

IN THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM SOUTH CAROLINA WORKER'S COMPENSATION
FULL APPELLATE PANEL

Case No. 2016-000598

RECEIVED

DEC 19 2016

SC Court of Appeals
Appellant,

Clarence B. Jenkins Jr., Employee, Appellant,

v.

Amazon.Com DEDC, LLC, Employer, and
American Zurich Ins., Carrier Respondents.

**A MOTION TO DECLARE A VIOLATION OF
RULE 4.1 AND RULE 8.4 BY LEGAL COUNSEL FOR RESPONDENTS**

Appellant with a preponderance of evidence to confirms that legal representatives, Attorney J. Russell Goudelock and Attorney Helen F. Hiser of McAngus Goudelock & Courie violated of Truthful In Statements To Others; Rule 4.1 and Misconduct; Rule 8.4 of South Carolina Judicial Laws by deliberately submitting written false statements, misrepresentation to commit a fraudulent act for their clients of Amazon.Com DEDC, LLC and American Zurich Ins. Respondents has stated that Appellant was not considered to be disable or received disability payments because of work injury on February 10, 2013 is deliberate distortion due to verifications of disability payments from Liberty Mutual and Aetna Insurance. See Attachments. Furthermore,

Respondents act to commit fraud or make fraudulent statements are evident by financial statements knowingly submitted to South Carolina Worker's Compensation Commission from Amazon.Com DEDC, LLC stating no temporary partial or temporary total disability was paid to Appellant. See attachments Respondents' in their Initial Brief to S.C. Court of Appeals has stated that Appellant did not address the egregious error of R67-611 at May 21, 2015 hearing on his Form 30 dated August 25, 2015 is a deliberate distortions. See attachments. Respondents has stated in their Initial Brief there was no admission of an egregious error of R67-611 by Commissioner Michael Campbell II at May 21, 2015 hearing which is clearly disputed in a motion by Respondents stated as Defendants' Reply To Claimant's Motion To Include Appellant's Exhibits To The Form 30 dated October 9, 2015 is a deliberate distortion. See attachment.

Appellant request this Honorable Court receives this Motion To Declare A Violation of Rule 4.1 and Rule 8.4 By Legal Counsel For Respondents and review attached documents as verification.

December 16, 2016



Clarence B. Jenkins Jr.
Clarence B. Jenkins Jr.
945 Wire Rd.
Neeses, South Carolina 29107
(803) 263-4514
Pro Se Appellant

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MEMORANDUM

Appellant is submitting this Memorandum in support of a violation Truthful In Statements To Others; Rule 4.1 and Misconduct; Rule 8.4 by legal counsel deliberately providing written false statements, misrepresentation to commit a fraudulent act for the Respondents. Furthermore, additionally factual and supportive documents are being submitted to declare violations of Rule 4.1 and Rule 8.4.

December 16, 2016

J. Russell Goudelock
PO Box 12519
Columbia, South Carolina 29211-2519
Attorney for Respondents

Helen F. Hiser
PO Box 12519
Columbia, South Carolina 29211-2519
Attorney for Respondents



Clarence B. Jenkins Jr.
Clarence B. Jenkins Jr.,
945 Wire Rd.
Neeses, South Carolina 29107
(803) 263-4514
Pro Se Appellant



April 02, 2014

Clarence Jenkins
945 WIRE RD,
Neeses, South Carolina 29107

Case #: 14022000214
Re: Disability Leave Approval Notice

Your claim for a leave of absence with short-term disability (STD) benefits has been approved from 01/20/2014 through 03/07/2014.

Your leave has been classified as protected leave under the federal Family and Medical Leave Act (FMLA) and/or applicable state leave law(s). (For your specific leave designation, refer to the Claim Status Summary below, which lists all leave types for which you have been approved). This time will be job-protected, and your time off from work will reduce your available FMLA and/or applicable state leave balance.

The time during which you receive disability benefits will run at the same time as your FMLA leave and any approved applicable state leave.

Claim Status Summary

The below chart provides a summary status of all covered plans associated with your absence.

Plan Name	Decision Status	Decision Date	Approved From	Approved Through	Denial Effective Date
Amazon STD Medical	Pending				
Amazon STD Medical	Approved	03/04/2014	01/20/2014	03/07/2014	
Family and Medical Leave Act	Approved	04/02/2014	01/20/2014	03/07/2014	

Note: Fulfillment Center employees who take a leave of absence that meets or exceeds a duration of 90 consecutive days, may need retraining upon their return to work.

