

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE APPELLATE PANEL OF THE SOUTH
CAROLINA WORKERS' COMPENSATION COMMISSION

RECEIVED

OCT 10 2016

Appellate Case No. 2016-000601

SC Court of Appeals

SCOTT LEDFORD, Employee, Appellant,

—vs.—

DEPARTMENT OF PUBLIC SAFETY, Employer,
and STATE ACCIDENT FUND, Carrier, Respondents.

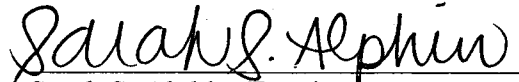
MOTION TO AMEND THE
RECORD ON APPEAL

Pursuant to Appellate Court Rule 224, the Respondents with the consent of the Appellant respectfully move to Amend the Record on Appeal to include the document identified in the Respondents' Designation of Matter as "Defendants' Form 58 and APA Submissions, August 11, 2014." The grounds for this motion are as follows:

1. The Respondents properly included the "Defendants' Form 58 and APA Submissions, August 11, 2014" in the Respondents' Designation of Matter To Be Included In The Record On Appeal. (Exhibit 1).
2. The Appellant mistakenly printed the "Defendants' Form 58 and APA Submissions dated 7/31/14" and included these documents in the Record on Appeal. (R. pp. 370 -71).
3. The Respondents respectfully request an Order allowing the Appellant to substitute the Form 58 dated 07/31/2014 with the Form 58 dated 08/11/2014. (Exhibit 2).

4. Further, the Respondents respectfully request that the parties have 20 days after the service of the Amended Record on Appeal to file and serve each party's Final Brief.

Respectfully submitted,



Sarah S. Alphin, Esquire

S.C. Bar No.: 78645

John Paul Simkovich, Esquire

S.C. Bar no.: 101861

Willson, Jones, Carter, & Baxley, P.A.

4500 Fort Jackson Boulevard

Columbia, South Carolina 29209

(803) 227-2885

Attorney for the Respondents

October 6, 2016

EXHIBIT 1

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
APPELLATE PANEL

RECEIVED

JUN 22 2016

SC Court of Appeals

Appellate Case No.: 2016-000601

Scott Ledford, Employee.....Appellant,

v.

Department of Public Safety, Employer, and State Accident Fund, Carrier.....Respondents.

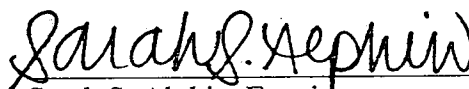
**RESPONDENTS' DESIGNATION OF MATTER TO
BE INCLUDED IN THE RECORD ON APPEAL**

In addition to the materials designated by Appellant, Respondents propose that the following materials be included in the Record on Appeal for this case:

1. Form 21 Employer's Request for Hearing, January 31, 2014.
2. Defendants' Form 58 and APA Submissions, August 11, 2014.
3. Defendants' Exhibit B, Form 16A, September 11, 2011.
4. Defendants' Exhibit C, ProCutters tax returns for years 2012 and 2013.
5. Defendants' Hearing Exhibit 1, Statement of Dr. Sarb.
6. Deposition Transcript of Dr. Mills, August 23, 2012.

I certify that this designation contains no matters which are irrelevant to this appeal.

Respectfully Submitted,



Sarah S. Alphin, Esquire

S.C. Bar No.: 78645

John Paul Simkovich, Esquire

S.C. Bar No.: 101861

Willson, Jones, Carter & Baxley, P.A.

4500 Fort Jackson Boulevard

Columbia, South Carolina 29209

(803) 227-2885

Attorneys for Respondents

June 22, 2016
Columbia, South Carolina

EXHIBIT 2



Claimant's Name: Scott Ledford Employer's Name: Department of Public Safety
Address: 4338 Bradford Circle Address: 10311 Wilson Blvd.
City: Myrtle Beach State: SC Zip: 29587 City: Blythewood State: SC Zip: 29016
Home Phone: (843) 241-8750 Work Phone: _____ Carrier: State Accident Fund
Preparer's Name: Sarah S. Alphin Preparer's Phone #: (803) 227-2885

A claim for workers' compensation benefits is made based on the following grounds:

