

October 27, 2016

Jeanette Kitchings, Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

Clarence Jenkins Jr.
945 Wire Rd.
Neeses, SC 29107
(803) 263-4514

Ref: 2016-000598

RECEIVED
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SC Court of Appeals

South Court of Appeals:

I have reviewed the South Carolina Court of Appeals Order dated October 25, 2016 and find it to be not in alignment with facts presented by Appellant. Appellant has presented transcript records from May 21, 2015 hearing verifying that Respondents and Commissioner Michael Campbell II acknowledging four folders of pertinent documentations was addressed to the COURT which is a fact and yet it still ignored by law of JUSTICE. South Carolina Court of Appeals has willful chosen to ignored Appellant form 50 which specifically named all medical providers therefore it is with the intentions to provide medical record from each but yet this COURT refused to apply JUSTICE. It would be basically just incompetent to have documented all medical providers on the form 50 and not provide their medical records would be reckless JUSTICE. South Carolina Court of Appeals is willing to decide on what evidence was and was not presented to South Carolina Worker's Compensation Commission but yet it totally ignores R67-611 Law of South Carolina Worker's Compensation Commission which states that a self represented claimant does not need to filed a pre-legal brief which requires JUSTICE. South Carolina Court of Appeals has been provided a transcript from May 21, 2015 hearing where Respondents and Commissioner Michael Campbell II has acknowledged having all Appellant's records which confirms receipt and presentation to the COURT but yet has allowed them to deny their own records therefore no JUSTICE.

South Carolina Worker's Compensation Commission Law 42-9-440 states that any distortions or misrepresentation of records shall be consider a fraud and reported to South Carolina Attorney General Office Insurance Division for prosecution which has been provided to this Court for JUSTICE. A request was submitted to South Carolina Court of Appeals to contact South Carolina Attorney General Office Insurance Division and have not received a response therefore no JUSTICE. South Court of Appeals has legal jurisdiction to notify S.C. Attorney General Office Fraud Division based on the evidence provided that was made of South Carolina Worker's Compensation Commission.

In review of the transcript provided by Respondents to SC Court of Appeals dated June 17, 2016 gave all the verification needed to show that Appellant presented pertinent information at May 21, 2015 hearing but it was objected by Atty. Rusty Goude-lock and denied by Comm. Michael Campbell II. The mere fact that transcript from May 21, 2015 hearing constantly verifies objections by Atty. Rusty Goude-lock for Respondents therefore the question becomes what is being presented required objecting too. The answer is, the presentation of pertinent medical and supportive documents to SC Worker's Compensation Commission because there would have been no need to object and the denied by commissioner. Furthermore this Order verifies this COURT did not review and comprehend the evidence and facts that was provided by the Respondents which proves Appellant's position that information was made available. The information in the transcript on pages 3 through 19 verifies specific information presented by Appellant to SC Worker's Compensation Commission at May 21, 2015 hearing.

May 21, 2015 South Carolina Worker's Compensation Commission Hearing Transcript

Page 3 verifies that Appellant addressed the distortions of Dr. Mahmoud Abu-Ata medical records lines 13-21. Page 4 verifies that Appellant addressed R67-611 Law and notify the commission of my relationship with Nurse Kelly Wells lines 16-25. Page 5 lines 1-10 addressed distortions by Respondents. Page 5 lines 11-13 verifies acknowledgement of documents by SC Worker's Compensation Commission and Appellant. Page 5 lines 20-21 verifies Atty. Rusty Goude-lock's objection. Page 5 lines 22-25 verifies Commissioner Campbell II objecting to pertinent documents. Page 6 lines 6-8 verifies Comm. Michael Campbell II ruling to not let pertinent medical records in. P. 6 lines 13-25 addressed Amazon and Zurich Distortions and implied the presence of Nurse Kelly Wells at my doctor's appointment with Dr. Mahmoud Abu-Ata. Page 7 lines 1-18 lines 21-25 addressed the self representation as pro se. Page 8 lines 17-20 verifies Comm. Campbell II denying entry of pertinent medical records. Page 8 lines 22-25 verifies the commission acknowledging my form 50. Page 12 lines 5-7 verifies the Comm. Campbell II denying entry of pertinent medical records. Page 10 line 24-25 and Page 11 lines 1-9 verifies notifying the commission that Dr. Mahmoud Abu-Ata and Dr. Eden medical records was incomplete therefore a presentation was made at the May 21, 2015 hearing. Page 13 lines 12-15 verifies Comm. Campbell II acknowledge that records could be brought the day of hearing. Page 13 lines 16-19 verifies that notification was given to the commission of rues for prior hearing proceedings. Page 15 lines 9-22 verifies Appellant notifying the commission and Atty. Rusty Goude-lock that they are denying their own documents sent to me by them. Page 15 lines 23-25 verifies Atty. Rusty Goude-lock acknowledging they were in possession of some documents. Page 16 lines 15-17 verifies Appellant notify the commission that majority of documents are not unknown. Page 17 lines 1-2 verifies Appellant notified the commission of Amazon's distortions. Page 17 lines 4-15 verifies notification of Amazon's distortions and medical records of Dr. Eden that was presented and accepted by the commission. Page 19 lines 20-25 verifies Appellant was denied entry of pertinent medical records cited untimeliness and

objected by Atty. Rusty Goudelock but stated commission's file becomes part of the record. All of this information was provided by the Respondents on June 17, 2016 which this COURT willfully chose to not read it, not comprehend it, apply the law with facts therefore abuse of judicial system.

Rule 210 (C) states that Record On Appeal must not contains any information that was not presented to lower court or tribunal which does not imply the documents had to be accepted by the COURT therefore this Order is beyond the interpretation of the law. I expect South Carolina Court of Appeals to provide JUSTICE according to the law not pick and choose what requires JUSTICE before the COURT even hears the case. I may not be a licensed attorney as Attorney, Rusty Goudelock and Helen Hiser but I do know when someone has wronged me and this COURT has wronged me thus far. It is very frustrating and not well for me to be abused by the courts for possible friendship, bias and prejudice.

I will attempt to comply with Order of the COURT even though does not feel like it or even well enough to complete while requesting a reverse of decision. Be assure this setback will not deter me from obtaining JUSTICE because it is needed. The violations of South Carolina Worker's Compensation Commission Law R67-611, form 50 and is enough for South Carolina Court of Appeals to reverse previous ruling.


