

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

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NOV 23 2016

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

SC Court of Appeals

WCC FILE NO. 1402652

James Lipscomb, Employee,

Respondent-Appellant,

v.

Stein Fibers/Innovative Fibers, Employer,
and StarNet Insurance Company, Carrier,

Appellants-Respondents.

**APPELLANTS-RESPONDENTS'
DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD FOR
RESPONDENT-APPELLANT'S CROSS APPEAL**

Appellants propose the following matters be included in the Record on Appeal:

1. Appellants-Respondents' Amended Notice of Appeal, dated July 28, 2016.
2. Respondent-Appellant's Amended Notice of Appeal, dated July 29, 2016.
3. Order and Decision of the Appellate Panel of the South Carolina Workers' Compensation Commission, dated May 24, 2016.
4. Motion for Rehearing, filed June 3, 2016.
5. Order of the South Carolina Workers' Compensation Commission, dated June 20, 2016.
6. Transcript of Appellate Panel hearing, held on March 21, 2016.

7. Defendants' Form 30, Request for Commission Review, dated December 28, 2015.
8. Decision and Order of the Single Commissioner, dated December 22, 2015.
9. Transcript of Single Commissioner hearing, held on April 14, 2016, pp. 3-85.
10. Transcript of the deposition of James Lipscomb, taken on July 23, 2014, pp. 4-54.
11. Transcript of the deposition of Joanne Matthiesen taken on November 24, 2014, pp. 4-24.
12. Claimant's APA submissions Nos. 1-4 including APA coversheet.
 1. Spartanburg EMS, dated 3/20/14, pages 1-9.
 2. Spartanburg Regional Emergency Center, dated 3/20/14, pages 10-39.
 3. Spartanburg Regional Medical Center, dated 3/20/14-4/4/14, pages 40-108.
 4. Carolina Musculoskeletal Institute, P.A., dated 3/23/15, pages 109-113.
13. Defendants' APA submissions Nos. 7-11 and Exhibits 1-5 including APA coversheet.
 1. John H. Mennear, Ph.D., dated 8/18/84, pages 158-164.
 2. Spartanburg Regional Emergency Center, dated 3/20/14-4/20/14, pages 165-170.
 3. Spartanburg Regional Ethanol/Blood Test, dated 3/21/14, page 171.
 4. Dr. Shawn A. Birchenough, dated 3/21/14-6/23/14, pages 172-194.
 5. Spartanburg Regional Healthcare System, dated 12/9/07-12/10/07, pages 195-202.
 6. Exhibit 1 – Innovative Fibers Substance Abuse Policy Statement, pages 1-5.
 7. Exhibit 2 – Claimant's Acknowledgement of Alcohol Abuse Policy, page 6.
 8. Exhibit 3 – Claimant's Certificate of Agreement to Company's Substance Abuse and Testing Policy, page 7.
 9. Exhibit 4 – Claimant's Attendance at Lockout/Tagout Safety Meeting, pages 8-11.
 10. Exhibit 5 – Claimant's Termination Letter, page 12.
14. Claimant's Form 50, dated January 15, 2015.
15. Defendants' Form 51, dated February 10, 2015.
16. Claimant's Form 50, dated August 27, 2014.

17. Defendants' Form 51, dated September 3, 2014.

Respectfully submitted,

WILLSON JONES CARTER & BAXLEY, P.A.

BY: Richard B. Kale, Jr.

Richard B. Kale, Jr. (S.C. Bar No. 3264)

872 S. Pleasantburg Drive

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Attorneys for Appellants-Respondents

November 23, 2016

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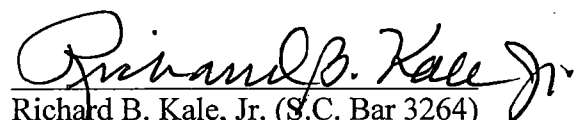
Stein Fibers/Innovative Fibers, Employer,
and StarNet Insurance Company, Carrier,

Appellants-Respondents.

PROOF OF SERVICE

I certify that I have served the Respondents' Initial Brief of Appellants-Respondents and Designation of Matter to be Included in the Record on Appeal on James Lipscomb by depositing a copy of it in the United State Mail, postage prepaid, on November 23, 2016, addressed to his attorney of record, W. Scott Palmer, W. Scott Palmer Law Firm, P.A., P.O. Box 722, Santee, South Carolina 29142.

November 23, 2016



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November 23, 2016

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

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SC Court of Appeals

Re: James T. Lipscomb vs. Stein Fibers, LTD
Appellate Case No.: 2016-001509
WCC File No.: 1402652 DOI: 3/20/2014
Carrier: StarNet Insurance Company - Claim No.: 03149911
WJC&B File No.: 0310.01577

Dear Ms. Kitchings:

Pursuant to Rules 208 and 209 I enclose for filing one copy of the Respondents' Initial Brief of Appellants-Respondents and one copy of the Appellants-Respondents' Designation of Matters to be Included in the Record for Respondent-Appellant's Cross Appeal with Proof of Service.

By copy of this letter I am also serving a copy of the Respondents' Initial Brief and Designation of Matters to be Included in the Record on Appeal on the attorney for the Respondent-Appellant.

With cordial best wishes, I am

Very truly yours,

WILLSON JONES CARTER & BAXLEY, P.A.



Richard B. Kale, Jr.
S.C. Bar No. 3264

RBK,Jr/jw

cc: Mr. W. Scott Palmer