Handwritten mark: a scribble followed by the number 4





Aetna Life Insurance Company
Disability and Absence Management
PO Box 14560
Lexington, KY 40512-4560

October 13, 2014

Clarence Jenkins
945 Wire Rd
Neeses, South Carolina 29107

Dear Clarence Jenkins:

We are currently reviewing your medical documents on file for consideration of impairment for your ongoing disability. Your claim has initial been approved for benefits on 07/19/2014 due to impairments related to your condition of migraines. In order for us to determine you current medical impairments related to your migraines we are asking that you complete in detail the attached Weekly Headache Log starting on 10/27/2014 and continuing daily through 11/25/2014. Once your log is completed please return in the enclosed envelope or by fax to 1-866-667-1987.

The Amazon Ricoh USA, Inc. group policy states the following:

“Test of Disability

From the date that you first become disabled and until Monthly Benefits are payable for 24 months, you will be deemed to be disabled on any day if:

- you are not able to perform the **material duties** of your **own occupation** solely because of: disease or injury ; and
- your work earnings are 80% or less of your **adjusted predisability earnings**.

After the first 24 months that any Monthly Benefit is payable during a period of disability, you will be deemed to be disabled on any day if you are not able to work at any **reasonable occupation** solely because of:

- disease; or
- **injury**.

If your **own occupation** requires a professional or occupational license or certification of any kind, you will not be deemed to be disabled solely because of the loss of that license or certification.

Reasonable Occupation

This is any gainful activity for which you are; or may reasonably become; fitted by: education; training; or experience; and which results in; or can be expected to result in; an income of more than 60% of your **adjusted predisability earnings**.”

The LTD policy also states:

45

CLAIM OFFICE ADDRESS
 GROUP BENEFITS - CLAIMS
 2510 W. DUNLAP AVENUE #500
 PHOENIX, AZ 85021
 1-800-320-7585

ISSUED BY
 LIBERTY LIFE ASSURANCE
 COMPANY OF BOSTON
 ON BEHALF OF THE SPONSOR
 AMAZON CORPORATE LLC

CHECK NUMBER 36930219	CHECK DATE 06/04/13
CHECK AMOUNT \$210.64	BLOCK NUMBER 000555

CLAIM NUMBER
0003226010
 EMPLOYEE NAME
JENKINS, CLARENCE B.

POLICY NUMBER
PDS-060-065734-01
 CUSTOMER NAME
AMAZON CORPORATE LLC

LOCATION NAME
AMAZON CORPORATE LLC
 ANALYST ID
N0227652

PAYMENT DATE: 06/04/13		EXPLANATION OF BENEFIT (EOB) STATEMENT						PAYEE: EMPLOYEE	
		PAYMENT TYPE: STD							
PAYMENT FROM	PAYMENT THRU	GROSS BENEFIT	(OFFSETS)	ADJ. GROSS BENEFIT	(FICA WITHHOLD.)	(F.I.T. WITHHOLD.)	(S.I.T. WITHHOLD.)	(OTHER DEDUCTIONS)	NET PAYMENT
05/29/13	06/04/13	\$ 270.00	\$.00	\$ 270.00	\$ 28.66	\$ 25.57	\$ 13.13	\$.00	\$ 210.64

NET CHECK AMOUNT: \$ 210.64

OFFSET(S)-DETAIL			OTHER DEDUCTION(S)-DETAIL		
DESCRIPTION	PERIOD FROM	PERIOD THRU	DESCRIPTION	PERIOD FROM	PERIOD THRU
		AMOUNT			AMOUNT

TAX REPORTING INFORMATION
 FOR THIS PAYMENT ONLY

THIS PAYMENT		THIS PAYMENT		EMPLOYEE STATE: SC
ADJUSTED GROSS BENEFIT:	\$ 270.00	DASDI WITHHOLDING:	\$ 16.74	
BENEFIT TAX %:	100.00	MEDICARE WITHHOLDING:	\$ 5.92	
DASDI TAXABLE WAGES:	\$ 270.00	FEDERAL WITHHOLDING:	\$ 25.57	
MEDICARE TAXABLE WAGES:	\$ 270.00	STATE WITHHOLDING:	\$ 13.13	
FEDERAL TAXABLE WAGES:	\$ 270.00	OTHER DEDUCTIONS:	\$.00	
FEDERAL (EXCLUDABLE) TAXABLE WAGES:	\$.00	NET PAID:	\$ 210.64	
STATE TAXABLE WAGES:	\$ 270.00			

PLEASE NOTE: THE TAX INFORMATION DESCRIBED ABOVE IS PROVIDED TO THE CUSTOMER FOR THEIR REPORTING ONLY.
 IT IS NOT DESIGNED TO COMPLETE INDIVIDUAL TAX RETURNS AND SHOULD NOT BE USED FOR THAT PURPOSE.