Injury Illness Repetitive Trauma

1. Compensation Rate: \$709.95 2. AWW: \$ 473.32 Date of Injury: 3/10/2012
3. Type of injury and body part(s): Right lower extremity and back.
4. Facts in controversy: (1) Whether the Claimant has reached maximum medical improvement; (2) Whether the Claimant is entitled to permanency benefits; (3) Whether the Claimant is entitled to any additional benefits under the Act; and (4) Whether the Defendants are entitled to credit for overpayment of temporary benefits.
5. Legal issues involved: §42-1-120; §42-15-60; §42-1-160; §42-9-10; §42-9-30; §42-9-60; Curiel v. Environmental Management Services; Shealy v. Alcorn Blair, Inc.; 250 S.C. 106 and other applicable statutes, regulations, and case law.
6. Unusual aspects: Defendants reserve the right to and may move to either postpone or adjourn the scheduled hearing to exercise due process rights afforded by law to cross examine, respond to, and otherwise oppose evidence presented by the claimant.
7. Witnesses (designate if expert):* The Claimant and Employer Representative and/or Supervisor.
8. Exhibits: Claimant's Employment/Personnel File; Payroll Records; Deposition of Claimant; Exhibit A: Form 19 for WCC# 1009581; Exhibit B: Form 16A for WCC #1009581; Exhibit C: Tax returns for ProCutters.
9. Medical evidence (indicate report pursuant to R.67-612; deposition or appearance): SEE APA SUBMISSION
10. Name, address, and specialty, if any, of the treating physician: William L. Mills, MD, Coastal Orthopaedic Associates, Conway Health Plaza, 235 Singleton Ridge Road, Conway, SC. 29527; W.S. Edwards, Jr., M.D. Pee Dee Orthopaedic Associates, 901 E. Cheves Street, Suite 100, Florence, SC. 29506.
11. Impairment rating(s); body part(s); physician and date of opinion: 7% to right lower extremity by Dr. Mills on 5/12/13; 15% to the back by Dr. Edwards on 10/31/13.
12. I am amending my Form 50/51 in the following manner: N/A.

Mediation

- a. Mediation is requested to be ordered pursuant to Reg. 67-1801 B.
- b. Mediation is required pursuant to Reg. 67-1802.
- c. Mediation is requested by consent of the Parties pursuant to Reg. 67-1803.
- d. Mediation has been conducted by a duly qualified mediator and resulted in an impasse.

Questions regarding mediation may be submitted to mediation@wcc.sc.gov.

I verify the contents of this form are accurate and true to the best of my knowledge.

I certify that I have served this document pursuant to R.67-212 by delivering a copy to: E. Hood Temple, 170 Courthouse Square, P.O. Box 1770, Florence, SC 29503-1770 and Susan S. Barden, P.O. Box 1715, Columbia, SC 29202-1715 on the 11th day of August, 2014 by first class mail personal service certified mail.

Mary Jo Lawracy
Certifier, Mary Jo Lawracy

Signature: Sarah S. Alphin

Sarah S. Alphin, Willson Jones Carter & Baxley, P.A.

Email: ssalpin@wjlaw.net

Date of hearing: 8/15/2014

Time needed for hearing: 1 hour

Questions about the use of this form should be directed to the Jurisdictional Commissioner. Refer to Regulations 67-204 through 67-211 and Regulations 67-601 through 67-615; as well as Regulation 67-1801. File this form and proof of service on the opposing party according to R.67-611 and R.67-212. Do not send medical reports. * Commissioners reserve the right to admit expert witnesses at hearings.

South Carolina Workers' Compensation Commission

P.O. Box 1715 • 1612 Marion Street
 Columbia, South Carolina 29202-1715
 (803) 737-5700

WCC File # 1202545

Carrier File # 2012-000722

Carrier Code #

Employer FEIN

Scott Ledford Claimant's Name	110-58-0432 SSN	Department of Public Safety Employer's Name
4338 Bradford Circle, Myrtle Beach, SC 29587 Address	City State Zip	10311 Wilson Blvd., Blythewood, SC 29016 Address City State Zip
(843) 241-8750 Home Phone	Work Phone	State Accident Fund Insurance Carrier
Sarah S. Alphin Preparer's Name	4500 Fort Jackson Boulevard, Columbia, SC 29209 Address	(803) 227-2885 Phone #

TO: SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION AND
 E. HOOD TEMPLE, ESQUIRE, ATTORNEY FOR CLAIMANT

YOU ARE HEREBY NOTIFIED THAT DEFENDANTS, pursuant to the provisions of the South Carolina Workers' Compensation Act and South Carolina Code Section 1-23-330, (1976, as amended), herewith submits the following medical reports as direct evidence on behalf of the defendants, to wit:

NAME OF PHYSICIAN/OTHER	DATE OF REPORT	PAGE
APA #1: Coastal Orthopaedic Associates, William L. Mills, M.D.	07/28/2010 – 05/23/2013	1-12
APA #2: InMed	09/09/2010	13
APA #3: Conway Medical Center	03/23/2012 – 03/28/2012	14-30
APA #4: Doctor's Care	03/13/2012 – 04/06/2012	31-34
APA #5: Long Bay Diagnostic Imaging	04/17/2012 – 04/18/2012	35-40
APA #6 Atlantic Physical Therapy & Rehabilitation	10/18/2012 – 11/14/2012	41-57
APA #7: Carolina Bone and Joint Surgery Center	01/30/2013 – 03/18/2013	58-63
APA #8: Community Rehab and Physical Therapy	03/20/2013	64-65
APA #9: Pee Dee Orthopaedic Associates, P.A.	08/15/2013	66-67
APA #10: Corvel Initial Vocational Evaluation w/Labor Market Survey	07/17/2014 – 07/21/2014	68-83

EXHIBITS

EXHIBIT A: Form 19 for WCC #1009581		
EXHIBIT B: Form 16 A for WCC #1009581		
EXHIBIT C: Tax Returns for Procutters		

YOU ARE FURTHER HEREBY NOTIFIED that you have the right to cross-examination; and, should you desire to exercise said right, you are to forthwith schedule the depositions of any of the physicians, whose reports are submitted, for the purposes of cross-examination.

