

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM BEAUFORT COUNTY  
South Carolina Workers' Compensation Commission  
Full Appellate Panel

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WCC File No. 1216248

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Dennis Bearden, Respondent

vs.

Winwholesale National Sales, Appellants

The Phoenix Insurance Company,

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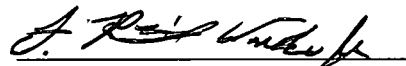
Appellants Answer to Motion to Dismiss

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The Appellants hereby respectfully request this honorable Court quash the Respondents Motion to Dismiss based upon the following:

The Appeal is based, in part, on the Full Commission Appellate Panel's failure to abide by Regulation 67-709 and failing to record their findings of fact and conclusions of law on a vote sheet (as evidenced by the attached vote sheets) and thus the failure of the Full Commission Appellate Panel to properly vote within ten days of the date of review as required under Regulation 67-709 must result in the Commission Commission having deemed to have affirmed the Single Commissioner's Decision and Order. Therefore, the case law the Respondent relies on is not applicable as the Single Commissioner's Decision and Order should be affirmed in full and there is no interlocutory Order.

December 30, 2013



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(843) 556 - 4400  
Attorney for Appellant

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**SC Court of Appeals**

Other Counsel of Record:

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Hardeeville, SC 29927  
Associated Attorney for Respondent  
(843) 784 – 2142

ALL INFORMATION BELOW THIS LINE IS SUBJECT TO THE SC FREEDOM OF INFORMATION ACT

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SCWCC File No.: 1216248

REG.67-709 E & F

AFFIRM

REVERSE


AFFIRM with Amendments

VACATE

AFFIRM in part/REVERSE in part

REMAND

Before me dated: 9/17/13  
Columbia, SC

Signed:   
Commissioner

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REG. 67-709 E & F

AFFIRM

REVERSE

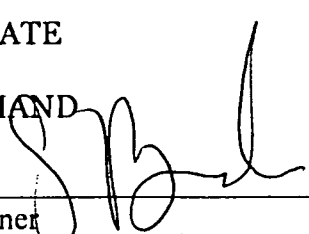
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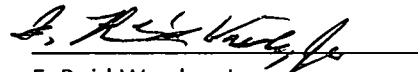
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PROOF OF SERVICE

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I certify that I have served the Appellants Answer to Motion to Dismiss on Dennis Bearden by depositing a copy of it in the United States Mail, postage prepaid, on December 30, 2013, addressed to the following: R. Thayer Rivers, Jr., P.O. Box 668, Ridgeland, SC 29936, Warren Paul Johnson, P.O. Box 1125, Hardeeville, SC 29927, and Ms. Virginia Crocker, S.C. Workers' Compensation Commission, P.O. Box 1715, Columbia, SC 29202.

December 30, 2013



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