

The Supreme Court of South Carolina

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April 25, 2014

The Honorable Virginia Crocker
Worker's Compensation Commission
Post Office Box 1715
Columbia SC 29202

REMITTITUR

Re: Patricia Johnson v. BMW
Lower Court Case No. 2008WC4023651, 2008WC4013208
Appellate Case No. 2012-206586

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court along with the earlier decision of the South Carolina Court of Appeals is enclosed.

Very truly yours,

CLERK

cc: Albert W. Smith, Esquire
Vernon F. Dunbar, Esquire
Carmelo Barone Sammataro, Esquire

The Supreme Court of South Carolina

Patricia D. Johnson, Petitioner,

v.

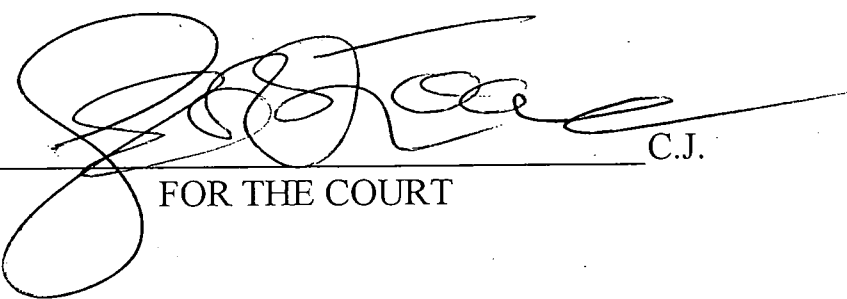
BMW Manufacturing Corporation, LLC, Employer,
Hartford Insurance Company of the Midwest and
Specialty Risk Services, Inc., Carrier, Respondents.

Appellate Case No. 2012-206586

Lower Court Case No. 2008WC4023651 & 13208

ORDER

Based on the agreement of the parties, this matter is hereby dismissed under Rule 260(b) of the South Carolina Appellate Court Rules (SCACR). No costs shall be assessed against either party pursuant to Rules 222 or 242(j), SCACR. The remittitur will be sent as provided by Rule 221, SCACR.



C.J.
FOR THE COURT

Columbia, South Carolina
April 9, 2014

cc: Albert V. Smith, Esquire
Vernon F. Dunbar, Esquire
Carmelo Barone Sammataro, Esquire
The Honorable Jenny Kitchings
The Honorable Virginia Crocker

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Patricia D. Johnson, Employee, Appellant,

v.

BMW Manufacturing Corporation, LLC, Employer,

and Hartford Insurance Company of the Midwest
and Specialty Risk Services, Inc., Carrier,
Respondents.

Appeal From the Appellate Panel
South Carolina Workers' Compensation Commission

Unpublished Opinion No. 2011-UP-468
Heard October 5, 2011 – Filed October 21, 2011

AFFIRMED

Albert V. Smith, of Spartanburg, for Appellant.

Vernon F. Dunbar, of Greenville, for
Respondents.

PER CURIAM: In this workers' compensation case, Patricia D. Johnson argues the South Carolina Workers' Compensation Commission (the Commission) erred in finding Johnson failed to satisfy the burden of proving the occurrence of a compensable accident. We find no error of law in the Commission's decision to deny Johnson's claim and we find the decision to be supported by substantial evidence of record; therefore, we affirm pursuant to Rule 220(b) (1), SCACR, and the following authorities: S.C. Code Ann. § 1-23-380(5)(d),(e) (Supp. 2010) (providing this court may not substitute its judgment for that of the Commission as to the weight of the evidence, but may reverse where the decision is affected by an error of law or clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record); Hargrove v. Titan Textile Co., 360 S.C. 276, 295, 599 S.E.2d 604, 614 (Ct. App. 2004) ("A

determination of whether a claimant's condition was accelerated or aggravated by an accidental injury is a factual matter for the [Commission]."); id. at 289, 599 S.E.2d at 611 ("Substantial evidence is not a mere scintilla of evidence, nor the evidence viewed blindly from one side of the case, but is evidence which, considering the record as a whole, would allow reasonable minds to reach the conclusion the administrative agency reached in order to justify its action.").

AFFIRMED.

HUFF, PIEPER and LOCKEMY, JJ., concur.