Clarence Jenkins Jr

Enclosure :

R67-611 of SCWCC Law

SC Code of Law 42-9-440

Email by Atty. Goudelock stating SCWCC Former Comm. Roche's instructions 5/1/2013

Email from Michelle Doyle of Amazon HR Office 2/19/2014

Amazon Health Care Provider Certification completed Dr. Mahmoud Abu-Ata 3/9/2014

Email from Atty. Goudelock denying worker's compensation benefits 4/24/2014

Letter from Nurse Kelly Wells appointment reminder 6/4/2014

Email from Atty. Goudelock scheduling another doctor to address symptoms 7/11/2014

Notice of Deposition assigned doctor, Dr. Mahmoud Abu-Ata 9/19/2014

Form 50 with attachment 2/25/2015

May 21, 2015 hearing transcript pages 3-13; pages 15-17 and page 19

(3) A party shall plead in response to an amended form within the time remaining for response to the original form or within ten days after service of the amended form, whichever period may be longer, unless the Commission otherwise orders.

(4) Attorneys for the parties shall serve the opposing party according to R.67-211.

(5) If the claimant is not represented by an attorney, the Commission will serve the employer's representative or attorney.

C. An amended form must be timely filed and served. The Commissioner will determine at the hearing whether to allow a party to rely on new facts or defenses.

HISTORY: Amended by State Register Volume 16, Issue No. 4, eff April 24, 1992; State Register Volume 21, Issue No. 4, eff April 25, 1997.

67-611. Pre-hearing Brief.

A. A claimant who is representing himself or herself is not required to file a Form 58, Pre-hearing Brief.

(1) If the claimant elects to file a Form 58, mail the Form 58 to the Commissioner's office identified on the hearing notice.

(2) The Commissioner's office will send a copy of the Form 58 to the employer's attorney.

B. Each attorney representing a party at a hearing shall file and serve a Form 58 according to the following:

(1) File a Form 58 and proof of service at least ten days before the hearing with the Hearing Commissioner's office identified on the hearing notice. Complete the Form 58 and give the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements including video recordings and/or transcribed audio recordings have been taken from one of the witnesses including the claimant and indicate who has possession of same. A party is under a duty to promptly supplement a response with respect to any question directly addressed on the form and amend a response if the party obtains information upon the basis of which the party knows the response was incorrect when made, or the party knows the response thought correct when made is no longer true and the circumstances are such that a failure to amend the response is in substance a knowing concealment.

(2) Serve the opposing party according to R.67-211.

C. The Form 58 shall remain in the Commission's file but shall not constitute evidence or become part of the record of the hearing.

D. If an attorney fails to file and serve a Form 58, the Commissioner may postpone the hearing according to R.67-613 or assess against an attorney by written order a fine of up to one hundred dollars.

HISTORY: Amended by State Register Volume 16, Issue No. 4, eff April 24, 1992; State Register Volume 21, Issue No. 4, eff April 25, 1997.

67-612. Admission of Expert's Report as Evidence.

A. This regulation does not apply to the Form 14A filed according to R. 67-1301, nor shall this regulation be construed to limit a party's right to call a witness (lay or expert) or present evidence (lay or expert) in the form of a deposition.

B. A written expert's report to be admitted as evidence at the hearing must be provided to the opposing party as follows:

(1) The moving party must provide the report to the opposing party at least fifteen days before the scheduled hearing.

(2) The non-moving party must provide to the moving party any report not provided by the moving party at least ten days before the scheduled hearing.

(3) Where both parties file hearing requests the first party to file shall be considered the moving party.

(4) The carrier shall be deemed the moving party in all hearings scheduled pursuant to a request under R. 67-504C.

(3) employer's name and address;

(4) insurance carrier's name, address, and the National Council on Compensation Insurance code; and

(5) insurance carrier's claim number, policy number, and policy effective date. The carrier claim number is the unique identifier a carrier uses throughout the life of a claim to report that claim to the National Council on Compensation Insurance. Failure to comply with the provisions of this subsection shall bar an employer or his carrier from recovery from the fund.

(g) If the employee has a permanent physical impairment, as defined in this section and the prerequisites for reimbursement have been met, and if it can be shown that the subsequent injury most probably would not have occurred "but for" the presence of the prior impairment, then reimbursement will be granted as provided in this section even if the subsequent injury does not cause the employer's liability for compensation and medical benefits to be substantially greater than that which would have resulted from the subsequent injury alone.

(h) When a third party is deemed to be an employer for the purposes of paying workers' compensation benefits, that third party will be entitled to reimbursement from the Second Injury Fund if either he or the employer of record have met the knowledge requirements outlined in this section, as well as all other requirements.

(i) The Second Injury Fund is entitled to a credit for sums recovered by the employer or his workers' compensation carrier from third parties, after the employer or his workers' compensation carrier have been reimbursed for the monies paid out by them and not reimbursed by the fund.

(j) The Second Injury Fund can enter into compromise settlements at the discretion of the director with approval of a majority of the Workers' Compensation Commission, provided a bona fide dispute exists.

(k) Any employer operating in violation of Section 42-5-20 is not eligible for reimbursement from the South Carolina Second Injury Fund.

(l) As a prerequisite to reimbursement from the fund, the insurer shall be required to certify that the medical and indemnity reserves have been reduced to the threshold limits of reimbursement and report in accordance with the National Council on Compensation Insurance Workers' Compensation Statistical Plan.

(m) The Second Injury Fund Director must quarterly submit to the National Council on Compensation Insurance information regarding Second Injury Fund accepted claims.

(n) The National Council on Compensation Insurance must submit a report of any discrepancies pursuant to regulations established by the Department of Insurance. The Department of Insurance is directed to establish regulations concerning Second Injury Fund discrepancies.

HISTORY: 1962 Code Section 72-601; 1972 (57) 2578; 1974 (58) 2237; 1976 Act No. 560 Section 1; 1982 Act No. 314, Section 1A; 1982 Act No. 438, Section 1; 1988 Act No. 309, Section 1, eff February 24, 1988; 1990 Act No. 589, Section 1, eff June 12, 1990; 2003 Act No. 73, Section 22, eff June 25, 2003; 2007 Act No. 111, Pt II, Section 3, eff July 1, 2007, applicable to injuries that occur on or after that date.

SECTION 42-9-410. Reimbursement from Second Injury Fund for employee who becomes totally and permanently disabled in a subsequent injury; notice of preexisting permanent impairment.

