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THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM  
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

RECEIVED

MAR 17 2016

APPELLATE PANEL  
The Honorable Susan S. Barden, The Honorable Aisha  
and The Honorable R. Michael Campbell, II

SC Court of Appeals

WCC NO. 1203594  
Appellate Case No. 2014-002611

James B. Neff . . . . . Employee/Appellant

v.

Lear's Welding & Fabrication, Inc.,  
Employer and Bridgefield Casualty  
Insurance Company c/o Summit  
Holdings, Inc., . . . . . Carrier/Respondents

PETITION FOR REHEARING

Appellant by and through his undersigned counsel and pursuant to the authority of SCACR 221(A), Petitions this Honorable Court for a rehearing of this appeal. The Appellant respectfully contends that the Court misapprehended the case as follows:

1. The Court of Appeals Opinion found that substantial evidence supported the findings of the Commission in regard to the issue of whether independent intervening causes broke the chain of causation between Appellant's compensable injury and his current conditions of left clavicle and neurological conditions thus implicitly finding that the Commission's decisions were not "clearly erroneous in view of the reliable, probative

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and substantial evidence of the whole" and ruling that substantial evidence supported the Commission's findings that Appellant was no longer entitled to benefits under the Workers' Compensation Act.

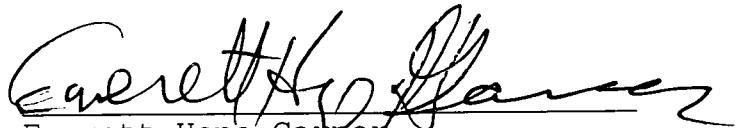
The Court of Appeals erred in the application of the above cited principles by viewing the evidence only from the biased perspective of the employer's excerpted version of the events and merely examined the evidence favorable to the employer without scrutinizing the entire record. A proper scrutiny of the entire record would reveal that there was no evidence of any intervening "cause;" there is only evidence of sequential circumstances which may have had the potential to constitute an intervening cause. Thus a determination by the Court when viewed in light of the stated remedial purposes of the Workers' Compensation Act would be violative of such purposes and in direct contravention of the total absence of evidence of an actual intervening event.

#### CONCLUSION

The Court of Appeals opinion summarily denies Appellant the opportunity of a proper review of the Commission's decision and in doing so vitiates the purposes of the appeals process and the Workers' Compensation laws themselves in contravention of Appellant's rights and the rights of others similarly situated.

For the foregoing reasons, this Court should rehear the matter and reverse the rulings of the Commission.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Everett Hope Garner", written over a horizontal line.

Everett Hope Garner  
Holler, Garner, Corbett, Plante,  
Gilchrist & Hayes  
P.O. Box 11006  
Columbia, SC 29211  
(803) 765-2968  
Attorney for Appellant

March 17, 2016

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APPEAL FROM  
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION **SC Court of Appeals**

APPELLATE PANEL

The Honorable Susan S. Barden, The Honorable Aisha Taylor,  
and The Honorable R. Michael Campbell, II

WCC NO. 1203594  
Appellate Case No. 2014-002611

James B. Neff . . . . . Employee/Appellant

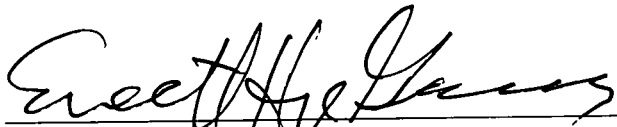
v.

Lear's Welding & Fabrication, Inc.,  
Employer and Bridgefield Casualty  
Insurance Company c/o Summit  
Holdings, Inc., . . . . . Carrier/Respondents

PROOF OF SERVICE

I certify that I have served the Appellant's Petition for Rehearing on Lear's Welding & Fabrication, Inc., and Bridgefield Casualty Insurance Company by depositing a copy of it in the United States mail, postage prepaid, on March 17, 2016, addressed to their attorney of record, Nicholas L. Haigler, Esquire, Sowell, Gray, Stepp, Laffitte, P.O. Box 11449, Columbia, SC 29211.

March 17, 2016

  
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J. Ed Holler  
Everett Hope Garner  
\*James J. Corbett  
\*Anthony R. Plante  
James W. Gilchrist, Jr.  
Dean Anthony Hayes  
\* Certified Mediator S.C.

Of Counsel  
Stanley G. Freeman  
\*Steven D. Dennis

Reply To  
Post Office Box 11006  
Columbia, S.C. 29211

March 17, 2015

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SC Court of Appeals

**VIA HAND DELIVERY**

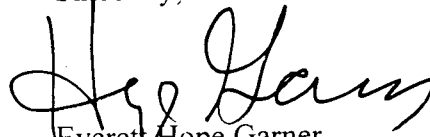
Ms. Jenny Abbott Kitchings  
Clerk of the South Carolina Court of Appeals  
1220 Senate St.  
Columbia, SC 29201

RE: James B. Neff v. Lear's Welding & Fabrication, Inc.  
Appellate Case No: 2014-002611

Dear Ms. Kitchings:

Enclosed is the original and six (6) copies of the Appellant's Petition for Rehearing in regard to the above referenced matter. By copy of this letter with enclosure I am serving same upon opposing counsel. If you have any questions, please do not hesitate to contact me.

Sincerely,

  
Everett Hope Garner

EHG/lmk  
Enclosure  
CC: Nicholas L. Haigler, Esquire w/enclosure