

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

WCC No.: 1824334

RECEIVED

AUG 13 2026

SC Court of Appeals

109024

Daniel P. Hayden,

Appellant,

v.

Riverside Transport, Inc., and
Liberty Mutual Ins. Co.,

Respondents.

MOTION TO STAY APPEAL DEADLINES

This is the second appeal of a workers compensation action. Pursuant to the Opinion of this Court issued on December 10, 2025, in Appellate Case No. 2023-001437, the Full Commission issued a Decision after remand on July 10, 2026. Appellant subsequently filed a Motion for Reconsideration on July 15, 2026, requesting clarification of some provisions of the Decision. A copy of that Motion is attached. As the Appellant's counsel is aware there are differences in opinion as to whether or not a Motion for Reconsideration is allowed in a workers compensation action, out of an abundance of caution, this appeal was filed.

Appellant would request this Court issue an order staying all appeals deadlines until such time as the Full Commission has had an opportunity to consider and rule on the

Motion for Reconsideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'F. A. Barton', written over a horizontal line.

Lexington, South Carolina
August 6, 2026

Frank A. Barton
ATTORNEY FOR APPELLANTS
Post Office Box 2637
Lexington, South Carolina 29170
803-622-7119

THE BARTON LAW OFFICE

Post Office Box 2637
Lexington, South Carolina 29071

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AUG 13 2026

SC Court of Appeals

July 14, 2026

Judicial Department
S.C. WORKERS' COMPENSATION COMMISSION
Post Office Box 1715
Columbia, South Carolina 29202

RECEIVED
JUL 15 2026
SC WORKERS' COMPENSATION

RE: Daniel P. Hayden
WCC File No.: 1824334

Dear Judicial Department:

Enclosed for filing please find a Motion for Reconsideration in the above matter. By copy of this letter I am also serving a copy upon opposing counsel.

Truly Yours,



Frank A. Barton

FAB/lfm

cc: D. Alan Westerlund, Jr., Esquire

SCWCC
JUL 16 2026
JUDICIAL

661314

**BEFORE THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
WCC FILE NO: 1824334**

Daniel P. Hayden,)
Employee/Claimant,)
)
v.)
Riverside Transport, Inc.,)
Employer,)
and)
)
Liberty Mutual Ins. Co.,)
Insurer,)
Defendants.)

MOTION FOR RECONSIDERATION

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SC Court of Appeals

The Claimant Daniel Hayden does respectfully request the Appellate Panel reconsider, amend, and correct its Order issued on July 10, 2026, for the following reasons:

Claimant is primarily concerned the Order appears to conclude or find Claimant was fully paid for temporary total benefits for 13 weeks and fully paid permanency payments of 31.43 weeks. In fact, the payments claimed by Defendants totaled only \$24,657.13. (The amount of payments claimed by Employer are shown on Page 59 of the Defendants' APA Submission.) The total amount due under SC law for those 44.43 weeks at the undisputed workers compensation rate of \$830.06 would total \$36,879.56. Allowing credit to the Employer for a total of 44.43 weeks at the Arkansas rate would cause a shortage of compensation to the Claimant in the amount of \$12,222.43. Claimant would request a clarification and amendment of the Order to show the Claimant is entitled to receive full compensation for 13 weeks of temporary total compensation and 51 weeks of permanency at the full compensation rates due under SC law prior to the reduction of any payments made under the Arkansas law. Therefore, Claimant should be entitled to payment for 64 weeks of compensation payments at \$830.06 for a

total of \$53,123.84, before the actual claimed payments of \$24,657.13 under the Arkansas laws are deducted, for a remaining amount due of \$28,466.71.

Importantly, the need for clarification is clearly shown by Defendants' interpretation of the current Order, as shown by the email attached as Exhibit A, wherein the Defendants take the position they owe nothing further to the Claimant.

Claimant does also request reconsideration and amendment of the Order on the following grounds:

1. Claimant respectfully submits the Findings in the Order incorrectly determined Defendant's Exhibit B was admissible. The Exhibit was clearly hearsay, there was no corroborating evidence, and in person testimony of the Claimant contradicted the purported payments claimed by Defendants.
2. The Claimant further submits the Findings in Paragraph 4 of the Order incorrectly determine amounts paid under Arkansas law and an impairment to the back in the amount of 7% as there was no credible or admissible evidence submitted to support those findings.
3. The Claimant also submits the Findings in Paragraph 12 of the Order incorrectly finds the conclusions contained therein are undisputed. The evidence showed the Claimant filed no claim under the Arkansas Act and did not receive the full weekly payments he was entitled to under SC law.
4. The Claimant further submits the Findings in Paragraph 14 of the Order incorrectly determine the Defendants are entitled to credit for payments made under Arkansas law because such payments were not proven and no request for setoff was plead by Defendants.

