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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Appellate Case No. 2026-000207

Bernard Bluefort, Deceased, and Belinda Bluefort, Claimant, Appellants,

v.

Jimmie's Tree Service, Inc., Employer, and
American Interstate Insurance Company, Carrier, Respondents.

INITIAL BRIEF OF RESPONDENTS

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STATEMENT OF ISSUES ON APPEAL

- I. THE APPELLATE PANEL CORRECTLY FOUND THAT THIS CLAIM IS BARRED BY THE STATUTE OF LIMITATIONS (S.C. CODE ANN. §42-15-40).
- II. THE APPELLATE PANEL CORRECTLY FOUND THAT APPELLANT'S FAILED TO PROVE A COMPENSABLE HEART ATTACK CLAIM.
- III. APPELLANTS' REMAINING GROUNDS FOR APPEAL SHOULD BE DISMISSED.

STATEMENT OF THE CASE

This is a denied claim arising out of an alleged accident on September 29, 2020, when Deceased (hereinafter "Deceased") sustained a heart attack and died as a result of that heart attack. Belinda Bluefort (hereinafter "Appellant") filed a claim for benefits under the South Carolina Workers' Compensation Act. Defendants/Respondents (hereinafter "Respondents") denied the claim on the basis that Appellants did not timely file a claim for benefits within the statute of limitations period and that the heart attack was not compensable as it was not caused by unusual or extraordinary conditions of employment per S.C. Code Ann. §41-1-160.

This matter was originally set for a hearing on April 30, 2024, before Commissioner Scott Beck, but that hearing was postponed by the Commissioner so that a more thorough dependency investigation could be conducted to identify any potential beneficiaries. The matter was reset for hearing before Commissioner Beck on September 5, 2024. A pretrial conference was held by Commissioner Beck at which time he informed Appellant of her right to retain counsel, her burden of proof on this denied claim, and her need to cooperate with the investigator performing the dependency investigation; the formal hearing was again postponed. The matter was reset for hearing before Commissioner Beck on January 9, 2025. At that time, the parties appeared, and Commissioner Beck issued an interim order dated January 15, 2025. The interim order indicated that Appellant requested the opportunity to be represented by counsel, and he granted her an additional 30 days from the date of the order to obtain counsel but warned that there would be no

further postponements of this claim or a hearing. The Commissioner also ordered Appellant to comply with the dependency investigation and to attend mandatory mediation on the claim within 60 days. The matter was reset for another hearing before Commissioner Beck on April 30, 2025, and a formal hearing was held. Commissioner Beck issued an order on July 31, 2025, denying this claim since it was filed outside the statute of limitations and further denying the claim on the basis that Appellants had failed to prove a compensable heart attack claim. Appellants filed an appeal to the Appellate Panel of the South Carolina Worker's Compensation Commission. Oral arguments were held on that appeal on November 18, 2025, and the Appellate Panel of the South Carolina Workers' Compensation Commission issued an order dated January 7, 2026, affirming the denial by the Hearing Commissioner and finding that Appellants' right to compensation is barred by the statute of limitations and that Appellants had failed to prove a compensable heart attack claim. This order has now been appealed to this Court.

STATEMENT OF THE FACTS

Georgetown County EMS responded to a call involving Deceased on September 29, 2020. (APA #1, pg. 1). EMS initially documented that Deceased was involved in a motor vehicle accident, but their subsequent report contends that there was no damage to Deceased's vehicle, and he became unresponsive and ran into the median. (APA #2, pg. 5). Specifically, EMS found that Deceased was in cardiac arrest, and the reason for the encounter is listed as "non-injury." (APA #1, pg. 1-2). EMS transported Deceased to Tidelands Georgetown Memorial Hospital, where providers pronounced Deceased dead on September 30, 2020. (APA #2, pg. 8). There is no medical evidence to suggest that Deceased sustained any injury or illness other than his heart attack. Further, Deceased's Death Certification lists his Manner of Death as "natural" and his

Cause of Death as cardiogenic shock, acute anterior wall myocardial infraction, and coronary artery disease. (Ex. A, pg. 82).

