

FORM 4

STATE OF SOUTH CAROLINA  
 COUNTY OF GREENVILLE  
 IN THE COURT OF COMMON PLEAS

FILED-CLERK OF COURT  
 GREENVILLE CO. S.C.

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2013CP2305844

Joel W Aiken

PAUL B. WICKER

School District Of  
 Greenville County

2014 JUN 3 PM 3 18

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for:  Plaintiff  Defendant  
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j) SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order; (formal order to follow)  Statement of Judgment by the Court:

ORDER INFORMATION

This matter comes before the Court pursuant to the Claimant/Appellant's appeal of the Decision and Order of the Appellate Panel of the South Carolina Workers' Compensation Commission. The findings of the Workers' Compensation Commission are reviewed by the Circuit Court under the substantial evidence standard of review. This Court has reviewed the Decision Order of the Workers' Compensation Appellate Panel, the submissions of the parties, the applicable case law, and the arguments of counsel.

In this matter the Appellant challenges the method of calculation of the average weekly wage. The method of calculation of the average weekly wage is defined in Section 42-1-40 of the South Carolina Code of Laws, 1976 as amended. Based on the findings of fact, the findings of law and the reasoning found in the Workers' Compensation Commission Order, this Court is satisfied that the Appellate Panel followed the applicable statute and applied it so that a "fair and just" result would be obtained. The statute clearly allows for a certain amount of discretion in the calculation of the average weekly wage. There is no statutory or common law proscription against the manner and method of calculation employed by the Workers' Compensation Commission. Furthermore, substantial evidence exists to support the Appellate Panel's methodology and resulting figures. Therefore, the decision of the Appellate Panel of the Workers' Compensation Commission is **AFFIRMED**.

This order  ends  does not end the case.  
 Additional Information for the Clerk: \_\_\_\_\_

INFORMATION FOR THE JUDGMENT INDEX

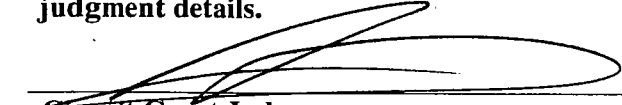
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
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*A31*  
*1002*


If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

  
Circuit Court Judge

2158  
Judge Code

3 Jun 14  
Date

**For Clerk of Court Office Use Only**

This judgment was entered on <sup>6/3/14</sup>, and a copy mailed first class or placed in the appropriate attorney's box on <sup>6/3/14</sup>, to attorneys of record or to parties (when appearing pro se) as follows:

**Kathryn Williams** PO Box 10693 Greenville, SC 29603

**Michael Allen Farry** 307 Pettigru St Greenville, SC 29601

**ATTORNEY(S) FOR THE PLAINTIFF(S)**

**ATTORNEY(S) FOR THE DEFENDANT(S)**

**Court Reporter**

**Paul B. Wickensimer** Greenville County Clerk Of Court - Clerk of Court

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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