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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM South Carolina
Workers Compensation Commission

JUL 07 2016

SC Court of Appeals

Full Commission Order Dated December 19, 2013 affirming Commissioner Melody L. James
orders dated January 04, 2013 And September 30, 2013

Case No.: 2014-000186

John C. McDaniel.....Appellant,

v.

Snelling Staffing Services and United Wisconsin Insurance
Company c/o United HeartlandRespondents.

MOTION TO RECONSIDER

PLEASE TAKE NOTICE that the appellant hereby motions under SC Appellant Court
Rules for the Court of Appeals to reconsider and clarify the order dated June 22, 2016 on the
following 4 issues. The issues have retained numbering from the Appellant's Final Brief.

1. DID THE COMMISSION VIOLATE THE APPELLANTS RIGHT TO DUE
PROCESS AND/OR THE RIGHT TO EQUAL PROTECTION BY FAILING TO ENFORCE
SUBPOENAS?

The Appellant properly served subpoenas for document production and personal appearances
to both the remand hearing and the Full Commission hearing. In both instances a motion to
quash production and appearance was granted to the Respondents by the Commission. The
documents requested and the personnel compelled were exclusively comprised of material

witnesses and relevant documents. This is in clear violation of the Administrative Procedures Act, as the Appellant has the right to examine witnesses and present evidence on all issues.

2. DID THE COMMISSION VIOLATE THE APPELLANTS RIGHT TO DUE PROCESS AND/OR THE RIGHT TO EQUAL PROTECTION BY FAILING TO ACCEPT APPELLANTS DEPOSITION AND ADDITIONAL RECORDS AT THE REMAND HEARING?

At the remand hearing, Commissioner James would not accept evidence that directly contradicted the oral argument of the respondents. The evidence that was attempted to be submitted by the appellant included but was not limited to; evidence confirming the averment that the respondents were committing a sanctionable and/or a possible criminal act, medical records and employment records. The evidence that was denied was both material and relevant to the case. This is in clear violation of the Administrative Procedures Act, as the Appellant has the right to examine witnesses and present evidence on all issues.

4. DID THE COMMISSION VIOLATE THE APPELLANTS RIGHT TO DUE PROCESS AND/OR THE RIGHT TO EQUAL PROTECTION IN FAILING TO RULE ON APPELLANT'S PROPOSED FINDINGS OF FACTS?

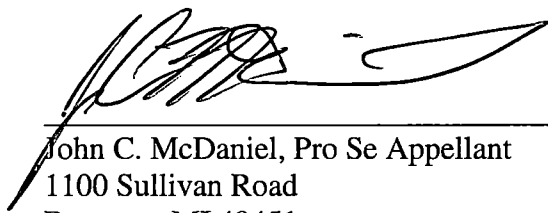
The Administrative Procedures Act states that if proposed findings of fact are properly submitted, then a mandate exists for the commission to rule on each proposed finding individually. Appellant properly submitted findings of fact to be ruled on by the commission. The proposed findings were not ruled on. This is a clear violation of the Administrative Procedures Act.

5. DID THE COMMISSION VIOLATE THE APPELLANTS RIGHT TO DUE PROCESS AND/OR THE RIGHT TO EQUAL PROTECTION IN FAILING TO ACCEPT APPELLANTS AMENDED FORM 30?

The commission held a hearing where they accepted a pleading (amended Form 30) and later changed their mind on which pleading was before the commission, ruling that a previous form 30 governed the full commission hearing. The initial Form 30 was filed before the remand hearing before commissioner James was held, and after the remand hearing an amended form 30 was filed with the Commission within the fourteen day appeal period. This amended form 30 raised additional challenges to both factual findings of the remand hearing and additional errors of law. In ruling that a stale pleading controlled a hearing after an amended pleading was accepted by the full commission and relied on during the hearing by the Appellant, the Appellant holds that this is an enactment of an *ex post facto law* which is strictly forbidden by the United States Constitution.

The Appellant fears that, if the court declines ruling on each of the due process issues presented above, the commission will conduct the remand hearing in largely the same manner and it may result in further violations of the Appellant's Civil Rights.

For the above reasons the Appellant prays that the Court modifies their June 22, 2016 order to include instructions for the remand hearing in front of the Full Commission for: the Appellant's ability to issue and enforce subpoenas for the hearing, clarify the right of the Appellant to present evidence to the commission that is material and relevant, clarifying the right of the Appellant to have each proposed finding of fact individually ruled on, and clarifying that the from 30 that controls the remand hearing is the Amended form 30 presented in October of 2013 to the full commission by John McDaniel, the Appellant.



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July 6, 2016

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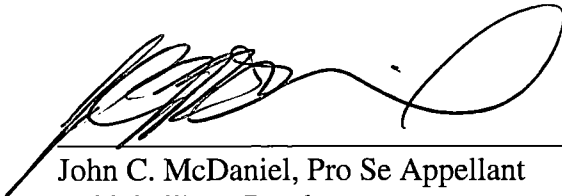
Snelling Staffing Services and United Wisconsin Insurance
Company c/o United HeartlandRespondents.

PROOF OF SERVICE

I certify that I have served Appellant's Motion to Reconsider by depositing a copy in the
U.S. Mail, postage paid on July 6, 2016 addressed to the below:

Helen F. Hiser
R. Mark Davis
Allison Nussbaum

McAngus Goudelock & Courie, LLC
735 Johnnie Dodds Blvd., Suite 200
Mt. Pleasant, SC 29465



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July 6, 2016

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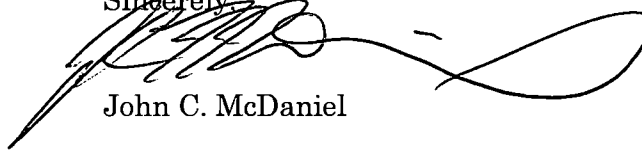
Jenny Abbott Kitchings
SC Court of Appeals
Clerk of Court
P.O. Box 11629
Columbia, SC 29211

RE: John C. McDaniel v. Career Employment Professional d/b/a Snelling Staffing
DOI: 11/21/2011
WCC File: 1116275
Appellant Case No: 2014-000186

Dear Ms. Kitchings,

ENCLOSED PLEASE FIND, one (1) original motion to reconsider, certificate of service, six (6) copies of the motion and the \$25.00 filing fee.

Sincerely,



John C. McDaniel

CC: McAngus, Goudlocke, and Curry

John C. McDaniel

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Phone Number: 843-425-3000
Email: jmcDaniel1982@gmail.com

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SC Court of Appeals

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SC Workers Compensation Commissions
1333 Main Street, Suite 500
PO Box 1715
Columbia, SC 29202-1715

RE: John C. McDaniel v. Career Employment Professional d/b/a Snelling Staffing
DOI: 11/21/2011
WCC File: 1116275
Appellant Case No: 2014-000186

Dear Ms. Kitchings, Ms. Nussbaum and Ms. Bracey,

Please be advised that my current address has changed. Please send all future correspondence, pleadings and mail to 1100 Sullivan Road, Ravenna, Michigan 49451.

Sincerely,



John C. McDaniel

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