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JUN 26 2015

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION, APPELLATE PANEL OF SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION AND COMMISSIONER SUSAN S. BARDEN

WCC File No. 1402522

Jeffrey S. Tracy.....Appellant,

v.

PeopLease Corporation, and National Interstate Insurance Company.....Respondents.

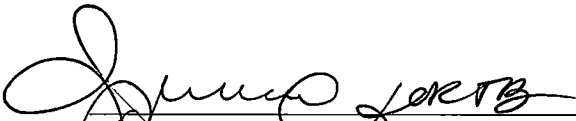
NOTICE OF APPEAL

YOU WILL PLEASE TAKE NOTICE that the Appellant, Jeffrey S. Tracy, pursuant to Sections 42-17-60 and 1-23-380 of the Code of Laws of the State of South Carolina (1976), as amended, by and through their undersigned counsel, do hereby appeal from an Order of the Appellate Panel of the South Carolina Workers' Compensation Commission filed on June 4, 2015 and received by Stewart Law Offices, LLC on June 4, 2015, in the above referenced workers' compensation action. The grounds for appeal are as follows:

1. The Commission erred in failing to adopt *Rhodes v. Hersek Express, Inc.*, 580 S.E.2d 430 (N.C. Ct. App. 2003), or provide an explanation for not adopting *Rhodes*, when South Carolina Courts have not addressed the present issue and South Carolina relies on North Carolina precedent in workers' compensation cases.
2. The Commission erred by failing to adopt the average weekly wage and compensation rate as agreed to by the employer and employee in the employment application.
3. The Commission erred in calculating claimant's average weekly wage and compensation rate.

4. The Commission erred in deducting per diem expenses from claimant's gross income when they calculated claimant's average weekly and compensation rate.
5. The Commission erred in not providing a factual and/or legal basis for their decision and order.

Respectfully Submitted,



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Tyler Bathrick, Esquire  
Stewart Law Offices, LLC  
P.O. Box 670  
Rock Hill, SC 29731  
(803) 328-5600  
ATTORNEY FOR APPELLANT

June 26, 2015  
Rock Hill, South Carolina

Other Counsel of Record:

Kelly F. Morrow, Esquire  
McAngus, Goudelock & Courie, LLC  
P.O. Box 12519  
Columbia, SC 29211  
(803) 227-2238

ATTORNEYS FOR RESPONDENTS

THE STATE OF SOUTH CAROLINA

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APPEAL FROM SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION,  
APPELLATE PANEL OF SOUTH CAROLINA WORKERS' COMPENSATION  
COMMISSION AND COMMISSIONER SUSAN S. BARDEN

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Jeffrey S. Tracy.....Appellant,

v.

PeopLease Corporation, and  
National Interstate Insurance Company.....Respondents.

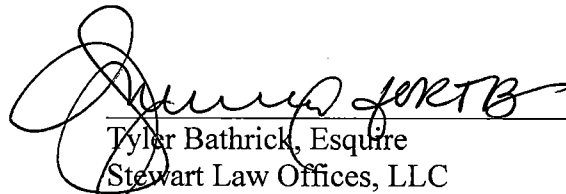
**PROOF OF SERVICE**

I certify that I served a copy of Appellant's Notice of Appeal upon the Judicial Director of the South Carolina Workers' Compensation Commission and Counsel for Respondents by depositing a copy of it in the United States Mail, postage prepaid, addressed at their address of record, namely:

Ms. Amy Bracy  
Judicial Director  
S.C. Workers' Compensation Commission  
P.O. Box 1715  
Columbia, SC 29202-1715

Kelly Morrow, Esquire  
McAngus, Goudelock & Courie, LLC  
P.O. Box 12519  
Columbia, SC 29211

on June 26, 2015.



Tyler Bathrick, Esquire  
Stewart Law Offices, LLC  
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Rock Hill, SC 29731  
(803) 328-5600

Attorney for Appellant

**STEWART LAW OFFICES, L.L.C.**

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June 26, 2015

Jenny Abbott Kitchings  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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JUN 26 2015

SC Court of Appeals

Re: Jeffrey S. Tracy v. PeopLease Corporation  
WCC File No.: 1402522  
D/Loss: 3/14/2014

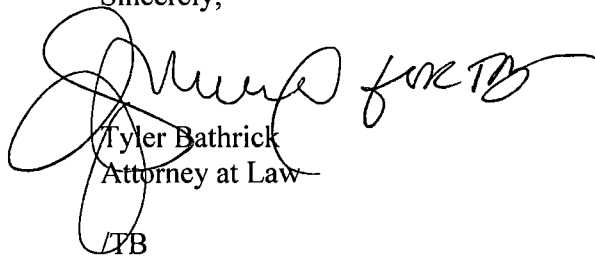
Dear Ms. Kitchings:

Enclosed for filing is a Notice of Appeal in regards to the above referenced case.  
Also enclosed are the following:

- 1) Proof of service of the Notice of Appeal on the Respondents.
- 2) A copy of the Orders which are to be challenged on appeal.
- 3) A filing fee of \$100.00.

If you should have any questions, please feel free to contact us.

Sincerely,



Tyler Bathrick  
Attorney at Law

TB

Enclosures

cc: Kelly Morrow, Esquire  
Jeffrey S. Tracy  
Scott T. Beck, Commissioner  
R. Michael Campbell, Commissioner  
Avery B. Wilkerson, Commissioner  
Ms. Amy Bracy, Judicial Director, SCWCC  
S.C. Court Administration

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IN NC, DBA STEWART LAW OFFICES, PLLC