5. The Claimant further submits the Conclusions of Paragraph 6 of the 14 Order incorrectly determine the Defendants are entitled to credits for prior payments.
6. The Claimant further submits the Conclusions of Paragraph 7 of the Order incorrectly determines the Claimant is not entitled to any additional medical benefits.

CONCLUSION

Claimant requests the Full Panel reconsider its findings detailed above pursuant to Rhame v. Charleston County School District, 412 S.C. 273, 772 S.E.2d 159 (2015), to clarify exactly what amount is currently due Claimant, and to amend the other findings and conclusions as set forth above.

Respectfully submitted,



Frank A. Barton
The Barton Law Office
Post Office Box 2637
Lexington, South Carolina 29071
COUNSEL FOR CLAIMANT-APPELLANT

Lexington, South Carolina
July 14, 2026

I certify no AI program was used in the preparation of this Motion.

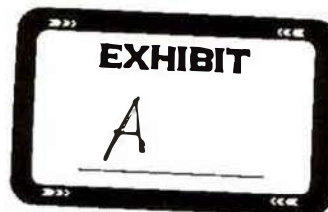
Lexington, South Carolina
July 14, 2026


Frank A. Barton
The Barton Law Office
Post Office Box 2637
Lexington, South Carolina 29071
COUNSEL FOR CLAIMANT-APPELLANT

Frank,

The Full Commission Decision and Order indicates in Conclusion of Law No. 6, that the Defendants are entitled to a credit for all benefits previously paid under the other state's workers' compensation system and shall be responsible for the difference. It cites Price v. Horton Motor Lines in which the Commission "gave full credit to the insurance carrier for all benefits paid to respondents, under the Georgia Act, and also for all hospitalization and medical bills paid thereunder." The carrier paid a total of \$42,998.32 in the Arkansas claim between temporary, permanent, and medical benefits. That is more than the \$42,333.06 amount which represents 17% to the back. Based on the Order, the Claimant is not entitled to any additional money.

D. Alan Westerlund, Jr. • Partner
Luzuriaga Mims, LLP
Attorney and Civil Court Mediator
1156 King Street • Charleston, SC 29403
Direct: 843.790.8866 • Cell: 843.817.1889 • awesterlund@lmlawllp.com



SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
WCC File No.: 1824334

Daniel Hayden,	)	
	)	
Claimant,	)	CERTIFICATE OF SERVICE
	)	
vs.	)	
	)	
Riverside Transport Inc.,	)	
	)	
Employer,	)	
And	)	
	)	
Liberty Mutual Insurance Company,	)	
	)	
Insurer.	)	

The undersigned does hereby certify one copy of the **CLAIMANT'S MOTION FOR RECONSIDERATION** was served in the foregoing action by regular mail on July 14, 2026, to the following address:

D. Alan Westerlund, Jr., Esquire
1156 King Street
Charleston, South Carolina 29403



July 14, 2026
Lexington, S.C.



Frank A. Barton

STATE OF SOUTH CAROLINA
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APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

WCC No.: 1824334

Daniel P. Hayden,

Appellant,

v.

Riverside Transport, Inc., and
Liberty Mutual Ins. Co.,

Respondents.

CERTIFICATE OF SERVICE

The undersigned does hereby certify one copy of the **APPELLANT'S NOTICE OF APPEAL** and Motion To Stay were served in the foregoing action by regular mail on August 6, 2026, to each of the following addresses:

D. Alan Westerlund, Jr., Esquire
1156 King Street
Charleston, South Carolina 29403

S.C. WORKERS' COMPENSATION COMMISSION
Post Office Box 1715
Columbia, South Carolina 29202

Lexington, South Carolina
August 6, 2026


s/Frank A. Barton SC Bar #0562
Frank A. Barton
THE BARTON LAW OFFICE
Post Office Box 2637
Lexington, South Carolina 29071
(803) 821-9026

THE BARTON LAW OFFICE

Post Office Box 2637
Lexington, South Carolina 29071
(803) 821-9026

August 6, 2026

VIA HAND DELIVERY

Clerk Jenny Abbott Kitchings
The South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29211

RECEIVED

AUG 13 2026

SC Court of Appeals

RE: Daniel P. Hayden v. Riverside Transport, Inc.
Prior Appellate Case No. 2023-001437
WCC File No.: 1824334

Dear Clerk Kitchings:

Enclosed for filing please find a Notice of Appeal and a Motion to Stay Appeals Deadlines in the above matter. By copy of this letter I am serving a copy on opposing counsel and providing a copy to the SC Workers Compensation Commission.

Truly Yours,

A handwritten signature in black ink, appearing to read 'F. A. Barton', written in a cursive style.

Frank A. Barton

FAB/lfm

cc: D. Alan Westerlund, Jr., Esquire
SC Workers Compensation Commission