

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

25674

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

RECEIVED

APR 14 2015

SC Court of Appeals

W.C.C. File No. 1116275

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

v.

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

**MOTION FOR CORRECTION OF
RECORD ON APPEAL**

Pursuant to Rule 210, SCACR, Respondents move this Court to order that a correction be made to the Record on Appeal ("ROA"). The following item, designated by Respondents and cited in their Brief, does not appear in the ROA: Email correspondence between Eugenia Hollman and John McDaniel, "Re: motion for new evidence," dated April 15, 2013."¹ The above-listed item needs to be included in the ROA.

Respondents request this Court to order Appellant to include the attached April 15, 2013 email exchange in the ROA. To the extent Appellant wishes to add this email as a Supplement to the ROA, Respondents do not object and hereby provide their consent

¹ As there were multiple emails on many days, for clarity, Respondents are attaching hereto the email they designated as Attachment A. Respondents previously provided this to Appellant upon his request for emails to be included in the ROA. Attachment B, 1st attached pdf.

to including the email exchange included herein as Attachment A as a supplement to the ROA.

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 motion conforms with Rule 240, SCACR.

Respectfully submitted,

April 10, 2015



Weston Adams, III, S.C. Bar No.: 64291
Meridian 10th Floor
1320 Main Street
P.O. Box 12519
Columbia, South Carolina 29211-2519
(803) 779-2300

R. Mark Davis, S.C. Bar No.: 15522
Helen F. Hiser, S.C. Bar No.: 76124
Allison Nussbaum, S.C. Bar No.: 72514
735 Johnnie Dodds Blvd., Suite 200
P.O. Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900

Attorneys for Respondents

Attachment A

8/21/13

Gmail - Re: motion for new evidence



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APR 14 2015

Re: motion for new evidence

SC Court of Appeals

Mon, Apr 15, 2013 at 3:36 PM

John mcdaniel <jmcdaniel1982@gmail.com>
To: Eugenia Hollmon <ehollmon@wcc.sc.gov>

Ms. Hollmon,

We spoke on the phone earlier and this email is to address that conversation.

Today a motion was granted pursuant to 67-707 in Judicial Conference regarding to WCC file # 1116275. The motion explicitly asked for remanding to the original commissioner to reconvene the hearing. My concern is that there was hand writing in the margins which states "Set for Appellate hearing on all issues." I believe this contradicts the rule under which this motion was granted. 67-707 (c)(2)(d) states "If the Commission grants the motion, the review hearing is stayed. The case WILL be remanded to the original hearing commissioner who may, unless otherwise provided, reconvene the hearing or admit the deposition of a witness into the record." Setting this case directly for appellate review also undermines 67-707 (c)(2)(e) which states "The original hearing commissioner will issue his or her findings and recommendations in the form of an order to the commission and the parties" Without compliance with this statute the case cannot be docketed as outlined in 67-707 (c)(2)(f) which states "Upon the receipt of the Commissioner's order, the judicial department will reset the case on the review hearing docket."

In summary I would like to clarify that:

- The motion was granted.
- The motion asked for remittance.
- The law directly outlines the procedure if the motion is granted.
- The handwritten notes on the order are contrary to the law.

Respectfully,
John C. McDaniel

Mon, Apr 15, 2013 at 4:00 PM

Hollmon, Eugenia <EHollmon@wcc.sc.gov>
To: john mcdaniel <jmcdaniel1982@gmail.com>

Mr. McDaniel,

Based on your concerns expressed on the phone earlier and your summary below, I will have this issue brought before the Full Commission at Judicial Conference again in May. We will forward the below email to opposing counsel so that they are aware of the current status of your case. Until this issue is address there will be no further action taken on your case. If you have any additional questions or concerns, please let me know.

Thank you.

Genia

Exhibit B

Attachment B

Helen Hiser

From: Helen Hiser
Sent: Monday, March 02, 2015 5:15 PM
To: 'john mcdaniel'
Cc: Weston Adams
Subject: RE: WCC File: 1116275; Appeal Case: 2014-000186
Attachments: 2930_20638.12027_20150302.PDF; 2930_20638.12027_20150302_1.PDF; 2930_20638.12027_20150302_2.PDF; 2930_20638.12027_20150302_3.PDF; 2930_20638.12027_20150302_4.PDF; 2930_20638.12027_20150302_5.PDF; 2930_20638.12027_20150302_6.PDF; 2930_20638.12027_20150302_7.PDF; 2930_20638.12027_20150302_8.PDF; 2930_20638.12027_20150302_9.PDF; 2930_20638.12027_20150302_10.PDF; 2930_20638.12027_20150302_11.PDF; 2930_20638.12027_20150302_12.PDF

Mr. McDaniel

Please find attached the emails referenced in our Designation of Matter. Please let me know if you need any additional documents from us.

Thanks,
Helen Hiser

RECEIVED

APR 14 2015

From: john mcdaniel [<mailto:jmcdaniel1982@gmail.com>]
Sent: Thursday, February 26, 2015 4:17 PM
To: Helen Hiser; Weston Adams
Subject: WCC File: 1116275; Appeal Case: 2014-000186

SC Court of Appeals

Good Afternoon,

I am working on the record on appeal for the above. In order to ensure that all the records are contained, could you email me a pdf of the emails that you would like included and that are referenced in your designation of matter. There were multiple emails/email chains exchanged and some are on the same days. I would like to make sure I include the correct ones.

Thanks,
John C. McDaniel

8/21/13

Gmail - Re: motion for new evidence



Re: motion for new evidence

John mcdaniel <jmcdaniel1982@gmail.com>
To: Eugenia Hollmon <ehollmon@wcc.sc.gov>

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John C. McDaniel

Hollmon, Eugenia <EHollmon@wcc.sc.gov>
To: john mcdaniel <jmcdaniel1982@gmail.com>

Mon, Apr 15, 2013 at 4:00 PM

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Thank you.

Genia

Exhibit B

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

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W.C.C. File No. 1116275

SC Court of Appeals

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

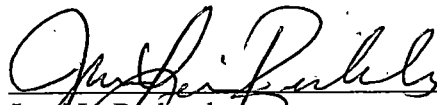
v.

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

PROOF OF SERVICE

I certify that on the 10th day of April, 2015, I served the Respondents' **Motion for Correction 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*
1387 Camp Road, Unit C
Charleston, SC 29412



Jami L. Richards
Legal Assistant to Helen F. Hiser
McAngus, Goudelock & Courie LLC
735 Johnnie Dodds Blvd., Suite 200
P.O. Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900

*Attorneys for Respondents Career Employment
Professional d/b/a Snelling Staffing and United
Wisconsin Insurance Co.*



Reply To

HELEN F. HISER
Direct Dial: (843) 576-2930
helen.hiser@mgclaw.com

April 10, 2015

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APR 14 2015

SC Court of Appeals

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' Motion for Correction 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. Also enclosed is our firm's check in the amount of \$25 for filing the motion.

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*

735 JOHNNIE DODDS BLVD, SUITE
200
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MT. PLEASANT, SC 29465

843.576.2900 PHONE
843.534.0605 FAX
WWW.MGCLAW.COM



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SC Court of Appeals

0638.12027/HFH/jlr

The Honorable Jenny Abbott Kitchings

South Carolina Court of Appeals

P.O. Box 11629

Columbia, South Carolina 29211