Appellant testified at the Single Commissioner Hearing that Deceased's death certificate listed coronary artery disease as his cause of death, not a motor vehicle accident. (Hearing Transcript, pg. 10). However, Appellant offered various reasons about why she did not file a claim within two years of Deceased's death. Of note, she stated that she did not know what happened (*Id.* pg. 13-14) and did not want to get in trouble for claiming benefits that "didn't belong" to her (*Id.* pg. 16). Appellant's daughter, Sha' Hara Pressley, testified that her mother had her "research what steps to take." (*Id.* pg. 28). Appellant still did not file a claim for more than three years after Deceased's death. Further, Appellant did not offer any medical evidence or documents to suggest or prove that Deceased was subject to any overexertion or unusual or extraordinary conditions at work that may have caused a heart attack.

STANDARD OF REVIEW

The South Carolina Administrative Procedures Act (APA) governs the standard of judicial review in workers' compensation cases. Lark v. Bi-Lo, Inc., 276 S.C. 130, 135, 276 S.E.2d 304, 306 (1981); Hargrove v. Titan Textile Co., 360 S.C. 276, 288, 599 S.E.2d 604, 610 (Ct. App. 2004). Under the APA, an appellate court's review is limited to deciding whether the Appellate Panel's decision is unsupported by substantial evidence or is controlled by an error of law. Hargrove, 360 S.C. 276, 289, 599 S.E.2d 604, 610–11 (Ct. App. 2004). "Substantial evidence is not a mere scintilla of evidence nor evidence viewed from one side, but such evidence, when the whole record is considered, as would allow reasonable minds to reach the conclusion the [Appellate Panel] reached." Shealy v. Aiken Cty., 341 S.C. 448, 455, 535 S.E.2d 438, 442 (2000); Pratt v. Morris Roofing, Inc., 357 S.C. 619, 622, 594 S.E.2d 272, 274 (2004). An appellate court

may not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. Bentley v. Spartanburg County, 398 S.C. 418, 421, 730 S.E.2d 296, 297 (S.C. 2012) (citing S.C. Code Ann. § 1-23-380(5)). Specifically, “[i]n workers' compensation cases, the Appellate Panel is the ultimate fact finder.” Shealy, 341 S.C. 448, 455, 535 S.E.2d 4381 442 (S.C. 2000) (citing Hunter v. Patrick Constr. Co., 289 S.C. 46, 344 S.E.2d 613 (1986)). “The final determination of witness credibility and the weight to be accorded evidence is reserved to the Full Commission.” Id. (citing Ford v. Allied Chem. Co., 252 S.C. 561, 167 S.E.2d 564 (1969)). It is not the task of the appellate court to weigh the evidence as found by the Full Commission. Id. (citing Ellis v. Spartan Mills, 276 S.C. 216, 277 S.E.2d 590 (1981)). This Court must affirm the findings of fact made by the Full Commission if they are supported by substantial evidence. Jordan v. Kelly Co., 381 S.C. 483, 486, 674 S.E.2d 166, 168 (2009).

Further, an appellate court may not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. Bentley, 398 S.C. at 41, 730 S.E.2d at 298 (citing S.C. Code Ann. § 1-23-380(5)). It has long been held by our courts that the Commission is empowered to adjudicate credibility of witnesses and weight of evidence, and the courts will not disturb those judgments. “It is not for this court to balance objective against subjective findings of medical witnesses, or to weigh the testimony of one witness against that of another. That function belongs to the Appellate Panel alone.” Potter v. Spartanburg Sch. Dist. 7, 395 S.C. 17, 24, 716 S.E.2d 123, 127 (Ct. App. 2011) (quoting Roper v. Kimbrell's of Greenville, 231 S.C. 453, 461, 99 S.E.2d 52, 57 (1957)).

ARGUMENT

I. THE APPELLATE PANEL CORRECTLY FOUND THAT THIS CLAIM IS BARRED BY THE STATUTE OF LIMITATIONS (S.C. CODE ANN. §42-15-40).

Pursuant to S.C. Code Ann. § 42-15-40, the right to compensation is barred unless a claim is filed within two years after an accident, or if death resulted from the accident, within two years of the date of Deceased's death.

Deceased died on September 30, 2020. Appellant filed a Form 52 Request for Hearing on November 29, 2023; according to the Commission's records, this was the first filing of any type on the claim. Appellants did not produce any evidence of any other filings. Under the Act, the statute of limitations expired for this claim on September 30, 2022. Appellants filed a claim more than three years after the accident, and approximately 14 months after the statute of limitations expired. Therefore, Appellants' right to compensation is barred.