JB

CO. FILE DEPT. CLOCK VCHR. NO.
 GFS 122880 120004 395 0060067289 2

023-0014

AMAZON.COM DEDC INC.
 P.O. BOX 80726
 SEATTLE, WA 98108

Earnings Statement



Period Ending: 03/07/2014
 Pay Date: 02/27/2014

Taxable Marital Status: Single
 Exemptions/Allowances:
 Federal:
 SC:

CLARENCE B JENKINS
945 WIRE RD
NEESES SC 29107

Social Security Number: XXX-XX-1391

Earnings	rate	hours	this period	year to date
Shrt Term Dis			276.00	473.14
Regular				
Overtime				0.86
Holiday				184.00
Personal				42.78
Shift Pay O/T@				0.04
Shift Pay @				75.41
Variable Comp				43.44
Gross Pay			\$276.00	

Important Notes

@ THE SHIFT PAY RATE MAY NOT DISPLAY CONSISTENTLY DUE TO CALCULATION METHOD AND ROUNDING.
 ACCRUAL BALANCES DISPLAYED MAY VARY SLIGHTLY FROM ACTUAL. PLEASE VIEW MYTIME FOR EXACT INFORMATION

Deductions	Statutory		
Federal Income Tax	-8.08	50.56	
Social Security Tax	-17.11	136.68	
Medicare Tax	-4.01	31.97	
SC State Income Tax	-5.75	41.57	
Other			
Pre -Tax Dental		9.24	
Pre -Tax Medical		113.57	
401K		92.02	
Net Pay	\$241.05		
Checking Dep.	-241.05		
Net Check	\$0.00		

Your federal taxable wages this period are \$276.00

© 2002 ADP, Inc

AMAZON.COM DEDC INC.
 P.O. BOX 80726
 SEATTLE, WA 98108

Advice number: 00000097299
 Pay date: 02/27/2014

Deposited to the account of	account number	transit ABA	amount
CLARENCE B JENKINS	XXXXXXXXXXXX2084	XXXX XXXX	\$241.05

THIS IS NOT A CHECK

NON-NEGOTIABLE

7

AETNA LIFE INSURANCE COMPANY
 P. O. Box 14560
 Lexington KY 40512-4560 USA
 '000438'J011D09'000879'

Pay Group: LIM-Amazon Corporate LLC (LTD/INS) Claim No.: 10046311
 Earnings Begin Date: 12/01/2014 Advice #: 8236011
 Earnings End Date: 12/31/2014 Advice Date: 12/31/2014

CLARENCE JENKINS 945 WIRE RD NEESES SC 29107	Employee ID: ██████████	TAX DATA: Federal	SC State
	EOB No.: 16469808	Marital Status: Single	Single
	Days Paid: 30	Allowances: ██████████	██████████
		Addl. Pct.: ██████████	
		Addl. Amt.: 3.37	

BENEFIT INFORMATION	
---Benefits under Your Plan---	
Benefit Salary:(amount from which benefits are calculated)	1,886.06
Benefit Percentage of Earnings Under Your Plan:	60%
Benefit Amount:	1131.64
Minimum Benefit Under Your Plan:	100.00
Maximum Benefit Under Your Plan:	25,000.00
Frequency:	MONTHLY

BENEFITS BEING PAID FOR THIS PAY PERIOD			OFFSET INFORMATION		
			---Offsets applied to your benefit for this pay period---		
Description	Amount	Pay Period	Description	Amount	Pay Period
Benefit Amount:	1131.64	30 days			

HOURS AND EARNINGS						TAXES			
Description	Current			YTD			Description	Current	YTD
	Rate	Hours	Earnings	Hours	Earnings				
Gross Benefit FITW Only			1,131.64		6,068.85	Fed Withholding	101.10	202.20	
Gross Benefit Non-Taxable			0.00		79.73	SC Withholding	0.00	0.00	
STD Offset			0.00		79.73				
Total:			1,131.64		6,068.85	Total:	101.10	202.20	

BEFORE TAX DEDUCTIONS			AFTER TAX DEDUCTIONS			EMPLOYER PAID BENEFITS		
Description	Current	YTD	Description	Current	YTD	Description	Current	YTD
Total:	0.00	0.00	Total:	0.00	0.00	*Taxable		

	TOTAL GROSS	FED TAXABLE GROSS	TOTAL TAXES	TOTAL DEDUCTIONS	NET PAY
Current:	1,131.64	1,131.64	101.10	0.00	1,030.54
YTD:	6,068.85	6,068.85	202.20	0.00	5,866.65

COMPANY MESSAGE: IF YOU HAVE ANY QUESTIONS CONCERNING THIS PAYMENT, PLEASE FEEL FREE TO CONTACT OUR CUSTOMER SERVICE DEPARTMENT AT (888)807-3750.