(a) When an employee shall become totally and permanently disabled under Section 42-9-10, because of the loss of a hand, arm, foot, leg or the vision of an eye in a subsequent injury under Section 42-9-150 or 42-9-170, he may receive from the employer compensation and medical care provided by this title for total and permanent disability, and the employer shall be reimbursed a portion of the cost thereof from the Second Injury Fund as herein provided.

(b) If the loss of the member or eyesight is not caused or contributed to by any of the conditions defined as "permanent physical impairment" in Section 42-9-400, the employer shall be responsible to pay such compensation and provide such medical care as is required by Sections 42-9-150 or 42-9-170 and 42-15-60, and the employer shall thereafter be reimbursed by the Second Injury Fund for the cost of such further compensation and medical care as the injured employee shall receive under this chapter.

(c) If the loss of the member or eyesight is caused or contributed to by any of the conditions defined in Section 42-9-400 as "permanent physical impairment," the employer shall pay the compensation and medical expense for seventy-eight weeks as required by subsection (a) of Section 42-9-400 and thereafter the employer shall be reimbursed from the Second Injury Fund for such further compensation or medical expense as the employer shall provide for the employee under this chapter.

(d) In order to receive additional benefits from the Second Injury Fund as permitted by Sections 42-9-150 and 42-9-170, the employer shall establish that he had knowledge of the employee's preexisting permanent physical impairment prior to the time of the subsequent injury by accident, unless the employer can establish that he did not have prior knowledge of the employee's preexisting physical impairment because the existence of the condition was concealed by the employee.

HISTORY: 1962 Code Section 72-601.1; 1974 (58) 2237, 2758; 1982 Act No. 314, Section 1; 2003 Act No. 73, Section 23, eff June 25, 2003.

SECTION 42-9-430. Workers' compensation benefits.

Whenever a dispute arises between two or more parties as to which party is liable for the payment of workers' compensation benefits to an injured employee pursuant to the provisions of this title and there is no genuine issue of material fact as to the employee's employment, his average weekly wage, the occurrence of an injury, the extent of the injury, and the fact that the injury arose out of and in the course of the employment, the hearing commissioner may, in his discretion, require the disputing parties involved to pay benefits immediately to the employee and to share equally in the payment of those benefits until it is determined which party is solely liable, at which time the liable party must reimburse all other parties for the benefits they have paid to the employee with interest at the legal rate of interest provided in Section 34-31-20(A).

HISTORY: 1984 Act No. 276.

SECTION 42-9-440. Suspected false statements or misrepresentations to be reported to Insurance Fraud Division of Office of Attorney General.

The commission shall report all cases of suspected false statement or misrepresentation, as defined in Section 38-55-530(D), to the Insurance Fraud Division of the Office of the Attorney General for investigation and prosecution, if warranted, pursuant to the Omnibus Insurance Fraud and Reporting Immunity Act.

HISTORY: 1994 Act No. 497, Part II, Section 31B, eff July 1, 1994.

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<http://www.scstatehouse.gov>

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Me Dear Amazon: If I suffer any financial mishaps in any way the Feb 19

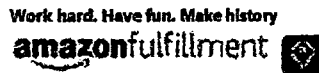
Doyle, Michelle Feb 19
To Me, Smith, Trina, Kelsler, Alicia

Hi Clarence.

I wanted to let you know that the site has reviewed the restrictions on your RMI that we received and at this time we are not able to accommodate your restrictions. The doctor lists loud noise and bright lights to be an issue. As you know, the site is loud and bright. Since we are unable to accommodate your restrictions, please reach out to the LOA team to request an LOA starting with the first day of work missed on 1.20.14. The LOA team will also be able to put you in contact with the short-term disability team in regards to potential compensation for missed time.

Thanks
MD

Michelle Doyle | HR Business Partner | Amazon fulfillment-CAE1
E: doylemkr@amazon.com



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Me Amazon: Michele, thanks for responding. I am disappointed Feb 19

Me On Wednesday, February 19, 2014 8:11 PM, Clarence Jr <up> Feb 21

Me On Friday, February 21, 2014 7:39 PM, Clarence Jr <upscale> Feb 21

Me On Friday, February 21, 2014 7:51 PM, Clarence Jr <upscale> Feb 22

Me
To clarence491@live.com

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On Saturday, February 22, 2014 7:43 PM, Clarence Jr <upscale81@yahoo.com> wrote:

On Friday, February 21, 2014 7:51 PM, Clarence Jr <upscale81@yahoo.com> wrote:

On Friday, February 21, 2014 7:39 PM, Clarence Jr <upscale81@yahoo.com> wrote:



DID YOU KNOW:
If Your Car Is Over 3 Years Old, Insurance Companies Hope You Don't Know This Ridiculously Easy Trick

The Government is forcing drivers to purchase auto insurance. Drivers who use this trick are able to get their insurance for as low as \$9/week. Insurance companies hate the trick because if it got out, it would cost them millions. Don't overpay for your auto insurance, learn the trick.

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Information(3)

Me Amazon and Sedgwick: I have not receive shortterm disability paymer Apr 23

Cook, Kathy Mr. Jenkins, please contact our attorney, Russell Goudelock, Apr 24

Rusty Goudelock Apr 24

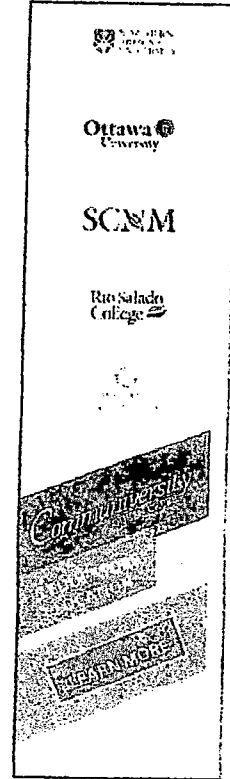
To 'Cook, Kathy', Me, 'Trina Smith', 'doylemic@amazon.com', 'keislera@amazon.com'
CC Fern Potter

Clarence.

I am happy to speak with you at any time. Please feel free to call me.

You will not be receiving any workers' compensation payments at this time. I do not have anything to do with your short-term disability, but I have previously offered to try to help you address that. And, I know that Ms. Keisler has also offered to help you with that. My understanding is that short-term disability still may need some type of clarification from your doctor, but I am not certain of that. And, yes, an employee can be terminated while out of work on work restrictions and following a work-related injury. Amazon has a very favorable return-to-work and work continuation policy, but the law does not strictly protect or preserve anyone's job position during the pendency of a workers' compensation claim.