YOU ARE FURTHER NOTIFIED that the originals of the documents referred to herein, or photocopies received from said physicians/others, are being herewith forwarded to the South Carolina Workers' Compensation Commission, for insertion in the file of the South Carolina Workers' Compensation Commission and inclusion into the evidence on behalf of the employer-defendant.

YOU ARE FURTHER NOTIFIED that the following witnesses may be called on behalf of the defendants: The Claimant and Employer Representative/Supervisor.

Sarah S. Alphin

Sarah S. Alphin
 Willson Jones Carter & Baxley, P.A.
 4500 Fort Jackson Boulevard
 Columbia, SC 29209

August 11, 2014

August 15, 2014
 (hearing date)

AMENDED APA

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
APPELLATE PANEL

Appellate Case No.: 2016-000601

Scott Ledford, Employee.....Appellant,

v.

Department of Public Safety, Employer, and
State Accident Fund, Carrier.....Respondents.

PROOF OF SERVICE

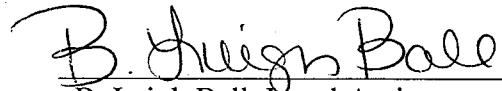
I certify that I, B. Leigh Ball, have properly served **Respondents' Motion to Amend the Record on Appeal**, by mailing an original and six (6) copies of the same by United States Mail with first class postage prepaid to the following address on October 6, 2016:

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

and a copy of the same by United States Mail with first class postage prepaid to the following addresses on October 6, 2016:

E. Hood Temple, Esquire
Hatfield Temple, LLP
170 Courthouse Square
Post Office Box 1770
Florence, SC 29503-1770

J. Kevin Holmes, Esquire
The Steinberg Law Firm, LLP
61 Broad Street
Post Office Box 9
Charleston, SC 29402

A handwritten signature in cursive script that reads "B. Leigh Ball". The signature is written in black ink and is positioned above a horizontal line.

B. Leigh Ball, Legal Assistant
Willson, Jones, Carter & Baxley
4500 Fort Jackson Blvd.
Columbia, SC 29209
(803) 227-2891
twcampbell@wjlaw.net

October 6, 2016
Columbia, South Carolina

WILLSON JONES CARTER & BAXLEY, P.A.

ATTORNEYS AT LAW

GREENVILLE CHARLESTON COLUMBIA CHARLOTTE RALEIGH

Sarah S. Alphin
Direct (803) 227-2885
Fax (803) 782-2527
ssalpin@wjlaw.net

4500 Fort Jackson Boulevard
Columbia, SC 29209
www.wjcbllaw.net

October 6, 2016

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

RECEIVED
OCT 10 2016
SC Court of Appeals

Re: Scott Ledford vs. Department of Public Safety
 WCC File No.: 1202545 DOI: 3/10/2012
 Carrier: State Accident Fund - Claim No.: 2012-000722
 WJC&B File No.: 0385.00804
 Appellate Case No. 2016-000601

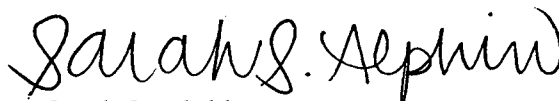
Dear Ms. Kitchings:

Pursuant to Rules 208 and 209, SCACR, please find enclosed for filing the original and six copies of the Respondents' Motion to Amend the Record on Appeal, along with Proof of Service for the same. Pursuant to Rule 224(d), a filing fee is not required for this Motion.

By copy of this letter, I am also serving a copy of the Respondents' Motion on the attorneys for the Appellant by United States Mail with first class postage prepaid.

With kindest regards,

WILLSON JONES CARTER & BAXLEY, P.A.


Sarah S. Alphin

Enclosure(s)

cc: J. Kevin Holmes, Esquire (w/enclosure)
 E. Hood Temple, Esquire (w/enclosure)
 Jessica Backman (via email & w/enclosure)

UNITED STATES
POSTAL SERVICE

USPS TRACKING #



9114 9014 9645 0536 6800 74

Label 400 Jan 2013
7899-100-007-946

NEOPOST

PRIORITY MAIL

10/06/2016

US POSTAGE \$006.45



ZIP 29209

041110252175

twc
Willson, Jones, Carter & Baxley, PA
4500 Fort Jackson Boulevard
Columbia, SC 29209

RECEIVED

OCT 10 2016

SC Court of Appeals

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