

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION **RECEIVED**  
AUG 05 2015

SC Court of Appeals

WCC File No. 1315636

Kathey L. Staton, ..... Appellant/Claimant,

vs.

Mohawk Industries, Inc., Employer,  
and Liberty Mutual, Carrier, ..... Respondents/Defendants.

**NOTICE OF APPEAL**

Appellant, Kathey Staton, herein appeals the Order of the Appellate Panel of the South Carolina Workers' Compensation Commission dated July 7, 2015, on the following grounds:

1. **THE APPELLATE PANEL ERRED IN FINDING AS A MATTER OF FACT AND CONCLUSION OF LAW THAT THE CASE WAS NOT COMPENSABLE FOR LACK OF ADEQUATE NOTICE OF THE ACCIDENT.**
2. **THE APPELLATE PANEL ERRED AS A MATTER OF FACT AND CONCLUSION OF LAW IN FINDING THAT THE DEFENDANTS HAD PROPERLY RAISED THE DEFENSE OF NOTICE.**
3. **EVEN ASSUMING THAT DEFENDANTS PROPERLY RAISED THE ISSUE OF NOTICE, THE APPELLATE PANEL ERRED AS A MATTER OF FACT AND CONCLUSION OF LAW IN FINDING THAT THE CLAIMANT FAILED TO GIVE ADEQUATE NOTICE BY**

**VIRTUE OF HER REPORT TO THE EMPLOYER ON OR ABOUT JUNE 28, 2013.**

4. **THE APPELLATE PANEL ERRED AS A MATTER OF FACT AND CONCLUSION OF LAW IN FINDING THAT THE CLAIMANT DISCOVERED, OR COULD HAVE DISCOVERED BY EXERCISE OF REASONABLE DILIGENCE, THAT HER ACCIDENT WAS COMPENSABLE UPON HER TREATMENT WITH HER FAMILY DOCTOR ON OR ABOUT NOVEMBER 20, 2012, AND THAT CLAIMANT WAS OBLIGATED TO GIVE NOTICE WITHIN NINETY (90) DAYS OF THAT DATE TO THE EMPLOYER.**

**IN PARTICULAR, CLAIMANT CONTENDS THAT SHE DID NOT RECEIVE A DIAGNOSIS OF CARPEL TUNNEL SYNDROME FROM HER DOCTOR ON THAT DATE AND THAT, EVEN IF SHE HAD, NO PHYSICIAN OPINED THAT HER CONDITION WAS WORK-RELATED, AND THUS COMPENSABLE, UNTIL AFTER THE FORM 50 WAS FILED.**

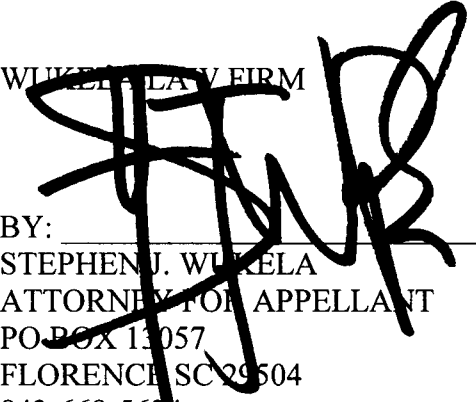
5. **THE APPELLATE PANEL ERRED IN FAILING TO FIND AS A MATTER OF FACT AND CONCLUSION OF LAW THAT THE CLAIMANT ADEQUATELY GAVE NOTICE WITHIN NINETY (90) DAYS OF THE DATE OF LAST INJURIOUS EXPOSURE, i.e. NOVEMBER 17, 2013.**

Appellant was served with written notice of entry of this Order on July 7, 2015.

August  2015

Other Counsel of Record:  
J. Brandon Hylton, Esquire  
Attorney at Law  
PO Box 7489  
Florence SC 29502

WUKELA LAW FIRM

  
BY: \_\_\_\_\_  
STEPHEN J. WUKELA  
ATTORNEY FOR APPELLANT  
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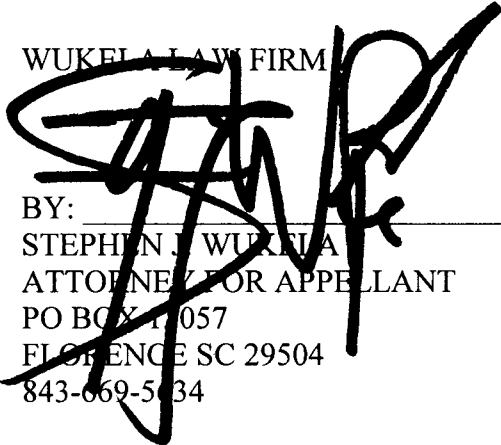
vs.

Mohawk Industries, Inc., Employer,  
and Liberty Mutual, Carrier, ..... Respondents/Defendants.

CERTIFICATE OF SERVICE

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 August 4, 2015, addressed to their attorney of record, J. Brandon Hylton, Esquire, PO Box 7489, Florence, SC 29502; and also on the SC Workers' Compensation Commission, PO Box 1715, Columbia, SC 29202-1715.