Please let me know if I can answer any further questions. Please understand that I represent Amazon and am not in a position to provide any formal legal counsel to you. You should consider consulting with legal counsel of your own.



mgc		INSURANCE DEFENSE
<p>J. Russell Goudelock <i>Attorney</i> Main: 803-779-2360 Direct: 803-227-2222 Fax: 803-748-0526</p>		
		1320 Main St. 10th Floor Columbia, SC 29201 rgoudelock@mgcaw.com

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Health Care Provider Certification for the Family and Medical Leave Act (FMLA) Employee's Own Serious Health Condition

Important!

- 1. Your health care provider must complete all questions on this form.
- 2. You must call the Leave of Absence and Accommodations (LOAA) team at 1-888-892-7180, option 1, to initial of absence before you submit this form. Failure to contact the LOAA team to report your leave without justification result in delay or denial of leave.
- 3. Fax this completed form to 1-847-534-1812, email to AmazonAM@aonhewitt.com, or mail to LOAA team, P.O. Charlotte, NC 28256-3937.

Name (Print) Clarence Jenkins Jr Employee ID: [redacted]

Health Care Provider Section

1. Check the serious health condition(s) requiring this employee to take a leave of absence: (See definitions page for)

Absence Plus Treatment Chronic Conditions Requiring Treatment Hospital Care Pregnancy

Permanent/Long-Term Conditions Requiring Supervision Multiple Treatments (Nonchronic Conditions)

2. List the date(s) you treated the employee for the above condition(s):

First Visit: 2/26/14 Most Recent Visit: 2/21/14 Next Scheduled Visit: 3/1/14

3. Is/was it medically necessary for the employee to miss work due to the above condition(s)? No Yes

4a. Describe the medical facts that support the serious health condition(s) indicated in #1 (patient complaints, examination or diagnostic test/study findings, prescribed medications): (not required for employees working in California)

headaches, 1st concussion, neck pain, cervical spine disc disease

4b. Diagnosis(es): Provide the serious health condition(s):

Primary Diagnosis: CONCUSSION Co-morbid Diagnosis (include if it impacts work capacity): central spine disc disease

5a. The employee needs/needed to miss work:

Continuously-An uninterrupted absence for a single illness or injury because the employee can/could not do his/her job

Intermittently-Occasional absences due to a single illness or injury (includes reduced schedule)

5b. If intermittent leave is expected and/or has occurred, check one and provide the related information:

Reduced Work Schedule from 2/21/14 on one day/week

How many days does/did the employee need to miss work (e.g., 1 day a week)? one day/week

How many hours does/did the employee need to miss work each day (e.g., 5 hours)? 4 hours

Unplanned, Unknown, or as Medically Necessary

How often does/did this employee need to be away from work (e.g., twice a month)? 4-5 days

How long does/did this employee need to be away from work each absence (e.g., 4 hours)? full day

Note: The employee is required to provide a requested leave schedule to his or her manager

6. Certification Start Date: Date employee is/was first unable to work due to the serious health condition(s) above: 02/12/2013

7. Certification End Date: Date employee can/could work at his or her normal schedule: unlimited

If intermittent, use the first date of the most recent period of absence. If chronic or permanent condition(s), the return date will be a year after the leave start date.

Health Care Provider Acknowledgment

Name (Print): Mahmoud Abu-Ata Type of Practice/Specialization: neurology

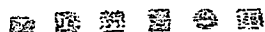
Address: 2850 Perham Ct Orangeburg SC 29118 Phone: 803-535-5353

Signature: [Signature] Date: 3/9/14

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Mediation (3)

To Rusty Goudelock

Mr. Rusty:

Thanks for responding.

Clarence Jenkins Jr

Hide original message

On Thursday, May 1, 2014 10:13 AM, Rusty Goudelock <rgoudelock@mgclaw.com> wrote: Clarence,

I apologize for my tardiness in responding to you. The mediation was ordered by Commissioner Roche to try to see if you and Amazon could reach a settlement of your workers' compensation claim. However, it is purely voluntary as to whether or not a settlement is actually reached at the mediation. We will have a mediator who will work with both of us to try to help us find a solution to the disputes in your claim. As we discussed at the time of the hearing in your case, Amazon would like to try to settle your claim and there is probably a way that can be done that works out best for you, too.

Also, regarding your STD claim, please know that Amazon does not have any control over that. They do not make decisions regarding your STD. Most STD plans, including Amazon's plan, are administered by a third-party who is responsible for processing and directing what happens in your STD claim. We are not apprised of whatever issues exist; the third-party administrator interacts directly with the employee regarding that claim. My impression, based upon your feedback, has been that they need your doctor to be more specific regarding the dates that you are written out of work and an "indefinite" or "to be determined" date does not meet the requirements of the plan. Maybe try to get your doctor to be more specific about an end date right now; he can always extend it later on if his evaluation determines that your restrictions should be continued.

Please let me know if you have any further questions.

On Apr 24, 2014, at 7:22 PM, "Clarence Jr" <upscale81@yahoo.com> wrote:

Attorney Rusty:

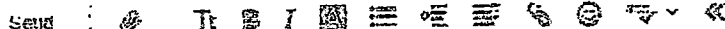
I know we are scheduled for a mediation hearing on May 28, 2014 which was ordered by Commissioner Roche which is fine by me. I need clarification as whether this hearing must conclude with a decision since ordered by Commissioner Roche. Please provide clarification or information that will be helpful.

Sincerely,

Clarence Jenkins Jr.

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Disability Care Management Professionals of Western Pennsylvania, Inc.

227 N. Main Street, Suite 2, Irwin, PA 15642

June 9, 2014

Mr. Clarence Jenkins
945 Wire Rd.
Neeses, SC 29107

Dear Mr. Jenkins,

I just wanted to drop you a few lines to remind you of your appointment with Dr. Alhatou on Friday, June 20, 2014 at 9:30.

Please do not hesitate to call should you have any questions or if this appointment changes.