NET PAY DISTRIBUTION	
Advice #8236011	1,030.54
Total:	1,030.54

J011D09 20141231 000438 Env [818] 2 of 2

28

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,	}
	}
Carrier,	}
	}
Defendants.	}

DEFENDANTS' REPLY TO CLAIMANT'S MOTION TO INCLUDE APPELLANT'S EXHIBITS TO THE FORM 30

TO: SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION AND CLARENCE B. JENKINS, *PRO SE* CLAIMANT:

Defendants, Amazon.com DEDC, LLC and Insurance Co. for the State of PA., by and through their undersigned counsel, pursuant to S.C. Code Reg. 67-215 and other applicable law, hereby reply to Claimant's Motion to Include Appellant's Exhibits to the Form 30 based upon the following grounds:

1. Defendants admit that an unrepresented claimant is not required to submit a Pre-Hearing Brief pursuant to S.C. Code Reg. 67-611.
2. Defendants deny that such regulatory or other authority allows for admission at or after a hearing of any documentary evidence or experts' reports that were not properly offered. S.C. Code Reg. 67-611 is inapplicable to Claimant's assertion of entitlement to admit

Appellant's Exhibits into evidence on review.

3. Defendants' respectfully assert that any party to a hearing, including an unrepresented claimant, must admit written evidence which he intends to rely upon in accordance with S.C. Code Reg. 67-612, Admission of Expert's Report as Evidence.

4. Claimant was the moving party to this hearing. S.C. Code Reg. 67-612 requires that all moving parties, including *pro se* claimants, timely notify opposing parties at least fifteen days before the scheduled hearing of written experts' reports to be admitted into evidence. Further, the S.C. Administrative Procedures Act and other applicable law similarly provide parties due process rights to cross-examine, respond to or otherwise oppose evidence received at a hearing in written form or otherwise.

5. Claimant was repeatedly afforded the right and opportunity prior to and at the scheduled hearing to retain legal counsel and provide for timely admission of evidence by postponing the scheduled hearing, which Claimant refused to do.

6. Defendants respectfully assert that Claimant failed to timely notify Defendants or otherwise timely and properly offer admission prior to the scheduled hearing of documentary evidence or written experts' reports and admission of such evidence on review is improper and violates Defendants' due process rights afforded by applicable regulations, the S.C. Administrative Procedures Act and other law.

7. Further, S.C. Code Reg. 67-707 provides that a party seeking to introduce new evidence into the record on a case on review must establish that such evidence is of the same nature and character required for granting a new trial and must satisfy other requirements set forth in S.C. Code Reg. 57-707(1) and (2). Claimant fails to make a showing that satisfies these regulatory requirements.

12 10

NOW, THEREFORE, for the reasons stated herein, Defendants respectfully request that the South Carolina Workers' Compensation Commission exclude from evidence the Exhibits attached to the Appellant's Form 30.

Respectfully Submitted,



J. RUSSELL GOUDELOCK, II
MCANGUS GOUDELOCK & COURIE, L.L.C.
Post Office Box 12519, Capitol Station
Meridian, 1320 Main Street, 10th Floor
Columbia, South Carolina 29211-2519
(803) 779-2300
Attorneys for the Employer/Carrier

Columbia, South Carolina
October 9, 2015

~~2/10~~ 11



Claimant's Name: Clarence Jenkins Jr SSN: [REDACTED] Employer's Name: Amazon DEDC LLC
Address: 945 Wire Rd Address: 7200 Discovery Lane
City: Neeses State: SC Zip: 29107 City: Chattanooga State: TN Zip: 37421
Home Phone: 8032634514 Work Phone: NA Insurance Carrier: Insurance Company of the State of Pennsylvania
Preparer's Name: Clarence Jenkins Jr Law Firm: NA Preparer's Phone #: 8032634514

REQUEST FOR COMMISSION REVIEW

Request for Commission Review by Claimant Employer (check one) Date of Injury or Illness: 2/10/2013 (m/d/yyyy)

The undersigned makes application for review of the findings of the Commissioner in the above-captioned case. The request for review is based on the following grounds: (State the grounds of your appeal in the form of questions presented. Each question presented must contain a concise statement of one proposition of law or fact. Refer to evidence by title and exhibit number. Use additional pages if necessary).

