

**McDANIEL LAW FIRM**  
ATTORNEYS AND COUNSELORS AT LAW  
1315 ELMWOOD AVENUE  
COLUMBIA, SOUTH CAROLINA 29201

Proudly representing injured workers  
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Preston F. McDaniel

Matthew Robertson

Telephone (803) 771-7211

Facsimile (803) 252-0709

September 22, 2015

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SEP 25 2015

SC Court of Appeals

VIA FACSIMILE - 734-1839  
AND US MAIL  
V. Claire Allen  
Deputy Clerk of Court  
SC Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: Clarence Winfrey, Appellant, v. Archway Services,  
Inc., Employer, and American Fire & Casualty  
Insurance Co., Carrier, Respondents.

Appellate Case No.: 2014-001815

Dear Ms. Allen:

I am in receipt of your letter dated September 17<sup>th</sup> and while the Court shows no record of the Respondents' Designation of Matter being filed, I have attached a copy that I received from Counsel noting that it was in fact filed August 26, 2015. Due to that, I am proceeding with preparing the Record on Appeal to include all of the items that Counsel for the Respondent has designated that he wants included in his Designation of Matter.

However, I am also advising the Court that Counsel for the Respondent has requested that certain items be included as part of the Record which in my opinion are not only irrelevant but were not part of the Record or in existence at the time of the Decision on appeal (Commissioner Beck's Decisions filed December 5, 2013). Specifically Respondents include in their Designation:

(1) The Hearing Transcript from a subsequent hearing that was held with Commissioner Barden over a month (January 14, 2014) after the Decision was rendered (December 5, 2013) that is on appeal.

(2) The Deposition Transcripts of three (3) different doctors all taken after the hearing and Order in this case), Dr. Travis (12/16/13), Dr. Greenfield (01/09/14), Dr. Lide (01/23/14). None of these were submitted or considered by the Hearing Commissioner in this case and were submitted as part of the hearing in the subsequent hearing held before Commissioner

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Barden.

Based on my review of the Rules, while each Counsel is to certify that the Record does not contain irrelevant matter to the appeal, it is my understanding from the Rules that the only remedy I have available is to request reimbursement for printing in the event that the Court determines that these items should not have been included as part of the appeal in this matter.

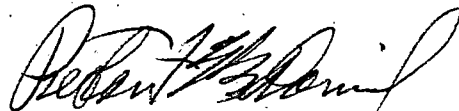
I have submitted this issue to Respondents' Counsel and Respondents' Counsel has stated that in his opinion this subsequent Order of a different Commissioner and these three (3) Deposition Transcripts of doctors that were submitted at that subsequent hearing are relevant to this appeal. Therefore, I am submitting those as part of the Record on Appeal pursuant to his request as part of his Designation of Matter and under his Certification.

If there is another remedy, I would sincerely appreciate it if the Court could advise both parties so we can ensure that we are in compliance with the Court's Rules especially as to Certification, and could have a decision on whether or not these matters are relevant to the appeal.

By copy of this letter, I am notifying Counsel for the Respondents as to how I am proceeding.

As always, I appreciate all the courtesies and kindnesses shown to me by the Court and I will submit the Record timely in accordance with the Court Rules.

Sincerely yours,



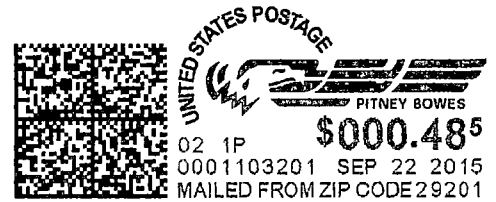
Preston F. McDaniel

PFM/kth

cc: Brett H. Bayne, Esquire

McDaniel Law Firm  
1315 Elmwood Avenue  
Columbia, SC 29201

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