing Green v. Raybestos-Manhattan, Inc., 250 S.C. 58, 156 S.E.2d 318 (1967)). Accordingly, the Full Commission is the ultimate finder of fact and is not bound by the Hearing Commissioner's Findings of Fact. Lanford v. Clinton Cotton Mills, 204 S.C. 423, 30 S.E.2d 36 (1944); Linnen v. Beaufort Co. Sheriff's Dep't, 305 S.C. 341, 408 S.E.2d 248 (Ct. App.1991). Defendants request that the Full Commission now exercise its discretion to provide an independent decision as to whether the issues raised by the Claimant on appeal are supported by the greater weight of the evidence and the law of South Carolina.

ARGUMENT

I. **THE CLAIMANT HAS FAILED TO PRESENT ANY SUBSTANTIVE OR LEGIBLE ARGUMENT, BUT NONETHELESS THE DENIAL OF THE CLAIM IS SUPPORTED BY THE GREATER WEIGHT OF THE EVIDENCE IN THE RECORD.**

The Claimant filed a Form 59, Appellant's Informal Brief, on September 19, 2024. However, much of the brief is illegible and as such cannot be responded to by the Defendants. However, even the parts of the Brief that are legible fail to present the Full Commission with any evidence of factual or legal errors upon which a reversal can be based. Moreover, it appears the Claimant is attempting to place the burden of proof on the Defendants in this matter, which is improper.

Ultimately, the Defendants assert the Hearing Commissioner properly reviewed the evidence in the record, and the testimony provided by the Claimant, and properly found the greater weight of the evidence supported a denial of the claim. The Claimant as failed to provide any argument or evidence to the contrary in his Brief.

CONCLUSION

For the foregoing reasons, Defendants respectfully request the Full Commission to find the greater weight of the evidence supports the determinations of the Hearing Commissioner as to the denial of the claim. The Defendants request the Decision and Order of the Hearing Commissioner be affirmed in its entirety.

ROBINSON GRAY STEPP & LAFFITTE, L.L.C.

By: 

Nicolas L. Haigler
Post Office Box 11449
Columbia, SC 29211
(803) 929-1400

ATTORNEY FOR DEFENDANTS

Columbia, South Carolina
December 19, 2024

CERTIFICATE OF SERVICE

I, the undersigned, Legal Assistant with the law offices of Robinson Gray Stepp & Laffitte, LLC, attorneys for Defendant, do hereby certify that I have served counsel of record with the foregoing document(s) by U.S. Mail, Certified Mail and/or electronic service to the following address(es):

Document(s) Served: **DEFENDANTS' BRIEF IN RESPONSE TO THE CLAIMANT'S APPEAL**

Person/Party Served: **VIA U.S. MAIL AND CERTIFIED MAIL**
Amos Mack
1256 Tony Bay Road
Holly Hill, SC 29059

VIA E-CASE UPLOAD
Ms. Amy Bracy
Judicial Director
SC Workers' Compensation Commission
1333 Main Street, Suite 500
Columbia, SC 29202-1715

Emily Andrews

Emily Andrews

Columbia, South Carolina
December 19, 2024

State of South Carolina
Workers' Compensation Commission

APPELLATE PANEL DECISION AND ORDER

COMMISSION PANEL: The Honorable T. Scott Beck; The Honorable Gene McCaskill; and
The Honorable Melody L. James.

SCWCC File No.: 2216315

Amos Mack,

Claimant,

v.

Don's Car Crushing,

Employer,

and

Business First Insurance Co.,

Carrier,

Defendants.

RECEIVED

JUL 03 2025

SC Court of Appeals

888 415 7670

AFFIRMED

Hearing Held in Richland County, South Carolina,
on March 10, 2025

Per notice timely and properly served upon all Parties of Interest.

Appearances: Amos Mack, Claimant/Appellant, *pro se*.
Nicolas L. Haigler, Esq., of Robinson Gray Sepp & Laffitte,
LLC, represents Defendants/Respondents.

Court Reporter: Skylet Kean, 803-609-0134.

Filed: May 16, 2025

AMENDED

I. STATEMENT OF THE CASE

Single Commissioner

On May 15, 2024, a hearing was held before a Single Commissioner to determine issues set forth on the parties' Forms 50 and 51.

Claimant asserted he sustained injuries on October 14, 2022, to his left shoulder, left arm, right hip and right leg when he slipped and fell in the course and scope of his employment with Employer. Claimant further asserted he was not at maximum medical improvement for his injuries. Claimant sought a finding of compensability and causally related medical treatment for the same. Claimant further sought Temporary Total Disability benefits from October 18, 2022, to the present and continuing. In the alternative, Claimant sought a permanent total disability determination.

Claimant asserted on his Pre-Hearing Brief that he sustained additional injuries to his right shoulder, right arm, bilateral wrists, and low back in his work accident on October 14, 2022. However, during the initial hearing, Claimant testified that his right shoulder injury was not a part of this claim. (Hr. Tr. p. 75.)

