

70207

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

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WCC File No. 1222136

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Otis Nero, ..... Appellant/Claimant,

vs.

South Carolina Department of Transportation, Employer,  
and State Accident Fund, Carrier, ..... Respondents/Defendants.

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**NOTICE OF APPEAL**

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Appellant, Otis Nero, herein appeals the Order of the Appellate Panel of the South Carolina Workers' Compensation Commission dated May 29, 2015, on the following grounds:

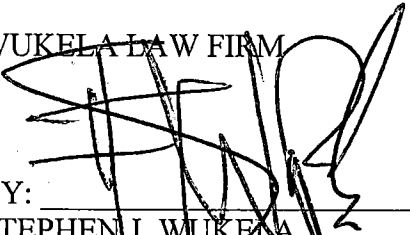
1. **THE APPELLATE PANEL ERRED AS A MATTER OF FACT AND CONCLUSION OF LAW IN FINDING THAT THE CLAIMANT FAILED TO PROVIDE THE DEFENDANTS WITH THE REQUIRED NINETY (90) DAYS NOTICE OF AN ALLEGED WORK ACCIDENT AS REQUIRED BY §42-15-20.**
  
2. **THE APPELLATE PANEL ERRED AS A MATTER OF FACT AND CONCLUSION OF LAW IN FINDING THAT THE CLAIMANT FAILED TO PROVIDE A REASONABLE EXCUSE FOR FAILING TO REPORT A WORK ACCIDENT WITHIN NINETY (90) DAYS AS REQUIRED BY §42-15-20.**

3. THE APPELLATE PANEL ERRED AS A MATTER OF FACT AND CONCLUSION OF LAW IN FINDING THAT DEFENDANTS WERE PREJUDICED BY CLAIMANT'S FAILURE TO REPORT THE ACCIDENT WITHIN NINETY (90) DAYS AS REQUIRED BY §42-15-20.

Appellant was served with written notice of entry of this Order on May 29, 2015.

June 10<sup>th</sup>, 2015

WUKELA LAW FIRM

BY:   
STEPHEN J. WUKELA  
ATTORNEY FOR APPELLANT  
PO BOX 13057  
FLORENCE SC 29504  
843-669-5634

Other Counsel of Record:  
John Gabriel Coggiola, Esquire  
Attorney at Law  
Willson Jones Carter & Baxley, PA  
4500 Fort Jackson Boulevard  
Columbia SC 29209

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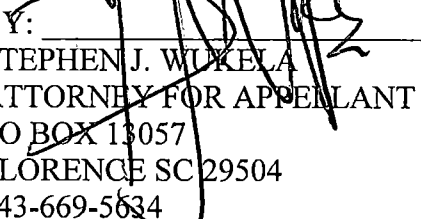
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CERTIFICATE OF SERVICE

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I certify that I have served the Notice of Appeal on Respondents, by depositing a copy of it in the United States Mail, postage prepaid, on June 10<sup>th</sup>, 2015, addressed to their attorney of record, John Gabriel Coggiola, Esquire, 4500 Fort Jackson Boulevard, Columbia SC 29209.

WUKELA LAW FIRM

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June 10, 2015

Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
PO Box 11629  
Columbia SC 29211

Re: Otis Nero v. South Carolina Department of Transportation, et al  
WCC File No. 1222136

Dear Ms. Kitchings:

Enclosed please find for filing a Notice of Appeal in the above case. Also enclosed are the following:

1. Proof of Service of the Notice of Appeal on the Respondents;
2. A copy of the Order which is to be challenged on appeal;
3. A filing fee of One Hundred (\$100.00) Dollars.

By copy of this letter, I am serving the South Carolina Workers' Compensation Commission with a copy of the Appeal.

With kind regards, I am

Yours truly,

WUKELA LAW FIRM

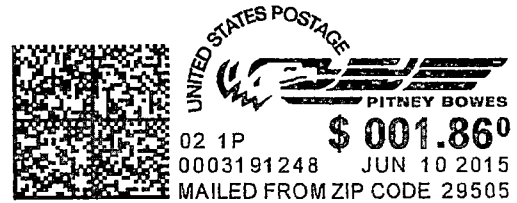
  
STEPHEN J. WUKELA

SJW:jpb

Enclosures

cc: John Gabriel Coggiola, Esquire

Honorable Amy Bracy  
SC Workers' Compensation Commission



**RECEIVED**

JUN 15 2015

SC Court of Appeals

**First Class Mail**

**WUKELA-LAW FIRM**  
403 SECOND LOOP ROAD  
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FLORENCE, SC 29504

To:

**Honorable Jenny Abbott Kitchings**  
**Clerk, South Carolina Court of Appeals**  
**PO Box 11629**  
**Columbia SC 29211**