

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION
COMMISSION

Appellate Panel
Gene McCaskill, Commissioner
Melody L. James, Commissioner
Avery B. Wilkerson, Commissioner

71220

W.C.C. File No.:1215536

 Ron Blakley,

Appellant,

v.

S&S Firestone, Inc., and
United States Fire Insurance
Company

Respondents.

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FEB 07 2014

SC Court of Appeals

NOTICE OF APPEAL

Ron Blakley appeals from the Decision and Order of the Appellate Panel of the South Carolina Workers' Compensation Commission filed January 30, 2014. The undersigned Counsel for the Appellant received the Decision and Order on January 30, 2014.

Pursuant to Section 42-17-60 of the South Carolina Code, Appellant states the following grounds for appeal, while reserving the right to restate the issues in her brief in accordance with Rule 208(B), SCACR:

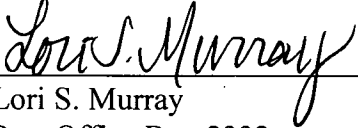
1. The Commission erred in concluding the Court's decision in Colonna v. Marlboro Park Hospital, 404 S.C. 537 (Ct. App. 2013) requires a hearing commissioner to make a finding of impairment to a second scheduled member to recover under South Carolina Code 42-9-20.
2. The Commission erred in finding the Employee/Claimant sustained an injury to the back and only the back.
3. The Commission erred in finding the Employee/Claimant failed to meet his

burden of showing impairment to a second scheduled member when the medical evidence is replete with evidence of radiculopathy to the right leg.

4. The Commission erred in failing to give proper weight to all of the medical evidence.

5. The Commission erred in failing to affirm the Order of the single Commissioner awarding the Employee/Claimant loss of earning capacity pursuant to Section 42-9-20 of the South Carolina Code when the greater weight of the evidence establishes Employee/Claimant sustained an injury to his back which affected the use of his right leg.

February 6, 2014


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Attorney for Appellant

Other Counsel of Record:
Candace G. Hindersman
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4500 Fort Jackson Blvd.
Columbia, South Carolina 29209
803.782.2520
Attorney for Respondent

CERTIFICATE OF SERVICE

I certify that I have served the Notice of Appeal upon the Respondents by depositing a copy in the United States Mail, prepaid postage, on February 6, 2014, to the Counsel of Record, as listed below:

Candace G. Hindersman, Esquire
Wilson, Jones, Carter & Baxley, P.A.
4500 Fort Jackson Blvd.
Columbia, SC 29209

I certify that I have served the Notice of Appeal upon the South Carolina Workers' Compensation Commission by depositing a copy in the United States Mail, prepaid postage, on February 6, 2014, to the Counsel of Record, as listed below:

Virginia Crocker, Judicial Director
South Carolina Workers Compensation Commission
1333 Main Street, Suite 500
Post Office Box 1715
Columbia, South Carolina 29202



Meagan Smith
The Law Offices of Lori S. Murray
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Columbia, South Carolina

This 6th day of February, 2014

LAW OFFICES OF
LORI S. MURRAY

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February 6, 2014

Jenny Abbott Kitchings
Clerk of Court
P.O. Box 11629
Columbia, SC 29211

RE: Ron Blakley, Appellant, v. S&S Firestone, Inc, and United States Fire Insurance
Company, Respondents.
Notice of Appeal

Dear Ms. Kitchings:

Enclosed please find the original and one copy of Appellant's Notice of Appeal in the above referenced case. Please return a clocked copy to our office in the self addressed, pre stamped envelope.

By copy of this letter, I am serving same upon attorney for the defendant, Candace Hindersman, Esquire and South Carolina Workers' Compensation Commission.

Thank you for your assistance in this matter and should you have any questions please do not hesitate to contact our office.

Sincerely,



Lori S. Murray

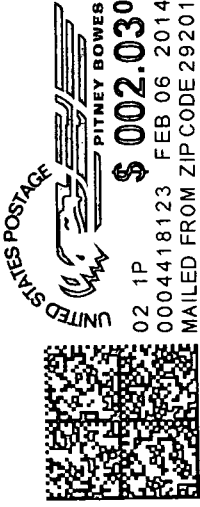
LSM/mbs
Enclosures
CC: Candace G. Hidersman, Esquire
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