During the formal hearing before Commissioner Beck on April 30, 2025, the following exchange between the Commissioner and Appellant occurred and is instructive on this issue:

THE COURT:	Let me ask you this question: do you concede that the claim was not filed within two years?
MS. BLUEFORT:	It was not filed within two years, that I know of, by me, but it might have been filed by somebody else.
THE COURT:	It has not been. We've checked our records here, and on that –
MS. BLUEFORT:	I didn't file it in two years because –
(Hearing Tr. pp.10).	

Appellant discussed the timeline for when she filed the workers' compensation claim, specifically stating, "Well, you're saying that it's two years and I know it was after two years that I sent those papers in, but I was trying to get stuff done before the two years but then every time I tried to get it done, I was told – that there was nothing else to get." (Id. p. 11). Appellant further testified that "Judge, I will have to say, from me speaking myself, I know what you said the law

is, but I will say it was filed in a timely manner because it was filed during the time when I found out the things that I found out, because like I said before, I did not know what happened.” (Id. pp. 13-14). Appellant testified that, following her husband’s death, she had his funeral, and received money from insurance for the funeral prior to initiating a workers’ compensation claim. (Id. pp. 13-14). She further testified “And so I will say the statue (sic) of limitation for me, from when I found out what I really need to do, was not two years, but the statute of limitation from when it happened was two years, but when I found out what I may need to do, it was – it was – the two years wouldn’t of been up.” (Id. pg. 16). As to the paperwork, Appellant testified “And the reason why I did not went ahead and try to go ahead with the paperwork, with trying to file paperwork but try to do this and try to went the route that I did went is because I didn’t want to get in trouble saying I’m trying to get something that didn’t belong to me.” She continued on and stated, “Yes, the two years matter was up from the time when it happened” (Id. p 17).

Ms. Pressley testified that her mother did not file the claim within two years because “she didn’t know exactly what to do and when she tried to inquire and get help, they would not help.” (Id. pg. 27). She testified that her mother tried to reach out to file a workers’ compensation claim, and that she assisted. (Id. pg. 28). Specifically, Ms. Pressley testified that “She had me research what steps to take, who to call, tried sending several different emails to different entities and inquire from different individuals. We went to several local agencies trying to find out what happened and what steps to take.” (Id.).

Section 42-15-40 of the South Carolina Workers' Compensation Act is very straightforward. The right to compensation under the Act is barred unless this claim was filed within two years of the date of death. The records definitively prove that no claim was filed within two years of the date of death. Appellant admitted on numerous occasions that she did not make any filings

within the two-year statute of limitations. For these reasons, the claim was properly barred by the South Carolina Workers' Compensation Commission based upon the statute of limitations.

II. THE APPELLATE PANEL CORRECTLY FOUND THAT APPELLANTS FAILED TO PROVE A COMPENSABLE HEART ATTACK CLAIM.

An employee who becomes ill or dies of natural causes while at work does not suffer an accident arising out of employment because the condition is a natural result or consequence that might be termed normal and to be expected. See Riley v. South Carolina State Ports Authority, 253 S.C. 621, 172 S.E.2d 657 (1970); Jennings v. Chambers Development Co., 335 S.C. 249 (Ct. App. 1999). If an employee dies of a heart attack or other injury to the blood vessels, he or she must show not only that the injury was in the course of employment but also that the death arose out of employment, in that it was brought about by unexpected strain or over-exertion, or as a result of unusual and extraordinary conditions of employment. S.C. Code Ann. §42-1-160; Kearse v. South Carolina Wildlife Resources Dep't., 236 S.C. 540, 115 S.E.2d 183 (1960) (citing Radcliffe v. Southern Aviation School, 209 S.C. 411, 40 S.E.2d 626 (1946) and Branch v. Pacific Mills, 205 S.C. 353, 32 S.E.2d 1 (1944)). However, if such an injury results as a consequence of the ordinary exertion that is required in the performance of employment duties in the ordinary and usual manner, and without any outward untoward event, it is not compensable as an accident. Fulmer v. South Carolina Elec. & Gas Co., 306 S.C. 34, 410 S.E.2d 25 (Ct.App.1991).

In Jennings v. Chambers Development Co., 335 S.C. 249 (Ct. App. 1999), Deceased Employee died of natural causes (heart attack) at work. The fact of death by natural causes in the scope of employment does not raise a presumption that the death arose out of employment. The Deceased Employee had the burden of proving the death arose out of employment by establishing it was brought about by unexpected exertion or strain or by unusual and extraordinary

conditions in employment. See also Hoxit v. Michelin Tire Corp., 304 S.C. 461, 405 S.E.2d 407 (1991); Kearse v. South Carolina Wildlife Resources Dep't, 236 S.C. 540, 115 S.E.2d 183 (1960).