Sincerely,

Kelley Wells

Kelley Wells, RN, CCM
Case Manager
803-446-5579 m

cc:

DCMP
Mary Kae Vacsulka
227 Main Str.
Irwin, PA 15642

Kathy Cook, adjuster
Sedgwick CMS
PO Box 14480
Lexington, KY 40512

*Dr. Stickle 843 410-0924
843-818-1188 phone #
843 818-1145 fax #*

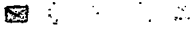
Phone: 724-864-9300 / Fax: 724-864-9302

Other DCMP, Inc. addresses include:

100 North Wilkes-Barre Blvd. Suite 310, Wilkes-Barre, PA 18702
P.O. Box 45 Camp Hill, PA 17001 & P.O. Box 169 Media, PA 19063

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A serious Health Condition(2)

Re: Amazon: I had another terrifying night with extreme chest pain in whi Jul 11

Rusty Goudelock Jul 11
To: Me, doylemic@amazon.com, kelslera@amazon.com, Trina Smith

Clarence,

It is our understanding that Dr. Abu-Ata is going to be traveling out of the country soon until early September. We have offered to get you seen by another physician to evaluate your current allegations and the symptoms you contend that you experience. We plan to try to set that up and will advise you of an appointment date and time.

J. Russell Goudelock
Attorney
Main: 803-778-2500
Direct: 803-227-2222
Fax: 803-748-0576

1320 Main St.
10th Floor
Columbia, SC 29201
rgoudelock@mgcinva.com

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SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO: 1303989

CLARENCE B. JENKINS,

Employee,

Claimant,

vs.

AMAZON.COM.DEDC, LLC,

Employer,

AND

INSURANCE COMPANY OF THE STATE OF
PENNSYLVANIA c/o SEDGWICK CLAIMS
MANAGEMENT SERVICES, INC.,

Carrier,

Defendants.

**NOTICE OF DEPOSITION
OF
MAHMOUD MUSTAFA ABU-ATA, M.D.**

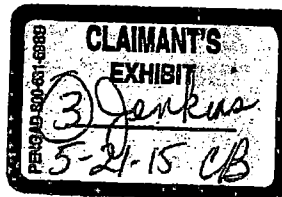
TO: CLARENCE JENKINS, PRO SE CLAIMANT:

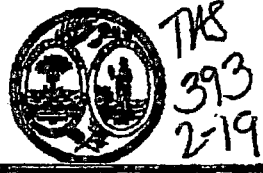
PLEASE TAKE NOTICE that the oral deposition of Mahmoud Mustafa Abu-Ata, M.D. in the above-captioned action, will be taken pursuant to Section 42-3-160 of the South Carolina Code of Laws, 1976, before a Notary Public for South Carolina, or before some other officer authorized by law to take depositions on **Monday the 10th day of November, 2014, at 2:30 p.m.** and from day to day thereafter until the taking of the deposition is adjourned, at the offices of Mahmoud Mustafa Abu-Ata, 2850 Pelham Court Orangeburg, South Carolina 29118. You are hereby notified of the time and place, and you are further invited to attend and participate. This deposition is being taken for the purpose of discovery, for use at trial and for all other purposes as are permitted under the rules of the Commission and all applicable statutes and laws.



J. Russell Goudelock, II
MCANGUS GOUDELOCK & COURIE, L.L.C.
Post Office Box 12519, Capitol Station
Columbia, South Carolina 29211-2519
(803) 779-2300
Attorneys for the Employer/Carrier

September 19, 2014
Columbia, South Carolina





WCC File #: 1303989
Carrier File #: 30130262998
Carrier Code #: _____
Employer FEIN #: _____

Claimant's Name: Clarence B. Jenkins Jr SSN: _____
Address: 945 Wince Rd
City: Neeses State: SC Zip: 29107
Home Phone: 8032634514 Work Phone: 8037916542

Employer's Name: Amazon.com, d/b/a, LLC
Address: 7200 Discovery Drive
City: Chattanooga State: TN Zip: 37421
Insurance Carrier: Insurance Company, State of Pennsylvania
c/o Sedgwick Management Services

Preparer's Name: Clarence B. Jenkins Jr Law Firm: NA
Preparer's Phone #: 8032634514

A claim for workers' compensation benefits is made based on the following grounds: Date of Injury or Illness: 2-10-2013

- Injury Illness Repetitive Trauma Occupational Disease Physical Brain Injury Concurrent Jurisdiction
- 1. The claimant sustained an injury to head part(s) of Body Injured) on 2-10-13 (Month/Day/Year) in Lexington county, state of SC.
- 2. Body part(s) affected are: neck, eyes, neck, legs and feet.
- 3. Briefly describe how the accident occurred. Bending over to pick an item and hit forehead on metal table
- 4. Both the claimant and the employer were subject to the South Carolina Workers' Compensation Act at the time of injury. yes
- 5. The relationship of employer and employee existed at the time of injury. yes
- 6. At the time of the injury the claimant was performing services arising out of and in the course of employment. yes
- 7. Notice of the accidental injury was given to the Employer on 2-10-13 (Month/Day/Year) in the following manner: Reported to supervisor Mike Sermina who took me to a care for treatment and filed a report.

Due to injury, the claimant is in need of (check one):
 (a) medical examination and treatment for: _____
 (b) additional medical examination and treatment for headaches, eyes, neck, arm, legs, feet because of nerve damage

Due to injury, the claimant requests temporary total disability benefits because of lost compensable time from work and wages for the period of: 4-22-2013 to 9-23-2013 and 01-22-2014 to present

Due to the injury, the Claimant has permanent disability of the following nature and extent (check one):
 (1) General Disability: Total Partial (2) Specific Disability: Total Partial (3) Wage Loss

9a. A determination of permanent disability is premature at this time.
10. Due to the injury, the Claimant has a serious bodily disfigurement consisting of: A bulging disc in several locations in neck and spine that has caused nerve damage

10a. At the time of the injury, the Claimant was paid weekly wages of 500.00 and demands accounting of days worked and wages earned as provided by law.

10b. Give names and addresses of all employers for whom the Claimant has worked since the date of the accident:
Amazon 4400 12th West Columbia SC 29172

11. Further grounds or unusual aspects of claim: Amazon and Sedgwick has refused to allow medical treatments as recommended by Dr. Otta and others - See Attachment

11a. List names and addresses of all physicians or other medical specialists who have seen or treated the Claimant as a result of the accident:
Dr. Otta, Orangeburg, SC / Dr. Eden, Norway, SC / Dr. Tomarcho, Norway, SC. See Attachment

11b. To the best of your knowledge, did you have any prior permanent disability? NO
If yes, describe: _____

12. Appropriate benefits as provided in the Act for the above grounds and other relief as the Workers' Compensation Commission may direct as just and proper.

