

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED  
APR 07 2014  
SC Court of Appeals

APPEAL FROM THE  
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

Gene McCaskill, Commissioner

218-13

S.C.W.C.C. Case No.: 1108433

April Mauldin,.....Respondent.

v.

Caring Hearts Home Care, Employer and Ullico Casualty in Liquidation/The  
S.C. Property & Casualty Insurance Guaranty Association,  
Carrier.....Appellants.

NOTICE OF APPEAL

Caring Hearts Home Care and Guaranty Fund appeal the Order of the Honorable Gene McCaskill, Panel Chair, of the Appellate Panel of the Workers' Compensation Commission dated March 7, 2014. Appellants received written notice of entry of this order on March 7, 2014.

April 7, 2014



Peter P. Leventis, IV, Esq.  
McKay, Cauthen, Settana & Stublely, P.A.  
Post Office Box 7217  
Columbia, South Carolina 29202  
(803) 256-4645  
Attorney for Appellants



### Appellate Grounds

1. Did the Appellate Panel of the Workers' Compensation Commission err as a matter of law in finding that the Claimant's automobile accident on February 14, 2011 constituted a compensable injury by accident under S.C. Code Ann. §42-1-160, when the claim should have been barred under the "going and coming rule" exclusions to the Workers' Compensation Act (See Gen. *Whitworth v. Window World*, 377 S.C. 637, 661 S.E.2d 333 (2008)), and where no applicable exception to the "going and coming rule" exclusion exists. (See Gen. *Medlin v. Upstate Plaster Services*, 329 S.C. 92, 495 S.E.2d 447 (1998)).

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED  
APR 07 2014  
SC Court of Appeals

---

APPEAL FROM THE  
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

Gene McCaskill, Commissioner

---

**S.C.W.C.C. Case No.: 1108433**

---

April Mauldin,.....Respondent.

v.

Caring Hearts Home Care, Employer and Ullico Casualty in Liquidation/The  
S.C. Property & Casualty Insurance Guaranty Association,  
Carrier.....Appellants.

---

**PROOF OF SERVICE**


---

I certify that I have served the **Notice of Appeal** on the attorney of record for **April Mauldin** as well as the South Carolina Workers' Compensation Commission by depositing a copy of it in the United States Mail, postage prepaid, on **April 7, 2014**, addressed as follows:

Kathryn Williams, Esquire  
Kathryn Williams, P.A.  
Post Office Box 10693  
Greenville, SC 29603  
Attorney for the Respondent

South Carolina Workers' Compensation Commission  
Attn: Judicial Director Virginia Crocker  
P.O. Box 1715  
Columbia, SC 29202-1715

April 7, 2014

  
Peter P. Leventis, IV, Esq.  
McKay, Cauthen, Settana & Stublely, P.A.  
Post Office Box 7217  
Columbia, South Carolina 29202  
(803) 256-4645  
Attorney for Appellants

Julius W. McKay, II  
Mark D. Cauthen  
Daniel R. Settana, Jr.  
M. Stephen Stublely  
Janet Brooks Holmes  
Peter P. Leventis, IV  
Kelli L. Sullivan\*

David M. Bornemann  
Temus C. Miles, Jr.  
Brandon P. Jones  
James E.L. Fickling +  
Richard E. Marsh, III  
Meghan H. Hall

Law Offices  
**McKAY, CAUTHEN, SETTANA & STUBLEY, P.A.**

P.O. Box 7217  
Columbia, South Carolina 29202-7217

1303 Blanding Street  
Columbia, South Carolina 29201

Douglas McKay, Jr.  
(1917-2008)

Telephone  
(803) 256-4645  
FAX  
(803) 765-1839

E-Mail  
pleventis@McKayfirm.com  
Web  
[www.McKayfirm.com](http://www.McKayfirm.com)

\* S.C Certified Mediator  
+ Also licensed in N.C.

April 7, 2014

**Via Hand Delivery**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1015 Sumter Street, Suite 200  
Columbia, SC 29201

RECEIVED  
APR 07 2014  
SC Court of Appeals

**RE: *April Maudlin v. Caring Hearts Home Care Agency, LLC***  
*WCC File No: 1108433*  
*Claim No.: 490-109-477*  
*DOI: 02/14/2011*  
*Our File No.: 3800-0164*

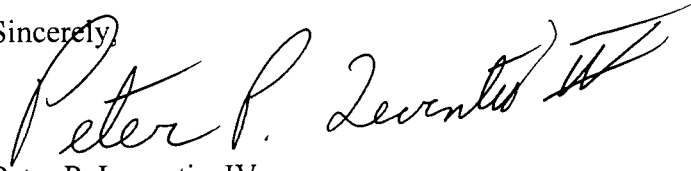
Dear Ms. Kitchings:

Enclosed for filing are the original and three copies of a notice of appeal in the above case. Also enclosed are the following:

- 1) Notice of Appeal, and attached grounds of the appeal;
- 2) Proof of Service of the notice of appeal on the respondent;
- 3) A copy of the order to be challenged on appeal; and
- 4) A filing fee of \$100.00.

I would appreciate very much if you would file the notice and return the copy to our courier. By copy of this letter, I am serving the Notice upon all counsel of record.

Sincerely,



Peter P. Leventis, IV

PPL/dwc  
Enclosures

cc: Kathryn Williams, Esquire (w/encl)  
Virginia Crocker, SCWCC Judicial Director (w/encl)  
Randy Mason (w/encl)