There was no evidence presented at the hearing to establish that Deceased's work involved any unexpected exertion, any unusually stressful conditions, or any extraordinary conditions of employment. The submitted medical records indicate that Deceased was simply driving a vehicle and the vehicle suddenly deviated into the median but the vehicle had no damage and had not hit any other vehicle; Deceased was found unresponsive inside the vehicle. (Defendant APA pp. 1-3; 10). The clear implication from the evidence in the record is that Deceased sustained a heart attack from natural causes while driving.

In fact, the only evidence in the record on this claim is that Deceased had long-standing health conditions which led to a heart attack. Records from Georgetown County EMS document that Deceased was in cardiac arrest upon their arrival, and specifically note that the reason for their encounter was “non-injury.” (Defendants APA pp. 1-3). Further, Deceased’s Death Certification lists his manner of death as “natural” and his cause of death as cardiogenic shock, acute anterior wall myocardial infraction, and coronary artery disease. (Defendant APA p. 82). The submitted medical records indicated a previous history of hypertension and hyperlipidemia. Further testing at the hospital revealed that Deceased was obese, had two-vessel coronary artery disease with occlusion of the LAD and chronic total occlusion of the right coronary artery. (Defendants APA p. 10).

Appellant alleged that “something” caused Deceased’s heart attack but did not provide any evidence through documents or testimony at the hearing to support or prove that Deceased was subjected to overexertion or unusual and extraordinary conditions in his work that caused his heart attack, or that Deceased sustained injury or illness other than a cardiac event. In fact, the submitted

evidence proves the opposite – that Deceased sustained a natural heart attack while performing his normal, usual work activity of driving which unfortunately resulted in his death.

It is a well-established tenet of South Carolina workers' compensation law that the burden rests with the Appellants to prove the facts which render an injury compensable. Mims v. Heni Bottling Co., 218 S.C. 513, 517, 63 S.E.2d 305, 306 (1951). "The Claimant has the burden of proving facts that will bring the injury within the workers' compensation law." Crisp v. SouthCo., 401 S.C. 627, 641, 738 S.E.2d 835, 842 (2013); Clade v. Champion Lab., 330 S.C. 8, 11, 496 S.E.2d 856, 857 (1998). In this matter, Appellants presented no evidence to prove that Deceased's heart attack was caused by unusual or extraordinary conditions of his work or by overexertion; in fact, all of the evidence presented proves that Deceased's heart attack was natural and coincidentally occurred at work while performing normal work activities.

III. APPELLANTS' REMAINING GROUNDS FOR APPEAL SHOULD BE DISMISSED.

"Only issues raised to the Commission within the application for review of the single commissioner's order are preserved for review." Hilton v. Flakeboard America Limited, 418 S.C. 245, 791 S.E. 2d 719, 721 (2016). To request Appellate Panel review of a Hearing Commissioner's decision, "the grounds for appeal must be set out in detail on the Form 30 in the form of questions presented" and "each question must be concise and concern one finding of fact, conclusion of law, or other proposition the appellant believes is in error". S.C. Regulation 67-701(3). Absent this level of specificity, an issue is not preserved for review and the single commissioner's factual findings "become and are the law of the case". Hilton, 791 S.E. 2d at 722; see also, Rummage v. BGF Industries, 434 S.C. 431, 865 S.E. 2d 380, 387-399 (Ct. App. 2021). The purpose of the notice of appeal is just that – to provide notice to the opposing party of what questions are raised on

appeal. Jones v. Anderson Cotton Mills, 205 S.C. 247, 256, 31 S.E.2d 447, 450 (1944). As such, the Supreme Court has held that “general exceptions, such as ‘the commission erred in making an award,’ are too ambiguous... and do not preserve an issue for review”. Hilton, 418 S.C. 245, 250, 791 S.E.2d 719, 722 (2016). Notably, however, the Court has long held that an issue is preserved for appeal where the issue to be raised by the exceptions was reasonably clear, timely raised, and ruled on by the single commissioner. See Holston v. Allied Corp., 300 S.C. 174, 386 S.E.2d 793 (Ct.App. 1989); c.f. Rummage, 434 S.C. 441, 865 S.E.2d 380 (Ct.App. 2021) (finding an issue is not preserved for review when the argument was first raised *during* the hearing before the Appellate Panel).

