

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS COMPENSATION COMMISSION

WCC File No. 1208767

170980

SHANE ALMQUIST,Appellant,


v.

MEDITAM AND GUARANTEE INSURANCE COMPANY,
C/O PATRIOT NATIONAL INSURANCE GROUP, Respondents

NOTICE OF APPEAL

Shane Almquist hereby appeals the Decision and Order of the Appellate Panel of the South Carolina Workers' Compensation Commission filed and received on December 12, 2013. Grounds for the appeal are attached.

January 10, 2014


Daniel L. Draisen SC Bar No. 13536
KRAUSE, MOORHEAD AND DRAISEN, P.A.
207 E. Calhoun Street
Anderson, SC 29621
(864) 225-4000
Attorney for the Appellant

Other Counsel of Record:

Kathleen G. Lyall, Esq.
McANGUS, GOUDELOCK & COURIE, LLC
PO Box 2980
Columbia, SC 29202
(864) 239-4000
Attorney for Respondents

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JAN 15 2014

SC Court of Appeals

GROUNDS FOR APPEAL
SHANE ALMQUIST v. MEDITAM
WCC FILE NO. 1208767

1. THE FINDING THAT DR. REING COULD NO LONGER STATE TO A REASONABLE DEGREE OF MEDICAL CERTAINTY THAT EITHER THE MARCH 12, 2012 OR THE JULY 5, 2012 INJURY AGGRAVATED OR EXACERBATED CLAIMANT'S PRE-EXISTING CONDITION IS CLEARLY ERRONEOUS.
2. THE FINDING THAT DR. MALVERN DEFERRED TO DR. REING FOR CAUSATION IS CLEARLY ERRONEOUS AND UNSUPPORTED BY THE SUBSTANTIAL EVIDENCE IN THE RECORD AS A WHOLE.
3. THE CONCLUSION THAT THE CLAIMANT DID NOT SUSTAIN INJURIES BY AN ACCIDENT ARISING OUT OF AND IN THE COURSE OF HIS EMPLOYMENT IS AN ERROR OF LAW AND IS UNSUPPORTED BY THE SUBSTANTIAL EVIDENCE IN THE RECORD AS A WHOLE.
4. THE CONCLUSION THAT THE CLAIMANT DID NOT MEET HIS BURDEN OF PROOF THAT THE ALLEGED INJURY AGGRAVATED A PRE-EXISTING CONDITION IS AN ERROR OF LAW AND IS UNSUPPORTED BY THE SUBSTANTIAL EVIDENCE IN THE RECORD AS A WHOLE.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS COMPENSATION COMMISSION

WCC File No. 1208767

SHANE ALMQUIST, Appellant,


v.

MEDITAM AND GUARANTEE INSURANCE COMPANY,
C/O PATRIOT NATIONAL INSURANCE GROUP, Respondents

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Meditam and Guarantee Insurance Company, c/o Patriot National Insurance Group by depositing a copy of it in the United States Mail, certified postage prepaid, on January 10, 2014, addressed to their attorney of record, Kathleen G. Lyall, Esq., McANGUS, GOUDELOCK & COURIE, LLC, PO Box 2980, Greenville, SC 29602.

January 10, 2014


Daniel L. Draisen SC Bar No. 13536
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Attorney for the Appellant

January 10, 2014

CERTIFIED MAIL

The Honorable Jenny Abbott Kitchings
CLERK OF THE COURT OF APPEALS
PO Box 11629
Columbia, SC 29211

**RE: Shane Almquist v. Meditam
WCC File No. 1208767**

Dear Ms. Kitchings:

Enclosed for filing is a Notice of Appeal in the above-referenced matter. Also enclosed are the following:

1. Proof of service of the Notice of Appeal on the Respondents.
2. A copy of the judgment which is to be challenged on appeal.
3. A filing fee of \$100.00.

By copy of this letter, I am herewith serving counsel for the employer, Kathleen Lyall, Esq., with the Notice.

Thank you for your assistance in this matter and if you have any questions, please do not hesitate to contact me.

With kind regards, I am

Sincerely yours,

KRAUSE, MOORHEAD & DRAISEN, P.A.


Daniel L. Draisen

DLD/csw
Enclosure

cc: Kathleen Lyall, Esq. (certified mail)

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JAN 15 2014

SC Court of Appeals

LAW OFFICES
OF
KRAUSE,
MOORHEAD
AND
DRAISEN, P.A.

207 EAST CALHOUN ST.
ANDERSON, SC 29621

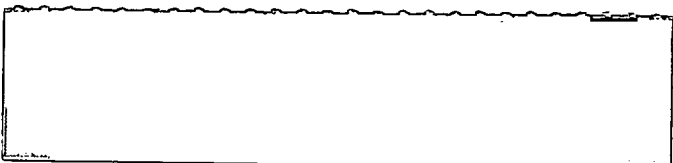
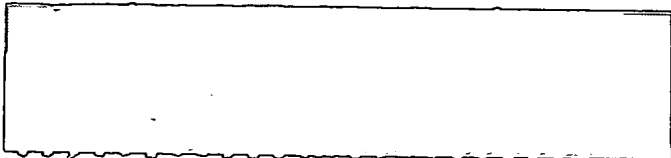
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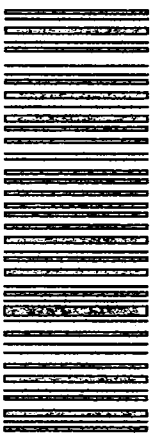
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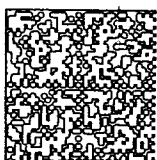
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The Honorable Jenny Abbott Kitchings
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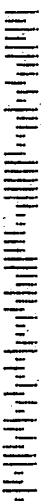
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SC Court of Appeals



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