13a. I am filing a claim. I am not requesting a hearing at this time. 14. Estimated time needed for hearing: 2 hours

13b. I am requesting a hearing. A \$25 fee is required.

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 certify I have served this document pursuant to Reg. 67-211 by delivering a copy to Set Worker's Compensation Commission
Address PO Box 1715 Columbia, SC on the 25th day of 2 2015 by first class postage certified mail personal service.

I verify the contents of this form are accurate and true to the best of my knowledge.
Signature: Clarence B. Jenkins Jr Title: Plaintiff Email: upscale81@yahoo.com Date: 2-25-2015

56WCC
MAR 02 2015
JUDICIAL
COMMISSION

Attachment
Additional Comments

Question 11: Amazon and Sedgwick recently subpoena records from unauthorized medical visits as of 2/2015 even though they have went before SC Worker's Compensation Commission on two occasion to address this. SC Worker's Commission agreed with Amazon and Sedgwick regarding unauthorized therefore has allowed them to not accept responsibility and I was denied mileage. By Amazon and Sedgwick subpoena unauthorized medical records after SC Worker's Compensation Commission ruled in their favor in 2014 should now therefore be made to accept responsibility by both parties. SC Worker's Commission previous rulings exempted Amazon and Sedgwick from recognizing unauthorized medical visits and their continuing efforts to obtain records therefore nullify prior orders. Under SC Codes of Laws 42-9-10 states weekly payments shall be made weekly to a person injured on the job when they are unable to work with additional comments.

Question 12: Dr. Paysinger, Columbia, SC/Dr. Stickler, Charleston, SC/Dr. Jervey, Charleston, SC/Dr. Tonia Gantt, Norway, SC and NP Dr. Gonzalez, Norway, SC

Submitted by,

Clarence Jenkins Jr 2-25-2015
Clarence Jenkins Jr

1 THE COURT: Today is May 21, 2015. This is
2 Workers' Compensation Case File Number 1303989. The
3 Claimant is Clarence B. Jenkins, pro se. The Employer
4 is Amazon.Com, LLC. The Carrier is American Zurich
5 Insurance Company represented by Attorney J. Russell
6 Goudelock.

7 The date of accident is February 10, 2013.
8 There's an average weekly wage of \$489.09 with a
9 corresponding compensation rate of \$326.08.

10 APAs have been submitted. Are there any
11 objections to APAs, jurisdiction, venue, or any other
12 items?

13 MR. JENKINS: I would like to make an objection
14 that the bill that they're submitted, it's incomplete.
15 It's not -- don't have all the records -- proper
16 medical records that has been submitted over time from
17 different doctors that -- that has been approved by
18 Amazon, such as far as Dr. Ata. There's only two
19 specific dates that's in his medical records, but I
20 saw him a total of five times that was approved by
21 Amazon, so his record's incomplete.

22 THE COURT: Okay. All right. Mr. Goudelock.

23 MR. GOUDELOCK: It's not my job to make his case,
24 Your Honor. We've begged him to get a lawyer and he
25 hasn't submitted anything additional.

1 THE COURT: Yes, they are allowed to submit what
2 they want to and what they don't want to.

3 MR. JENKINS: Yes, sir.

4 THE COURT: And if you have -- I'm not trying to
5 give you a hard time, but if you have records that you
6 wanted to come in --

7 MR. JENKINS: Yes, sir.

8 THE COURT: -- you would have had to have handed
9 those -- already had an opportunity for them to see
10 them just like they shared their stuff with you.

11 MR. JENKINS: Yes, sir.

12 THE COURT: Vice versa.

13 MR. JENKINS: The one thing about that, I called
14 your office and I spoke to Ms. Barbara Cheeseboro --

15 THE COURT: Yes, sir.

16 MR. JENKINS: -- about that. I wanted to submit
17 those documents and she told me that I can bring them
18 on the day of and could have them examined, because
19 that's the only reason why I did not submit them prior
20 to. But, even in light of that, they still have those
21 documents because on two of those visits the workers'
22 comp nurse, Ms. Kelly Wells was there with me in the
23 office visit and she received a copy of those medical
24 records while I was there. So the reason why they
25 didn't submit as part of their legal Brief I only can

1 say is -- is they're possibly trying to distort what
2 took place, but they should have those records because
3 I know even me, personally, I have submit those
4 records even though it deals with a different
5 situation. So -- and that's only why I did not submit
6 them in the -- in the beginning because you were
7 talking about duplicates and -- and I know they should
8 have already had those records. Now, they're not part
9 of their legal Brief, and that's their story, but
10 that's not the entire case.

11 THE COURT: Okay. Do you have the documents with
12 you?

13 MR. JENKINS: Yes, sir, I do.

14 THE COURT: If you want to share them with Mr.
15 Goudelock and if he has any objections to them coming
16 in I can't let them in because they're untimely, but
17 if he has no objections to them then I'll allow them
18 in.

19 MR. JENKINS: Okay.

20 MR. GOUDELOCK: I'm going to object to them, Your
21 Honor.

22 THE COURT: Okay. Yeah, here again, I'm sorry
23 about that, but that's not fair to either side. This
24 is something that everybody has -- I know you're
25 sitting here telling me that they had a chance to

1 review it --

2 MR. JENKINS: Right. Right.

3 THE COURT: And your objection is noted for the
4 record, so that's now officially part of the record.

5 MR. JENKINS: Yes, Your Honor.

6 THE COURT: But I'm going to note that I'm ruling
7 not to let those in, but that is part of the record
8 just so you know.

9 MR. JENKINS: Okay.

10 THE COURT: All Right. Are there any further
11 objections to APAs, jurisdiction, venue or any other
12 items?

13 MR. JENKINS: Well, I want -- again, going back
14 to the argument that even though I am objecting to the
15 fact that their entire workman's comp case, their
16 legal Brief is inaccurate, it's incomplete and it's a
17 -- it's a total -- they gave a total distortion of
18 events that have taken place. And Amazon are aware
19 of, approved and assigned and also sent a
20 representative with me to those doctor's appointments.
21 So in light of that by those records not being part of
22 the legal Brief I only see that as far as Amazon
23 trying to distort what actually took place. So I'm
24 still going with that objection because I think that's
25 important to this -- to this entire case. And

1 furthermore, I would have sent them prior notification
2 of the documents I was going to be submitting for two
3 reasons; one, they already had the majority of these
4 documents, so that's one reason. And then the second
5 reason, I called up here and spoke to Ms. Barbara
6 Cheeseboro, which is your staff, and she indicated
7 that I could bring them on the day of, because I
8 wanted to follow the same procedure and I -- I took
9 her advice by her working in workers' comp of being
10 part of your staff, I was ensured that she gave me the
11 right information and so I don't think I should be
12 held to the point where those documents are merely not
13 being -- was not given prior, I don't think I should
14 be held to that standard knowing that I tried to
15 follow the correct procedure. But based on the
16 workers' comp information that was provided to me by
17 someone who works here in your office I went on that
18 understanding.

