

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

50059

APPEAL FROM THE WORKERS' COMPENSATION COMMISSION

Full Commission Decision

**RECEIVED**

Case No. 1503345

JUN 29 2016

**SC Court of Appeals**

David Pate, Respondent,

v.

TAC Logging, Inc., Respondent,

Forestry Mutual Ins. Co., Appellant,

South Carolina Uninsured  
Employers' Fund, Respondent.

NOTICE OF APPEAL

Forestry Mutual Insurance Company, Appellant, appeals the decision of the Full Commission dated June 3, 2016. Appellant received a copy of this decision on June 3, 2016. The issues on appeal are:

1. Whether the Commission erred in finding Forestry Mutual Insurance Company had an active policy of workers' compensation insurance covering TAC Logging, Inc. on March 3, 2015.
2. Whether the Commission erred in failing to find where an employer fails to pay premiums on a workers' compensation policy that policy can be terminated within 10 days of Notice of Cancellation under S.C. Code Section 38-75-730.
3. Whether the Commission erred in failing to find Regulation 67-405 is limited to determining an employer's compliance with maintaining workers' compensation insurance rather than the authority governing proper cancellation of a workers' compensation policy.
4. Whether the Commission erred in finding Forestry Mutual Insurance Company failed to notify the employer's agent of record.

June 27, 2016



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William T. Littlejohn  
**HOLDER PADGETT LITTLEJOHN + PRICKETT**  
210 Wingo Way, Suite 201  
Mount Pleasant, South Carolina 29464  
(843) 278-0100  
Attorney for Appellant

Other Counsel of Record:  
Christopher Isgett, Esq.  
PO Box 1505  
Columbia, SC 29202  
(803) 799-9801  
Attorney for Respondent David Pate

Samuel Brunson, Esq.  
521 West Evan Street  
Florence, SC 29501  
(843) 669-8111  
Attorney for Respondent South Carolina Uninsured Employers' Fund

Other Parties of Record:  
TAC Logging, Inc. (via certified mail)  
1627 Gregg Avenue  
Florence, SC 29501  
(843) 669-3153  
Respondent

**FORM 7**  
**PROOF OF SERVICE OF A NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA  
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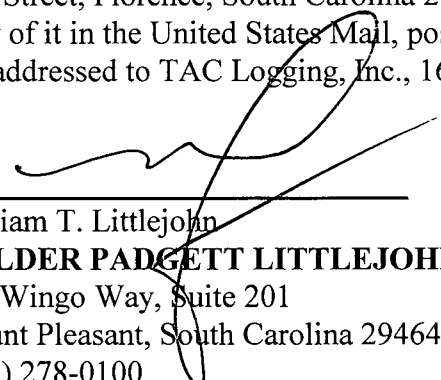
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**PROOF OF SERVICE**

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I certify that I have served the Notice of Appeal on David Pate by depositing a copy of it in the United States Mail, postage prepaid, on June 27, 2016, addressed to his attorney of record, Christopher Isgett, Post Office Box 1505, Columbia, South Carolina 29202, to the South Carolina Uninsured Employers' Fund, by depositing a copy of it in the United States Mail, postage prepaid, on June 27, 2016, addressed to the attorney of record, Samuel Brunson, 521 West Evans Street, Florence, South Carolina 29501, to TAC Logging, Inc. by depositing a copy of it in the United States Mail, postage prepaid via Certified Mail, on June 27, 2016, addressed to TAC Logging, Inc., 1627 Gregg Avenue, Florence, South Carolina, 29501.

June 27, 2016

  
\_\_\_\_\_  
William T. Littlejohn  
**HOLDER PADGETT LITTLEJOHN + PRICKETT**  
210 Wingo Way, Suite 201  
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(843) 278-0100  
Attorney for Appellant

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SC Court of Appeals

**William T. Littlejohn**

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**SC Court of Appeals**

June 27, 2016

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

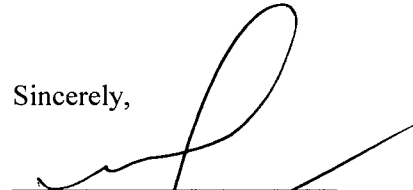
Re: David Pate, Respondent, v. TAC Logging, Inc., Respondent, Forestry Mutual Insurance Company, Appellant, South Carolina Uninsured Employers' Fund, Respondent, Case No. 1503345

Dear Ms. Kitchings:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the Respondents and the Workers' Compensation Commission.
- (2) A copy of the Order which is to be challenged on appeal.
- (3) A filing fee of \$100.00.

Sincerely,

  
\_\_\_\_\_  
William T. Littlejohn

**HOLDER PADGETT LITTLEJOHN + PRICKETT**  
210 Wingo Way, Suite 201  
Mount Pleasant, South Carolina 29464  
(843) 278-0100  
Attorney for Appellant

cc: Mr. Christopher Isgett, Esquire  
LEIP Law  
Post Office Box 1505  
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(803) 799-9801  
Attorney for Respondent David Pate

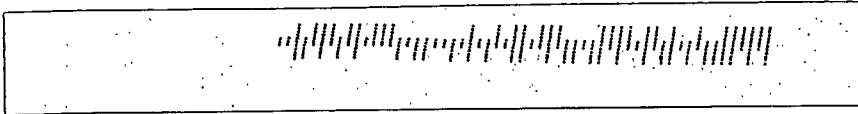


Mr. Samuel T. Brunson, Esquire  
521 West Evans Street  
Florence, South Carolina 29501  
(843) 669-8111  
Attorney for Respondent South Carolina Uninsured Employers' Fund

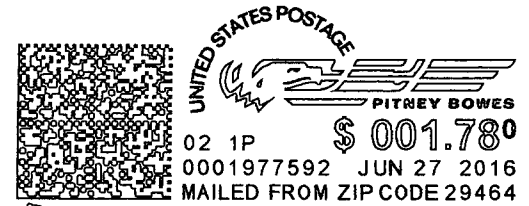
TAC Logging, Inc. (via Certified Mail)  
1627 Gregg Avenue  
Florence, South Carolina 29501  
(843) 669-3153  
Respondent

Ms. Amy Bracy, Judicial Director  
South Carolina Workers' Compensation Commission  
Post Office Box 1715  
Columbia, South Carolina 29202-1715

Ms. Sharon Kirby  
Forestry Mutual Insurance Company  
Post Office Box 19467  
Raleigh, North Carolina 27619



Holder Padgett Littlejohn + Prickett  
210 Wingo Way, Suite 201  
Mt. Pleasant, SC 29464



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JUN 20 2016

**SC Court of Appeals**

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Clerk, South Carolina Court of Appeals  
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