

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM
THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

Appellate Case No.: 2016-000512

Adrian Adame Salgado
Appellant,

v.

Patterson Construction, Inc.,
Respondent.

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SC Court of Appeals

**APPELLANT'S RETURN IN OPPOSITION TO MOTION REQUESTING PERMISSION
TO ORDER TRANSCRIPT OUTSIDE OF DEADLINE**

Joseph DuBois
S.C. Bar No. 71192
Naert and DuBois, LLC
22 New Orleans Road, Suite 1
Hilton Head Island, SC 29928

This appeal concerns a Decision and Order of the Full Commission of the South Carolina Workers' Compensation Commission, dated February 23, 2016, fully reversing the decision of the Single Commissioner, dated October 27, 2015, deeming Appellant's Workers' Compensation claim compensable, deeming Appellant entitled to benefits under the South Carolina Workers' Compensation Act, deeming Appellant entitled to temporary total disability benefits at the rate of \$400.00 per week from the date of injury, May 4, 2015, to present and continuing until Appellant reaches maximum medical improvement, and deeming Appellant entitled to all causally-related medical treatment.

By Notice of Appeal, dated March 7, 2016, Respondent seeks review of the Decision and Order of the Full Commission of the South Carolina Workers' Compensation Commission, dated February 23, 2016.

Pursuant to the South Carolina Appellate Court Rules, Rule 207(b), Respondent was required to make written request or otherwise make sufficient arrangements for obtaining the transcript from the Workers' Compensation Commission within ten (10) days from the date of service of the Notice of Appeal, and to furnish a copy of such written request to the Court and Counsel. As set forth in its Motion, Respondent's written request for the transcript is dated March 28, 2016, outside of the ten (10) day period of time required by Rule 207(b).

Pursuant to the South Carolina Appellate Court Rules, Rule 260(a), whenever it appears that an appellant has failed to comply with the requirements of the South Carolina Appellate Court Rules, "the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court." Thus, dismissal of this Appeal is proper.

Further, it is uncontroverted that Appellant was injured on May 4, 2015, approximately eleven (11) months prior to this Return, and during the past eleven (11) months Appellant has

patiently waited for a final determination as to his workers' compensation claim, while his health and personal finances have predictably declined. Unfortunately, Respondent's inadvertent oversight in not timely requesting a copy of the transcript from the Workers' Compensation Commission has only served to further delay Appellant's receipt of the above-referenced full benefits awarded to him, and thus Appellant respectfully requests that Respondent's Motion be denied and its appeal dismissed.

NAERT AND DUBOIS, LLC



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Attorneys for Appellant

April 7, 2016
Hilton Head Island, SC

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Appellate Case No.: 2016-000512

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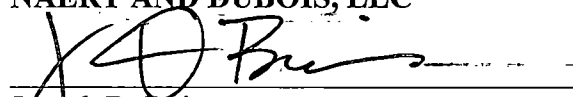
SC Court of Appeals

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on April 7, 2016, in Hilton Head Island, South Carolina, I served a copy of the *APPELLANT'S RETURN IN OPPOSITION TO MOTION REQUESTING PERMISSION TO ORDER TRANSCRIPT OUTSIDE OF DEADLINE* by depositing the same in the United States Mail, postage prepaid, and addressed as follows:

William T. Littlejohn, Esquire
210 Wingo Way, Suite 210
Mount Pleasant, SC 29464

NAERT AND DUBOIS, LLC



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April 7, 2016
Hilton Head Island, SC

Naert and DuBois, LLC

Attorneys at Law

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Michael Bennett, Esq.

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April 7, 2016

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SC Court of Appeals

VIA USPS

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

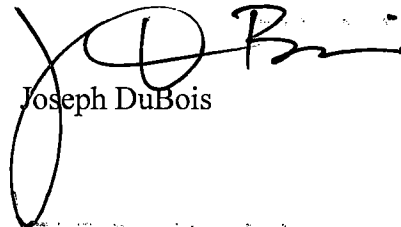
Re: Adrian Adame Salgado, Appellant v. Patterson Construction Inc., Respondent
Appellate Case No. 1505359

Dear Mrs. Kitchings:

Please find enclosed the original and six copies of Mr. Salgado's Return in Opposition to Motion Requesting Permission to Order Transcript Outside of Deadline. As noted previously, Mr. Salgado is herein referenced as the Appellant, although Patterson Construction, Inc. is the party appealing the Order of the Full Workers' Compensation Commission.

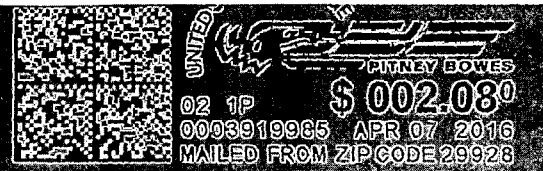
Thank you for your assistance in this matter.

Sincerely,


Joseph DuBois

Enclosures

Cc: Will Littlejohn, Esquire



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