19 THE COURT: And you're sure you were clear that
20 you understood what she had told you?

21 MR. JENKINS: Right. She said because you are --
22 you are representing yourself you are pro se and she
23 said that's why -- and she said, yes, because you are
24 representing yourself you can bring those documents
25 the day of and present them. I made sure that I -- I

1 called her just to make sure because I didn't want no
2 little hiccup, you know, excuse the language.

3 MR. GOUDELOCK: Your Honor, if I could respond.

4 THE COURT: Yes, please.

5 MR. GOUDELOCK: Mr. Jenkins is a college educated
6 fellow. He's had a lawyer before that he terminated.
7 He has been told ad nauseam to get a lawyer, by me
8 multiple times. We've had two mediations ordered in
9 this case and at the conclusion of the mediation the
10 mediator, Mr. Williams, recommended for him to get a
11 lawyer. He's had every opportunity to know the rules.
12 I have -- I have the right to rely on the evidence
13 he's going to present and he should not be allowed to
14 submit it late. If he needed -- if he doesn't know
15 the rules he needs to hire a lawyer, and if he waits
16 --

17 THE COURT: And I will tell you this, if you
18 really feel like your case -- it's imperative for your
19 case -- I can't let what you want come in, I can't let
20 it come in.

21 MR. JENKINS: Yes, sir.

22 THE COURT: We're here on your Form 50, so you
23 reserve your right -- you can withdraw your Form 50
24 and then refile it and make sure that they have
25 everything that is, you know, they're supposed to

1 have, but I have to agree with Mr. Goudelock, y'all
2 have had plenty of time to get this worked out.

3 MR. JENKINS: Right. Well, when they -- based on
4 that because of this -- because the information that
5 has been compiled, this is very important to my case
6 and I'm going to request that my Form 50 be withdrawn
7 because based on all this documentation and based on
8 the misinformation that -- that he -- or missing from
9 the legal Brief, that's form of distortion of the
10 facts of this case, so I would like to withdraw my
11 Form 50; I'd like to refile it in -- in light of them
12 getting all the documents that I have here. Because
13 it's very important that that -- that be submitted to
14 the -- the Commission; the South Carolina Workers'
15 Comp Commission.

16 MR. GOUDELOCK: What are all the documents you're
17 going to submit?

18 MR. JENKINS: Well, the documents are I want to
19 -- because your legal Brief focus on my two past
20 Employers and those -- those two past Employers they
21 -- they became very hostile and so I think that --

22 MR. GOUDELOCK: Are you talking about the -- are
23 you talking about -- you're talking about medical
24 records aren't you?

25 MR. JENKINS: No, I'm talking about -- I'm

1 talking about the entire file -- I'm talking about the
2 entire documents, that's what -- goes --

3 MR. GOUDELOCK: All that stuff you've got right
4 there you want -- you want to submit today?

5 MR. JENKINS: Yeah, all this stuff, because it's
6 very important. Very important because -- because you
7 focus -- when you focus on my past Employers and
8 that's -- some of them were hostile -- I need to
9 provide documents to show you that it wasn't even
10 related to that what -- what you have in your legal
11 Brief. There are certificates and awards that I
12 received at those past Employers, so I need to dispute
13 that. I also need to dispute my unemployment record.
14 During it -- my unemployment benefits record is part
15 of the legal Brief as well. During that time that's
16 when the economy had fell out. Everybody was
17 unemployed and I was one of those ones that was
18 unemployed for several years. So I don't want the
19 Workers' Comp Commission to take -- to take it upon
20 themselves that because I received unemployment for
21 several years that I was just sitting at home drawing
22 a check, because that -- that's not true.

23 THE COURT: Okay.

24 MR. JENKINS: And so I wanted to -- so I wanted
25 to dispute that. I also wanted to dispute that Dr.

1 Ata records are incomplete. I also want to dispute
2 the fact that Dr. Eden record is not complete because
3 Amazon -- she was the one -- she was my family health
4 physician. I have documents from Sedgwick that told
5 me because it was a work injury to contact your
6 physician -- your physician. That means mine.
7 Whoever doctor I found, that's who I would go -- Dr.
8 Eden was my primary physician. She was the one that
9 stated that I have a -- a pulled --

10 MR. GOUDELOCK: Object to anything the doctor
11 said, Your Honor.

12 THE COURT: Yes, you can't --

13 MR. JENKINS: Right, but it's all documentation
14 though. It's medical documentation.

15 THE COURT: Okay.

16 MR. GOUDELOCK: Your Honor, in response to his
17 withdrawing his 50, our 51 joins in his request for a
18 hearing. We would ask to go forward and I -- I
19 respectfully -- it's unfortunate that he can't get all
20 that in, but I don't know how I'm supposed to allow
21 four folders worth of things in. We -- our Form 51
22 requested that we join in the hearing request and we
23 would request that the hearing go forward.

24 THE COURT: Okay.

25 MR. GOUDELOCK: It's gone on long enough.

1 THE COURT: Can I have just one moment if y'all
2 will indulge me and I'll be right back with you.

3 (Off the record at 4:03 p.m.)

4 (On the record at 4:15 p.m.)

5 THE COURT: We'll go back on the record. I've
6 got a couple of things I need to go over real quick.
7 First of all I can't let you let that stuff in. I
8 just can't. Now, I will ask you again. Are you sure
9 you don't want time to go get an attorney?

10 MR. JENKINS: Yeah, yeah, I want to.

11 THE COURT: Let me finish before -- because even
12 if you withdraw your 50 --

13 MR. JENKINS: Yeah.

14 THE COURT: -- since -- Mr. Goudelock with
15 joining him in request for a hearing you were -- what
16 part of the Act were you doing that under?

17 MR. GOUDELOCK: The Section that allows us to
18 petition for hearing.

19 THE COURT: Okay. And that's where I had to get
20 a ruling of law on that to check and make sure. But
21 since you specified on your Form 51 that you were
22 joining in the request he has the right to move
23 forward with the hearing. However, in your right to
24 due process you have the right to go request an
25 attorney. But my point is, unless you're going to go

1 get an attorney even if you withdraw your 50 we're
2 going to go forward with the hearing.