WUKELA LAW FIRM

BY:   
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Other Counsel of Record:

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August 4, 2015

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SC Court of Appeals

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

Re: Kathey L. Staton v. Mohawk Industries, Inc.  
WCC File No. 1315636

Dear Ms. Kitchings:

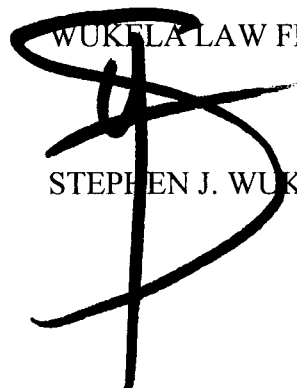
Enclosed please find for filing a Notice of Appeal in the above case. Also enclosed are the following:

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,

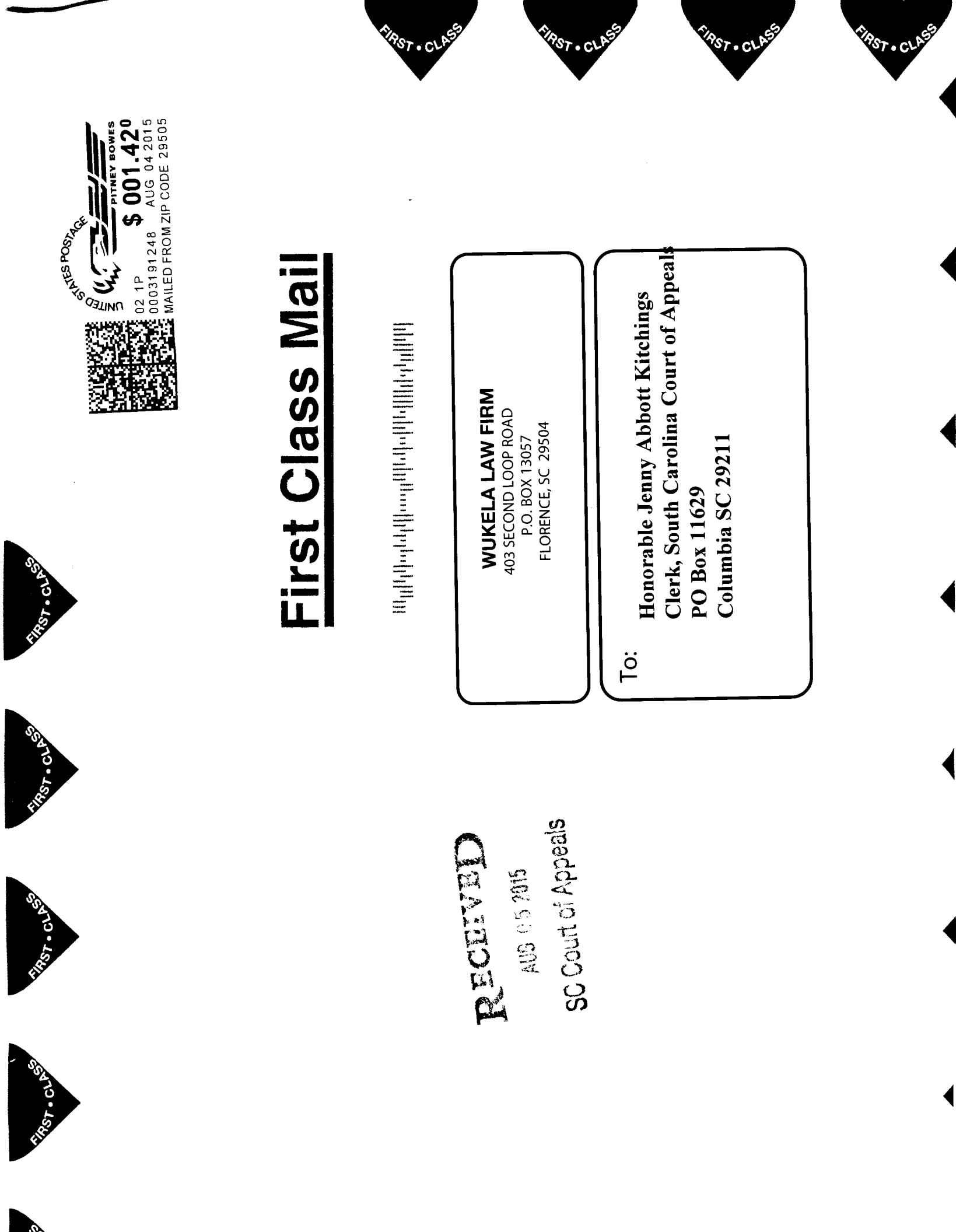
WUKELA LAW FIRM  
  
STEPHEN J. WUKELA

SJW:jpb

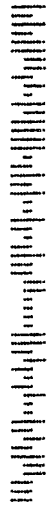
Enclosures

cc: J. Brandon Hylton, Esquire

Honorable Amy Bracy  
SC Workers' Compensation Commission



# First Class Mail



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**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