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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

OCT 09 2015

APPEAL FROM THE  
South Carolina Workers Compensation Commission  
Appellate Panel

SC Court of Appeals

SCWCC Case No. 1120778

Lettie Spencer, Employee, ..... Claimant/Appellant,

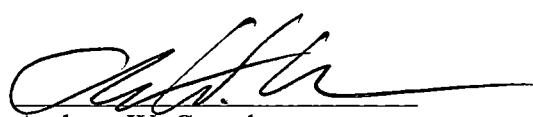
v.

NHC Parklane and  
Premier Group Insurance Co. Inc., Appellants ..... Defendants/Respondents

**NOTICE OF APPEAL**

Claimant, Lettie Spencer, appeals the order of the South Carolina Workers Compensation Appellate Panel dated September 11, 2015. Appellants received written notice of entry of this order on September 11, 2015.

October 9, 2015



Andrew W. Creech  
Elrod Pope Law Firm  
Attorneys at Law  
212 E. Black Street  
PO Box 11071  
Rock Hill, SC 29732  
(803) 324-7574

Clarke W. McCants III, Esquire  
Nance, McCants, and Massey  
Attorneys at Law  
218 Newberry Street, S.W.  
Aiken, SC 29801  
ATTORNEY FOR RESPONDENT

**Grounds for Appeal**

- 1. Did the Appellate Panel of the Full Commission err in finding as an issue of fact and/or concluding as a matter of law “that Based on upon the video evidence submitted into evidence in this matter the Claimant is physically active to a significant degree. Based upon this evidence, as well as the testimony of the Claimant and her son regarding the operation of Car Toys, the Claimant is capable of performing some level of work associated with such business. (Finding of Fact No. 6).**
- 2. Did the Appellate Panel of the Full Commission err in finding as an issue of fact and/or concluding as a matter of law that the Claimant is not permanently and totally disabled pursuant to Section 42-9-10 and/or 42-9-30, but rather that Claimant only sustained permanent partial disability of 21% to the back and that she failed to demonstrate a total incapacity for work. (Finding of Fact Nos. 7, 8, & 9 and Conclusions of Law Nos. 6, 7, and 8.**
- 3. Did the Appellate Panel of the Full Commission err in failing to consider Claimant’s permanent work restrictions – as set forth by three treating physicians, and two separate functional capacity evaluations ultimately concluding that Claimant qualifies for work restrictions which are considered “less than sedentary” pursuant to the DOT work classification guidelines.**
- 4. Did the Appellate Panel of the Full Commission err in failing to make a finding or ruling as a matter of law whether or not Claimant has sustained a loss earning capacity/wage loss claim and to what extent pursuant to Section 42-9-20 – despite it being undisputed that Claimant was physically incapable of returning back to her former employment and the only evidence of record stating that though Claimant is unlikely to return to any gainful employment, in the unlikely case that she does return to work – she will have a 70% wage loss.**

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**PROOF OF SERVICE**

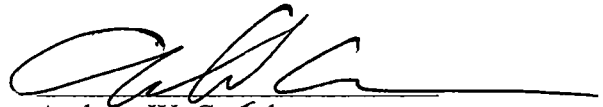
I certify that I have served the **Notice of Appeal** to the attorney of record for NHC Parklane and Premier Group Insurance Co. Inc., Clarke W. McCants III, Esquire, as well as the South Carolina Workers' Compensation Commission by depositing a copy of it in the United States Mail, postage pre-paid, on October 9, 2015.

Clarke W. McCants III, Esquire  
**Nance, McCants, and Massey**  
Attorneys at Law  
218 Newberry Street, S.W.  
Aiken, SC 29801  
ATTORNEY FOR RESPONDENT

South Carolina Workers' Compensation Commission  
**Attn: Judicial Director Amy Bracy**  
PO Box 1715  
Columbia, SC 29202-1715

(HAND DELIVERY)  
Jenny Abbott Kitchings  
**Clerk of Court, South Carolina Court of Appeals**  
1220 Senate Street  
Columbia, SC 29201

Ms. Lettie Spencer  
2867 Great Falls Hwy.  
Richburg, SC 29729

A handwritten signature in black ink, appearing to read 'A. W. Creéch', with a long horizontal line extending to the right.

Andrew W. Creéch  
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Attorney for Appellant

October 9, 2015



ELROD·POPE  
— LAW FIRM —

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October 9, 2015

Thomas E. Pope

Jack G. Leader

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*Circuit Court Mediator*

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Andrew W. Creech

Garrett B. Johnson

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Luther C. Elrod, III  
*Founding Member 1980-2013*

**VIA HAND DELIVERY**

Ms. Jenny Abbott Kitchings  
Clerk of Court  
**South Carolina Court of Appeals**  
1220 Senate Street  
Columbia, SC 29201

Re: WCC File No. 1120778  
Lettie L. Spencer vs.  
NHC Parklane and Premier Group Insurance Co. Inc.

Dear Ms. Kitchings:

Please be advised this firm represents Ms. Lettie Spencer in the above entitled workers' compensation appeal. Enclosed for filing are the original and one copy of a Notice of Appeal in the above case. Also, enclosed are the following:

1. Grounds for Appeal;
2. A copy of the Order issued by the Appellate Panel of the South Carolina Workers' Compensation Commission dated September 11, 2015, which is to challenged on appeal;
3. Proof of Service of the Notice of Appeal on the Respondents and on the South Carolina Workers' Compensation Commission.
4. A check in the amount of \$100.00 for the filing fee.

I would appreciate you returning a clocked copy of the Notice of Appeal to our courier.

I am by copy of this letter serving the Respondents and the South Carolina Workers' Compensation Commission with the Notice of Appeal.

Yours very truly,  
**ELROD POPE LAW FIRM**

By: Andrew W. Creech  
Andrew W. Creech

AWC/ass  
Enclosures

- cc: South Carolina Workers' Compensation Commission – (w/encl.)  
Clarke W. McCants III, Esquire – (w/encl.)  
Ms. Lettie L. Spencer – (w/encl.)

*Helping Injured People*