3 MR. JENKINS: Well, we might as well go forward,
4 but you -- and again -- I understand what you're
5 saying, but based on what took place at the very first
6 one that I had at workers' comp, that was under
7 Commissioner Roche --

8 THE COURT: But that wasn't what's before me.

9 MR. JENKINS: Right, but the same process though.
10 We were allowed to bring information the day of at the
11 hearing.

12 THE COURT: You can bring it the day of as long
13 as they've had a chance to look at it, but I'm not
14 going to have trial by ambush, and that's exactly what
15 this is.

16 MR. JENKINS: Well, I want -- one thing, last
17 time we had a hearing I didn't provide anything in
18 prior, so I'm assuming that was a general procedure
19 because she -- she allowed it.

20 THE COURT: But sir, like I said, before we went
21 on the record I explained to you, you're going to be
22 held to the same accountability that the attorneys
23 will be if you decide to represent yourself. And so
24 it's your call, but if we move forward if you're not
25 going to exercise your right to go get an attorney, we

1 College and other things. I've never seen any of
2 that. Again, the Rules are clear as to what it is.
3 He's been advised to have an attorney long before
4 today; he's been advised to have one today and he
5 elects to move forward. He can cite the law in his
6 emails and everything else. He ought to be held to
7 the standards for the hearings of law for this hearing
8 today.

9 MR. JENKINS: Right. And again, there are
10 documents in here that came from Amazon that are not
11 part of his legal Brief that deals with this case. So
12 they have had prior knowledge because they have sent
13 me the documents. So they can't come -- Amazon cannot
14 come in here and say they're not aware of certain
15 documents. They may not be aware of all of them, but
16 they are aware of the majority of them, either by
17 postal mail or by email and I brought the emails to
18 show. They have his address, they have (inaudible)
19 address, Ms. Keith's address and other people at
20 Amazon address. So they are aware. It's not -- it's
21 not something that just popped out of -- out of
22 wonderland and they don't have any knowledge of it.

23 MR. GOUDELOCK: Your Honor, we're not saying
24 we're not aware of some of the documents I'm sure he
25 has in there. But the point is we have the right to

1 rely on how he's going to present his case and that's
2 what due process is all about and that's what the
3 Rules stand for. He's supposed to make his case, we
4 have an opportunity to respond to it. And to show up
5 with four folders of documents, and I don't know all
6 those documents, I guarantee I don't know all those
7 documents. He's not entitled to submit those -- we
8 submit that he's not entitled to submit those. The
9 hearing needs to move forward if he's not going to get
10 an attorney.

11 MR. JENKINS: I just want to make one more
12 comment, Your Honor, if I could. Sorry I'm sitting
13 down, but --

14 THE COURT: You're fine.

15 MR. JENKINS: Just to make one more comment. The
16 majority -- majority of the documents are not unknown
17 to them and I would know that either address --

18 THE COURT: And sir, I hear what you're saying.
19 I get that point.

20 MR. JENKINS: Right.

21 THE COURT: But the problem is we've got certain
22 Rules and Regulations we have to follow and unless he
23 knows everything that's in there just like you know
24 everything that's been handed up by him on his side, I
25 can't allow it in.

1 MR. JENKINS: Well, I understand, but Amazon
2 cannot come in here and distort the facts.

3 THE COURT: Okay.

4 MR. JENKINS: With -- with known documents --
5 with known documents that they have decided, that's
6 almost like you hiding the truth and you come in here
7 and are lying because they're known documents that
8 came from Amazon, that came from the true Amazon
9 workers' comp doctor that treated me that are not part
10 of their legal Brief. There's medical documentation
11 in there that Amazon accepted from my private
12 physician, Dr. Eden, as to post traumatic concussion
13 that's not in there.

14 THE COURT: Okay. Well, I'm going --

15 MR. JENKINS: Oh -- but thank you, though.

16 THE COURT: I'm going to ask you one more time.

17 MR. JENKINS: Yes, sir.

18 THE COURT: Because I cited the Rules and
19 Regulations that have to be followed, are you sure you
20 don't to go get an attorney in this matter?

21 MR. JENKINS: Yes, sir, I don't. At this time I
22 would like to go ahead and proceed and the reason
23 based on that I had a real bad situation with the one
24 that I did have, so I'm kind of like a little bit
25 weary and I don't want to get myself in that situation

1 little weary of attorneys at this time basically.

2 THE COURT: But you feel you're going to base
3 your decision on that just all attorneys just because
4 of that one experience?

5 MR. JENKINS: Yeah, I've got to say that -- when
6 --

7 THE COURT: I mean like I say, I can't tell you
8 what to do, but --

9 MR. JENKINS: I know, sir, I appreciate it, I
10 really do.

11 THE COURT: All right. Let's do this because
12 I've given you ample opportunity to go get an attorney
13 --

14 MR. JENKINS: Yes, sir.

15 THE COURT: -- so we need to move forward.

16 MR. JENKINS: Yes, sir.

17 THE COURT: And so the objections on the record
18 have been noted --

19 MR. JENKINS: Yes, sir.

20 THE COURT: -- and that you wanted to hand it in.
21 It's cited untimeliness and Mr. Godelock objected to
22 it, so without further objection the Commission's File
23 becomes a part of the record with the exception of
24 self-serving declarations and unstipulated medical
25 reports.

Certificate of Service

I hereby certify that a true copy of the above documents was served upon the attorney of record, Attorney J. Russell Goudebeck and Helen Hiser for the Respondents by regular first class mail by United States Post Office to address:

PO Box 12519 Columbia, SC 29211-2519

on (date) October 27, 2016

Clarence B. Ford
Signature

October 27, 2016
Date

RECEIVED

OCT 31 2016

SC Court of Appeals

Clare B. Gent Jr
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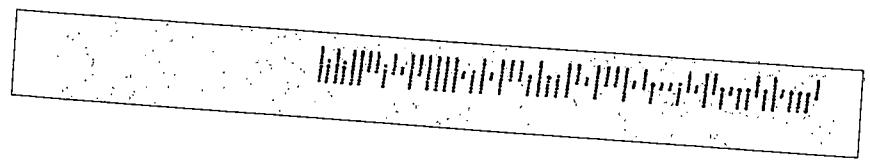


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