

THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

FEB - 9 2015

S.C. Supreme Court

APPEAL FROM THE
WORKERS' COMPENSATION COMMISSION

Appellate Case No. 2014-000329
Op. No. 27478, filed January 14, 2015

Carolyn M. Nicholson, Claimant, Petitioner,

vs.

SC Dept. of Social Services, Employer and
State Accident Fund, Carrier, Defendants, Respondents.

RETURN TO RESPONDENTS'
PETITION FOR REHEARING

Carolyn Nicholson opposes respondent SCDSS's petition for rehearing.

DSS first contends that the Court misapprehended the "arising out" requirement in the Workers' Compensation Act. DSS raises no arguments that have not already been made, and it is clear from the decision that the Court understood them. DSS has repeatedly argued that there must be a causal connection between the conditions under which the work is required to be performed and the resulting injury, but that is precisely the standard the Court recognized after a thorough review and explanation of judicial precedent. In this case, Ms. Nicholson's fall occurred because her job duties required her to walk down a hall to attend a meeting. She fell at work, while she was working, and because of the work she was performing. There was no evidence that the fall originated out of an internal condition. This is a paradigm case of a

compensable accident.

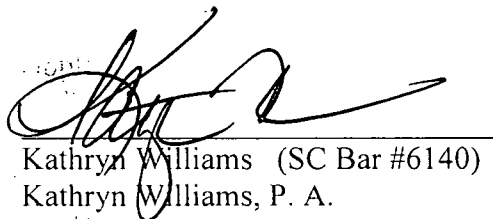
DSS conceded at oral argument that Ms. Nicholson's trip and fall would have been compensable if her errand had been designed for her own personal comfort, e.g., going to the bathroom. DSS has yet to articulate any rational basis for denying compensability for the same accident when the goal is the furtherance of the employer's business. The argument is absurd.

The Court wisely rejected DSS's premise that an injured worker must show an increased risk of injury that is peculiar to the workplace, and the Court has neither adopted any new standard nor overruled an old one. The Court has simply recognized that the workers' compensation system was designed to supplant tort law by providing swift and sure compensation for most workplace injuries in exchange for limited recovery and ascertainable liability. The insertion of fault into this system violates the social contract behind the legislation.

DSS's assertion that the Court somehow missed the public policy ramifications of its opinion is patently wrong. The Court's primary focus was the public policy behind the enactment of the legislation. The Court simply prevented an end-run around that public policy. The Court's decision is correct.

The Petition for Rehearing should be denied.

Respectfully submitted,



Kathryn Williams (SC Bar #6140)
Kathryn Williams, P. A.
P. O. Box 10693
Greenville, SC 29603
(864) 235-6254
Attorney for Appellant

Date: _____

2/5/15

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

FEB n 9 2015

APPEAL FROM THE
WORKERS' COMPENSATION COMMISSION

S.C. SUPREME COURT

Appellate Case No. 2014-000329
Op. No. 27478, filed Jan. 14, 2015

Carolyn M. Nicholson, Claimant, Petitioner,


vs.

S.C. Dep't of Social Services, Employer, and
State Accident Fund, Carrier, Defendants, Respondents.

CERTIFICATE OF SERVICE

This is to certify that the undersigned did cause the **RETURN TO RESPONDENTS' PETITION FOR REHEARING** to be served upon the below-named by mailing a copy as addressed by U.S. Mail, proper postage paid, on the 5th day of February, 2015.

L. Brenn Watson, Esq.
Zachary M. Smith, Esq.
Willson, Jones, Carter & Baxley, P.A.
872 S. Pleasantburg Dr.
Greenville, SC 29607


Kathryn Williams, P.A.
P.O. Box 10693
Greenville, SC 29603
(864) 235-6254
Attorney for Appellant