There were only three issues ruled upon by the Single Commissioner in this matter: (1) the claim was barred by the statute of limitations; (2) Deceased failed to prove a compensable heart attack claim; and (3) Defendants performed a good faith dependency investigation. Any appellate review should be restricted to an analysis of these three issues.

The Form 30 appeal filed by Appellants to the Appellate Panel of the South Carolina Workers' Compensation Act Commission contains questions about OSHA reporting, submission of records from Georgetown Memorial Hospital and EMS report, an alleged inaccuracy in the hearing transcript, and an allegation that Respondent's attorney worked for the Commission and therefore had a conflict of interest. The Brief submitted by Appellants further contains arguments about OSHA requirements, an argument about the notice defense under 42-15-20, assertions that the Commissioner ignored evidence and the fact that there was an accident, allegations of favoritism towards counsel for Respondents, and further assertions about a conflict of interest by counsel for Respondents based upon the inaccurate assertion that she is employed by the Commission and representing a party; her request for relief stated that this was a compensable

death claim based upon Employers failure to file with OSHA and failing to notify Deceased's wife with a request for justice and compensation. Because all of these grounds are immaterial to the rulings made by the Commission, and are basically general grievances about a variety of issues which were neither raised at the hearing nor ruled upon by the Commission, these grounds should be dismissed.

The Initial Brief filed by Appellants raises a number of issues under the Statement of Issues on Appeal, the statement of the Case, the Facts, Arguments, and Conclusion. Frankly, there are too many irrelevant arguments, general questions, improper or inaccurate legal theories, and incorrect/improper statements to succinctly summarize them. The issues fall under the following general categories and arguments and are best addressed in the following chart:

General Grounds Alleged by Appellants	Why these Grounds Should be Dismissed
Denial of due process and abuse of discretion and improper conduct by Commission	No objections raised at Hearing; Meritless accusation
Allegation that Respondents prevented filing of claim	No objections raised at hearing; Meritless accusation
Evidentiary issues (2 dependency reports, allegation that Appellants were not permitted to introduce evidence)	No objections raised at hearing; Meritless accusation (Transcript shows that Commissioner asked Appellant for any submissions); Irrelevant (dependency reports have no bearing on issues on appeal)
Conflating knowledge of Deceased's heart attack with satisfaction of statute and compensable claim	Legal error (knowledge of heart attack does not satisfy the statute of limitations nor does it prove the heart attack was compensable)
Alleged failure to report death under OSHA	No objections raised at Hearing; Irrelevant to issues on appeal; Factually false (no evidence presented that OSHA filings were not made)
Compensation was already awarded or paid to someone	Factually false; denied claim where no benefits have been paid
Respondents denied online access to records/information	No objections raised at Hearing; Irrelevant to issues on appeal; no evidence presented to support
Deceased died on September 29 instead of September 30 and that is proof of compensability	Legal error (Defendants admit Deceased died of heart attack; claim was denied because no proof was presented of unusual or extraordinary condition of employment that caused said heart attack; date of death is immaterial to the issues on appeal)
General questions about what may have happened and calls for "someone" to investigate	Burden shifting (Deceased bears burden to prove compensability)

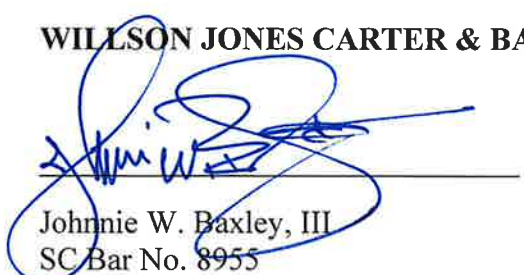
CONCLUSION

Respondents acknowledge that Appellants are not represented by counsel and may not be legally sophisticated; however, Appellant's were advised by Commissioner Beck on at least three occasions of the right to hire counsel and hearings were even postponed so that they would have enough time to do so. (Interim Order; Hearing Tr. pp. 5-7, 10-12). Appellants have elected to move forward without counsel and must therefore be held to the basic legal standards of the appellate process. Appellants have made no arguments or pointed to any evidence that this claim was timely filed within the statute of limitations period, nor have they made any arguments or pointed to any evidence that Deceased Deceased's heart attack was caused by unusual or extraordinary conditions of employment. The remainder of the arguments set forth by Appellants are legally improper and do not form a legitimate basis for any appellate review.

Based on the foregoing, this Court should affirm the Decision and Order of the Appellate Panel of the South Carolina Workers' Compensation Commission dated January 7, 2026.

Respectfully submitted,

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