

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM COLUMBIA COUNTY

SOUTH CAROLINA WORKERS COMPENSATION

by L. James, Susan S. Barden, Aisha Taylor and Gene McClaskill, Commissioners

Appellate Case No. 2016-000178

GERALD GARNER SR.  
PRO-SE

APPELLANT

J. A. HOWELL, III

RES TEAMINALS INCORPORATED RESPONDENT

INITIAL BRIEF OF APPELLANT

SOUTH CAROLINA COURT OF APPEALS  
POST OFFICE BOX 11629  
COLUMBIA SOUTH CAROLINA  
29211

Dated 05-27-16 Page 1

## STATEMENT OF ISSUES ON APPEAL

The Commissioner Melody L. James, was Bias of the Court on March 4, 2015 in Saint George, South Carolina to determine issues as set forth in the Claimant's Form 50. There is no way on files that Attorney Roy A. Howell, III fully or complete, the issues as set forth in the Claimant's Form 50. I Gerald Garner Sr. was call to the witness stand, but not Attorney Roy A. Howell, III, He also was Bias, Commissioner Melody L. James, and Attorney Roy A. Howell III, knew I Gerald Garner Sr. was as ignorant and unwary, of understanding the Law on March 4, 2015 also the same with S. C. worker's Compensation Commission's Panel Susan S. Barden, Commissioner, Aisha Taylor, Commissioner and Gene McCaskill, Commissioner, Bias of the court, deprive me Gerald Garner Sr. to fairly hearing, violating my Gerald Garner Sr. Civil, state and federal constitutional rights and Due process of the Law of the United States of America. There is a Conflict of interest to my Gerald Garner Sr., case, also the Appellate Panel review held in Columbia S. C. on October 19, 2015. Looking at the paperwork, I Gerald Garner Sr. receive \$166,000.00 from the State and \$49,000.00 from the Longshore and Harbor workers Compensation Act. The first worker's Compens-

Dated 05-27-16 Page II

sation check I Gerald Garner Sr. received was from Ceres terminals incorporated 565 Marriott Dr. 4<sup>th</sup> Floor Nashville, TN 37214 concerning the Longshore and Harbor worker's Compensation Act. Federal not the State, in the amount of \$2,510,28 every two weeks until it was cut off, check the records or files. all my Gerald Garner Sr. Medical records is or should be on files. The two Attorneys I Gerald Garner Sr. had, was effective assistance of legal counsel, there is no bar or time limit when person is under distress.

STATEMENT OF THE CASE

STATEMENT OF ISSUES ON APPEAL

Commissioner Melody L. James, and Attorney Roy A. Howell, III, also the Panel Review board S.C. worker's Compensation Commissions, Susan S. Barden, Aisha Taylor and Gene McCaskill, with their Bias Act, deprive me Gerald Garner Sr. of a fair hearing concerning issues as set forth in the Claimant's Form 50.

## FACTS

The Claimant do not remember signing or agreeing to the settlement, and there no Commission Signature on none of these documents, also the wrong Attorney Signature was on the Settlement documents papers, I Gerald Garner Sr. is due for additional payments, and medical. There was Fraud etc. concerning this settlement. Hendricks v. Hicks 649 S.E. 2d 151, 152 (Ct. App. 2007) During the time of this settlement I Gerald Garner Sr. was under distress etc. Burwell 340 S.E. 2d at 789; Thomas v. Workmen 14 S.E. 2d 886; Austin v. Indep. Life & Accident Ins. 370 S.E. 2d 918 (Ct. App. 1988); Thomas 14 S.E. 2d at 888. Check the records or files.

## ARGUMENTS

The Commission's erred in Ordering my Gerald Garner Sr. Form 50 Request for hearing being Dismissed with Prejudice, also bias of the court, when there were Fraud etc. right in open Hon. Court, everything evident is on files Did I Gerald Garner Sr. ever agree to settle the claim by signing a Form 16 or Form 16A, My Gerald Garner Sr. ~

Dated 05-27-16 Page IV

Workers Compensation could not be close, or about June 21, 2011, when it is in writing, the Employer is going to pay TTD for the following time periods: 10/01/2009 through 06/13/2010, 07/28/2010 through 06/15/2014 Also I Gerald Garner Sr. never receive my hours from Form 19, because Attorney Roy A. Howell, III or Ceres terminals incorporated never turn in the hours the only hours I Gerald Garner Sr. receive is from the U.S. Department of Labor Form LS-208.

### Certificate of Service

The undersigned hereby certifies that he Gerald Garner Sr. served original copy of Initial brief and designation and two copy dated 05-27-2016, copy of letter dated 05-27-16 and copys of the same in the above legal matter, to respondent by depositing same in the U.S. mail, postage as Certified Mail. Dated 05-27-16. I Gerald Garner Sr. appreciate your concern in this highly legal matter. Addressed to follows: S.C. worker's Compensation Commission (Clerk), 1333 Main Street, Suite 500, P.O. Box 1715 Columbia, S.C. 29202-1715, Roy A. Howell, III, Esquire, Trask & Howell, LLC, Attorney at Law PO Box 2167 Mt. Pleasant, S.C. 29465

Dated 05-27-2016 Pages II

Affirmed before me, The APPELLANT Forever Prays  
This 27 day of May S/ Deed Sam Jr.  
Gerald Garner Sr. Pro-Se

2016 C. Coakley  
Notary Public

My address, PO Box 186 Goose Creek RSC.

April 27, 2021  
My Commission Expires

29445-0186 MY Phone No. <sup>Home</sup> (843) 572-1930  
Cell # (843) 209-6788

COAKLEY A. HILTON  
NOTARY PUBLIC  
SOUTH CAROLINA



# The South Carolina Court of Appeals

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May 18, 2016

Gerald Garner  
PO Box 186  
Goose Creek, SC SC 29445

Re: Gerald Garner v. Ceres Marine Terminals, Inc.  
Appellate Case No. 2016-000178

Dear Mr. Garner:

Pursuant to the order of the Court dated April 27, 2016, this appeal was reinstated, and the time for ordering and receiving the transcript has expired. Accordingly, you must serve and file your initial brief and designation of matter within ten (10) days of the date of this letter or the appeal will be dismissed.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Roy Allen Howell, III, Esquire

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