

78680

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM THE APPELLATE PANEL OF THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

FEB 11 2016

SC Court of Appeals

W.C.C. File No.: 1017656

Veronica SullivanClaimant/Respondent,

v.

Richland County and South Carolina Association of Counties,.....Defendants/Appellants.

NOTICE OF APPEAL

The Defendants, Richland County and South Carolina Association of Counties appeal the Decision and Order of the Full Commission Appellate Panel dated January 12, 2016. The Defendants filed a Motion to Reconsider with the Commission on January 22, 2016. A decision has not been rendered on the Defendants' Motion to Reconsider, but the South Carolina Workers' Compensation Commission instructed the undersigned the Motion to Reconsider did not stay the time for filing a Notice of Appeal. Defendants are aware of Rule 203(b)(1), SCACR, which stays the time for filing an appeal, but in light of the South Carolina Workers' Compensation Commission's directives, Defendants are filing this Notice of Appeal within thirty (30) days of the Full Commission Decision and Order dated January 12, 2016, out of an abundance of caution.

The Defendants would ask that if the Notice of Appeal is premature, that the appeal be held in abeyance pending a final decision from the South Carolina Workers' Compensation Commission on the Motion to Reconsider rather than dismiss the appeal. This confusion arises

from the Supreme Court's decision in Rhame v. Charleston County School District, 399 S.C. 477, 732 S.E.2d 202 (Ct. App. 2012), which recognized for the first time a right to file a Motion to Reconsider in workers' compensation cases but for which no procedure has been established by rule or regulation relating to appeals to the South Carolina Court of Appeals.

SOWELL GRAY STEPP & LAFFITTE, LLC

By: 

B. Gibbs Leaphart, Jr.
gleaphart@sowellgray.com
1310 Gadsden Street
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400 Telephone
(803) 929-0300 Fax
Attorneys for Defendants/Appellants

February 11, 2016

Other Counsel of Record:

Daniel E. Peagler, Esquire
Michael Johnson, P.C. and Associates
2001 Lincoln Street
Columbia SC 29201
814-0550
814-0549
epeagler@johnsonsclaw.com
Attorney for Plaintiff/Respondent

RECEIVED

FEB 11 2016

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE APPELLATE PANEL OF THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. File No.: 1017656

Veronica SullivanClaimant/Respondent,

v.

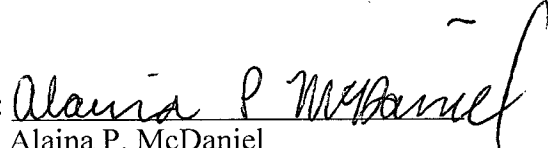
Richland County and South Carolina Association of Counties,.....Defendants/Appellants.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Veronica Sullivan, by depositing a copy of it in the United States Mail, postage prepaid, on February 11, 2016, addressed to his attorney of record, Daniel E. Peagler, Esquire, Michael Johnson, P.C. and Associates, 2001 Lincoln Street, Columbia, SC 29201 and Ms. Amy Bracy, The South Carolina Workers' Compensation Commission, 1333 Main Street, Suite 500, Columbia, South Carolina, 29202-1715, on February 11, 2016.

SOWELL GRAY STEPP & LAFFITTE, L.L.C.

February 11, 2016

By: 
Alaina P. McDaniel
Paralegal
1310 Gadsden Street
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400

Attorneys for Appellants

February 11, 2016

VIA HAND DELIVERY

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RECEIVED

FEB 11 2016

SC Court of Appeals

RE: Veronica L. Sullivan v. Richland County
WCC File No.: 1411717
Date of Accident: 08/18/14
Claim No.: 2014061872
Our File No.: 5451/8274

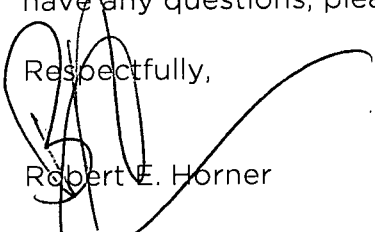
Dear Ms. Kitchings:

Enclosed for filing are an original and one copy of a Notice of Appeal, as well as a copy of the order which is being challenged on appeal, in the above-referenced matter. Also enclosed is the Proof of Service of the Notice of Appeal on the Respondent and our Firm's check in the amount of \$100.00 for the filing fee.

I would appreciate you filing the original as appropriate and returning a clocked-in copy to our courier.

By copy of this letter, we are serving the above-referenced document upon opposing counsel and the South Carolina Workers' Compensation Commission. Should you have any questions, please feel free to contact my office.

Respectfully,


Robert E. Horner

REH:apm

Enclosures

cc: Ms. Amy Bracy (SCWCC; via hand delivery; w/enclosure)
Daniel E. Peagler, Esquire (w/enclosure)
Ms. Colleen D. Motley (via e-mail; w/enclosure)
Ms. Brittney Hoyle (via e-mail; w/enclosure)