Defendants denied Claimant's claim. Defendants specifically asserted during the initial hearing that Claimant had been receiving workers' compensation benefits under the state laws of Louisiana for the past 9-10 years, and did not work during this period. (Hr. Tr. p. 13.) Defendants continued that Claimant was allegedly injured within one (1) hour of returning to work in South Carolina, but failed to report said injury to Employer for five (5) days. (Id.) Defendants maintained these events, combined with the ongoing discrepancy as to Claimant's injured body parts and lack of medical causation in

¹ This matter was originally heard by the Honorable Avery B. Wilkerson, Jr. on May 15, 2024. Following the hearing, Commissioner Wilkerson recused himself from the proceeding in accordance with Canon 3E, Rule 501 SCACR. The case was assigned to Commissioner R. Michael Campbell, III, for adjudication. Commissioner Campbell reviewed the record and determined it was not necessary to reconvene the Hearing, as all parties had given testimony, submitted medical evidence, and there was sufficient evidence in the record to render a decision. (Single Commissioner's Decision and Order filed on September 9, 2024, p. 2.)

EXHIBITS

Defendant's Exhibits

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AND SO IT IS ORDERED,

Mike Campbell
 Commissioner Mike Campbell

Served via USPS:

Amos Mack 1256 Tony Bay Road Holly Hill, SC 29059	Nicolas L Haigler Robinson Gray Stepp & Laffitte, LLC PO BOX 11449 Columbia, SC 29211
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CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of this order in the above entitled action upon all parties to this case by sending an electronic copy hereof by electronic mail addressed to the attorneys for said parties; or if there is an unrepresented party(ies), by depositing a copy hereof, postage paid in the United States mail, first class, addressed to the unrepresented party(ies) and to the attorney(s) for the represented party(ies).

January 30, 2025 By: Mackenzie Stites, Administrative Assistant to Commissioner Campbell



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RULE 210 **RECORD ON APPEAL**

(a) Time for Service. Within thirty (30) days after service of the last brief, the appellant shall serve a copy of the Record on Appeal on each party who has served a brief. Proof of service of the Record shall be immediately filed with the clerk of the appellate court. Whenever a paper copy of the Record is served on another party, the Record shall be bound as provided by Rule 267(d), unless this requirement is waived by the receiving party.

(b) Time for Filing. The appellant must file the Record on Appeal with the clerk of the appellate court no later than the date his brief(s) are due under Rule 211. As provided by Rule 267(d), one copy filed with the appellate court shall be filed unbound or filed by electronic means. The appellate court may require an appellant to file additional copies of the Record on Appeal.

(c) Content. The Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267. The Record shall not, however, include matter which was not presented to the lower court or tribunal. Matter contained in the Record on Appeal shall be arranged in the following order: the title

page, index, orders, judgments, decrees, decisions, pleadings, transcript, charges, and exhibits and other materials or documents. Each page of the Record on Appeal shall be numbered consecutively beginning with the index. Where a portion of a page of the trial transcript, or a page of an exhibit or document, is to be included in the Record on Appeal, the entire page shall be included. When a portion of an order, judgment, decision or pleading is to be included in the Record on Appeal, the entire order, judgment, decision or pleading shall be included in the Record, to include the caption and signature(s); provided, however, that the portion of a pleading showing verification or service shall not be included unless relevant to the appeal. If the original court reporter's numbering has been deleted, the Record on Appeal shall contain ellipses or other notation indicating when pages of the court reporter's transcript have been omitted.

Where witness testimony is included in the Record on Appeal, the first page of each witness's direct, cross, redirect and recross examination must show the name of the witness, the phase of examination and the name of the counsel conducting the examination. If this information is not already reflected on the page, the top of the page shall be annotated with the required information in the following form: John H. Doe--Direct (Cross) (Redirect) (Recross) Examination by Mr. Smith.

(d) Title. The title page shall contain the caption as set forth in Rule 267. Nothing shall be printed on the title page except the caption.

(e) Index. Every Record on Appeal shall contain an index to the principal matters therein to include orders, judgments, decisions, pleadings, pretrial matters, opening statements, testimony, motions, closing arguments, jury charges, post-trial motions and exhibits. For witness testimony, the index shall show the pages on which direct, cross, redirect and recross examination begins.

(f) Exhibits. Photographs, plats and diagrams, and other paper exhibits shall be inserted in the Record on Appeal where they can reasonably be reduced or drawn to a size which permits them to be printed and inserted in the Record on Appeal, without folding more than one time. Where they are larger, or do not reasonably lend themselves to accurate reproduction, they need not be included in the Record on Appeal, but shall be filed separately. All exhibits other than paper exhibits must be retained in the trial court and delivered to the appellate court only upon receipt of an order from the clerk of the appellate court.

(g) Certificate of Counsel. The act of filing the Record on Appeal constitutes a certificate that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

(h) Review Limited to Record on Appeal. Except as provided by Rule 212 and Rule 208(b)(1)(C) and (2), the appellate court will not consider any fact which does not appear in the Record on Appeal.

Last amended by Order dated April 30, 2024.

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EMAIL NOTIFICATION SIGN-UP

OUR MISSION

To provide a fair and efficient forum for the just resolution of civil, family, and criminal matters.



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