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THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**SC SUPREME COURT**

APPEAL FROM  
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

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

Opinion No. 2016-UP-127  
Appellate Case No. 2014-002611

James B. Neff . . . . . <sup>Petitioner.</sup> ~~Employee/Appellant~~

v.

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

APPENDIX

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**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

James B. Neff, Employee, Appellant,

v.

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

Appellate Case No. 2014-002611

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Appeal From The Workers' Compensation Commission

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Unpublished Opinion No. 2016-UP-127  
Heard February 1, 2016 – Filed March 2, 2016

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**AFFIRMED**

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Everett H. Garner, of Holler Garner Corbett Plante  
Gilchrist & Hayes, of Columbia, for Appellant.

Nicolas Lee Haigler, of Sowell Gray Stepp & Laffitte,  
LLC, of Columbia, for Respondents.

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**PER CURIAM:** James B. Neff appeals an order from the Appellate Panel of the South Carolina Workers' Compensation Commission (Commission) arguing the Commission erred in finding (1) an independent intervening cause broke the chain of causation between Neff's compensable injury and the current condition of his

left clavicle, (2) an independent intervening cause broke the chain of causation between Neff's compensable injury and his current neurological condition, and (3) Neff was no longer entitled to benefits under the Workers' Compensation Act. We affirm<sup>1</sup> pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to whether the Commission erred in finding an independent intervening cause broke the chain of causation between Neff's compensable injury and the current condition of his left clavicle: *Lark v. Bi-Lo, Inc.*, 276 S.C. 130, 134, 276 S.E.2d 304, 306 (1981) (stating appeals from the Commission are governed by the Administrative Procedures Act (APA)); S.C. Code Ann. § 1-23-380(5)(e) (Supp. 2015) (stating that under the scope of review established in the APA, this court may not substitute its judgment for that of the Commission as to the weight of the evidence on questions of fact, but may reverse or modify the Commission's decision if the appellant's substantial rights have been prejudiced because the decision is affected by an error of law or is "clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record"); *Whitfield v. Daniel Const. Co.*, 226 S.C. 37, 40-41, 83 S.E.2d 460, 462 (1954) (stating that when the primary injury arises out of and in the course of employment, every natural consequence that flows from a compensable injury is also compensable unless the consequence is the result of an independent intervening cause sufficient to break the chain of causation); *Carter v. Verizon Wireless*, 407 S.C. 641, 647, 757 S.E.2d 528, 531 (Ct. App. 2014) ("As a general rule, an appellate court must affirm the findings of fact made by the [Commission] if they are supported by substantial evidence."); *Hill v. Eagle Motor Lines*, 373 S.C. 422, 436, 645 S.E.2d 424, 431 (2007) ("Substantial evidence is that evidence which, in considering the record as a whole, would allow reasonable minds to reach the conclusion the Commission reached."); *id.* ("The possibility of drawing two inconsistent conclusions from the evidence does not prevent the Commission's finding from being supported by substantial evidence."); *Sharpe v. Case Produce, Inc.*, 336 S.C. 154, 160, 519 S.E.2d 102, 105 (1999) ("The final determination of witness credibility and the weight to be accorded evidence is reserved to the Commission.").

2. As to whether the Commission erred in finding an independent intervening cause broke the chain of causation between Neff's compensable injury and his current neurological condition: *Whitfield*, 226 S.C. at 40-41, 83 S.E.2d at 462 (stating that when the primary injury arises out of and in the course of employment, every natural consequence that flows from a compensable injury is

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.

also compensable unless the consequence is the result of an independent intervening cause sufficient to break the chain of causation); *Carter*, 407 S.C. at 647, 757 S.E.2d at 531 ("As a general rule, an appellate court must affirm the findings of fact made by the [Commission] if they are supported by substantial evidence."); *Hill*, 373 S.C. at 436, 645 S.E.2d at 431 ("Substantial evidence is that evidence which, in considering the record as a whole, would allow reasonable minds to reach the conclusion the Commission reached."); *id.* ("The possibility of drawing two inconsistent conclusions from the evidence does not prevent the Commission's finding from being supported by substantial evidence."); *Sharpe*, 336 S.C. at 160, 519 S.E.2d at 105 ("The final determination of witness credibility and the weight to be accorded evidence is reserved to the Commission.").

3. As to whether the Commission erred in finding Neff was no longer entitled to benefits under the Workers' Compensation Act: *Carter*, 407 S.C. at 647, 757 S.E.2d at 531 ("As a general rule, an appellate court must affirm the findings of fact made by the [Commission] if they are supported by substantial evidence."); *Hill*, 373 S.C. at 436, 645 S.E.2d at 431 ("Substantial evidence is that evidence which, in considering the record as a whole, would allow reasonable minds to reach the conclusion the Commission's reached:"); *id.* ("The possibility of drawing two inconsistent conclusions from the evidence does not prevent the Commission's finding from being supported by substantial evidence.").

**AFFIRMED.**

**FEW, C.J., and SHORT and THOMAS, JJ., concur.**

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM  
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

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

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WCC NO. 1203594  
Appellate Case No. 2014-002611

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

v.

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

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PETITION FOR REHEARING

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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

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,



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March 17, 2016

# The South Carolina Court of Appeals

James B. Neff, Employee, Appellant,

v.

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

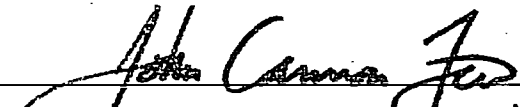
Appellate Case No. 2014-002611

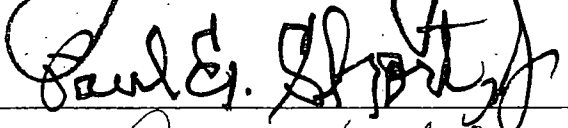
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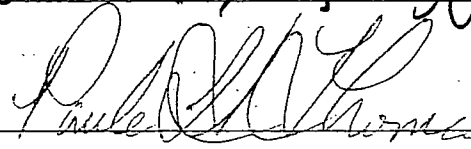
## ORDER

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After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

  
\_\_\_\_\_  
C. J.

  
\_\_\_\_\_  
J.

  
\_\_\_\_\_  
J.

Columbia, South Carolina

**FILED**

4/22/16

cc:

Everett H. Garner, Esquire  
Nicolas Lee Haigler, Esquire  
Amy Bracy