

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

W.C.C. File No. 1116275

RECEIVED
DEC 22 2014
SC Court of Appeals

John McDaniel, Employee,.....Appellant,

v.

Career Employment Professional
d/b/a Snelling Staffing, Employer, and
United Wisconsin Insurance Co., Carrier, Respondents.

**REPLY TO APPELLANT'S RESPONSE TO MOTION
FOR CORRECTION AND/OR AMENDMENT
OF RECORD ON APPEAL**

Pursuant to Rules 210 and 240(f), SCACR, Respondents hereby Reply to Appellant's Response to Motion for Correction and/or Amendment of Record on Appeal ("Reply").

Appellant admits that certain pages of the Record on Appeal ("ROA") contain handwritten notes. It is Respondents' understanding that Appellant has agreed to replace page 143 of the ROA with a clean copy, but not any other pages containing handwritten notes.¹ Furthermore, Appellant appears to be refusing to review the ROA he produced to ensure its compliance with Rule 210, SCACR. This Court should order Appellant to ensure that the ROA complies with Rule 210, SCACR.

¹ Appellant's commentary regarding whether his argument that certain statements were untrue was presented to the Commission has no bearing on whether the document, as marked up by Appellant, was ever presented to the Commission.

Respondents maintain that the condensed transcript of the deposition of Daniel J. Cobb is a violation of Rule 267(c), SCACR, and request this Court to order Appellant to provide a copy of that transcript that complies with Rule 267(c).

Respondents agree that the following items appear in the ROA:

- a. Judicial Conference Decision and Order, dated April 15, 2013;
- b. Judicial Conference Decision and Order concerning Motion for Additional Evidence Dated May 6, 2013, filed June 17, 2013;
- c. Judicial Conference Decision and Order concerning Motion for Additional Evidence Dated May 10, 2013, filed June 17, 2013;
- e. Request for Proposed Order, dated Aug. 6, 2013; and,
- f. Claimant's Notice of Additional Evidence to be Introduced into the Record, APA pp. 210-278, dated May 17, 2013.

However, Items (a) – (c) and (e) were not identified on the Index to the ROA as required by Rule 210(e), SCACR, making them nearly impossible to locate in a 799-page ROA. Appellant should be required to add these items to the Index to the ROA.

Appellant admits that items (d) and (g) – (i) were omitted from the ROA.

- d. Notice of Appellate Hearing, dated March 29, 2013;
- g. Email correspondence between Keith Roberts, Tamara Morris, John McDaniel and Allison Nussbaum, "Re: John McDaniel Charleston Order Instructions from Commissioner James for Keith to prepare Order," dated Sept. 10, 2013;
- h. Email correspondence between John McDaniel, Eugenia Hollmon, Gary Cannon, Valerie Deller, Virginia Crocker, and Allison Nussbaum, "Re: receipt of order 'scwcc # 1116275'", dated Oct. 4, 2013; and,
- i. Email correspondence between Virginia Crocker, John McDaniel, and Allison Nussbaum, "Re: receipt of order 'scwcc # 1116275'", dated Oct. 4, 2013.

He has agreed to include items (g) – (i) but has not indicated whether he will include item (d). Appellant should be ordered to include all of the above-listed items in the ROA.

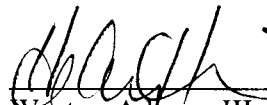
CONCLUSION

Respondents request this Court to order Appellant to correct and/or amend the ROA as outlined above. Respondents further request this Court to order that the Final Briefs in this appeal will not be due until the Record on Appeal has been properly corrected and/or amended.

This Reply conforms with Rule 240, SCACR.

Respectfully submitted,

December 18, 2014



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Attorneys for Respondents

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John McDaniel, Employee,.....Appellant,

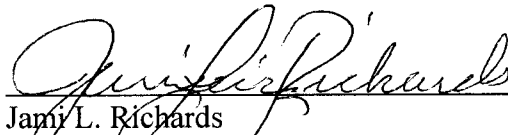
v.

Career Employment Professional
d/b/a Snelling Staffing, Employer, and
United Wisconsin Insurance Co., Carrier, Respondents.

PROOF OF SERVICE

I certify that on the 18th day of December, 2014, I served the Respondents' **Reply to Appellant's Response to Motion for Correction and/or Amendment of Record on Appeal** on John McDaniel by depositing a copy of it in the United States Mail, postage prepaid, addressed as follows:

John C. McDaniel, *Pro Se*
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mgc

Reply To

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Via U.S. Mail

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

RE: John McDaniel v. Career Employment Professionals d/b/a Snelling Staffing
Services and United Wisconsin Insurance Company c/o United Heartland
Date of Accident: November 21, 2011
WCC File No.: 1116275
Our File No.: 20638.12027
Claim No.: 041100021048
Appellate Tracking No.: 2014-000186

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of Respondents' Reply to Appellant's Response to Motion for Correction and/or Amendment of Record on Appeal, and the original and one copy of the Proof of Service in the above-referenced matter. Please file the originals and return a clocked-in copy in the self-addressed, stamped envelope.

If you have any questions, please do not hesitate to contact me.

Yours truly,
McAngus Goudelock & Courie, LLC



Helen F. Hiser

Enclosures

cc: John C. McDaniel, *pro se*

20638.12027/HFH/jlr
The Honorable Jenny Abbott Kitchings
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