1. How did Commissioner Michael Campbell II made an egregious error per R-67-611 by not allowing claimant to enter pertinent documents regarding medical records stating a pre-hearing brief was needed which is incorrect pertaining to law see exhibit -1 the law R-67-611.
2. How did SC Worker's Compensation Commission allowed Amazon and Sedgwick to states no disability compensation was paid which is a distortion due to benefits by Libert Mutual from 5/2013 to 11/2013, see paystubs exhibit-2
3. How did SC Worker's Compensation allowed Amazon and Sedgwick to states no disability compensation was paid which is a distortion due to benefits by Aetna Insurance from 7/2014 to 01/2015 see paystubs exhibit-3
4. How did SC Worker's Compensation allowed Amazon and Sedgwick to states no disability compensation was ever paid which is a distortion due to benefits by Amazon 02/2014 to 03/2014. see paystubs exhibit-4
5. Why SC Worker's Compensation Commission did not recogized my disability under SC Law Code 42-1-120 when Amazon and Sedgwick did. see SC Law Code exhibit-5 42-1-120.
6. Why did SC Worker's Compensation allowed Amazon and Sedgwick to states that no further medical treatment was provided when Nurse Kelly Wells sent a reminder a letter confirming 6/20/2014 appointment with Dr. Atta. See letter exhibit-6

(Check one) Oral argument is is not requested. Appellant's request for oral argument is waived if not indicated on this form.

Mediation

Mediation is requested by consent of the Parties pursuant to Reg. 67-1803.

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 SC Worker's Compensation Commission
address PO Box 1715 Columbia, SC 29202-1715 on the _____ day of August 20¹⁵
by _____ first class postage _____ certified mail _____ personal service.

[Signature]
Preparer's Signature

Claimant
Title

upscale81@yahoo.com
Email

8-25-2015
Date

Check this box if you are not represented by an attorney

Questions about the use of this form should be directed to the Judicial Department at 803.737.5675 or appeals@wcc.sc.gov. If the claimant appeals and is not represented by counsel, the Judicial Department will properly serve this form pursuant to Reg. 67-607 C. Pursuant to Reg. 67-205 and Reg. 701, the appeal must be postmarked no later than 14 days from the date of service of the Decision and Order of the Hearing Commissioner along with the filing fee. Attach a Form 32, if you are unable to pay the filing fee. Refer to Reg. 67-211 and Reg. 67-701 through 711.

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PROOF OF SERVICE

I certify that on the 16th day of December, 2016, I served the Appellant A Motion To Declare A Violation Of Rule 4.1 and Rule 8.4 By Legal Counsel For Respondents on Amazon.Com DEDC, LLC and American Zurich Ins. by depositing a copy of it in the United States Mail, postage prepaid, addressed as follows:

J. Russell Goude-lock
PO Box 12519
Columbia, South Carolina 29211-2519
Attorney for Respondents

Helen F. Hiser
PO Box 12519
Columbia, South Carolina 29211-2519
Attorney for Respondents


Clarence B. Jenkins Jr.
Clarence B. Jenkins Jr.,
945 Wire Rd.
Neeses, South Carolina 29107
(803) 263-4514
Pro Se Appellant



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PROOF OF SERVICE

I certify that on 16th day of December, 2016, I served the Appellant's Memorandum along with supportive documents to their attorney of record to Attorney J. Russell Goudelock and Attorney Helen F. Hiser by depositing a copy of it in the United States Mail, prepaid, addressed as follows:

December 16, 2016

J. Russell Goudelock
PO Box 12519
Columbia, South Carolina 29211-2519

Helen F. Hiser
PO Box 12519
Columbia, South Carolina 29211-2519



Clarence B. Jenkins Jr.
Clarence B. Jenkins Jr.,
945 Wire Rd.
Neeses, South Carolina 29107
(803) 263-4514
Pro Se Appellant

December 16, 2016

Honorable Jerry Hitchings
S.C. Court of Appeals
PO Box 11629
Columbia, SC 29211

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SC Court of Appeals

Clarence B. Jenkins Jr
945 Wire Rd
Acesee, SC 29107
Case No.: 2016-000598

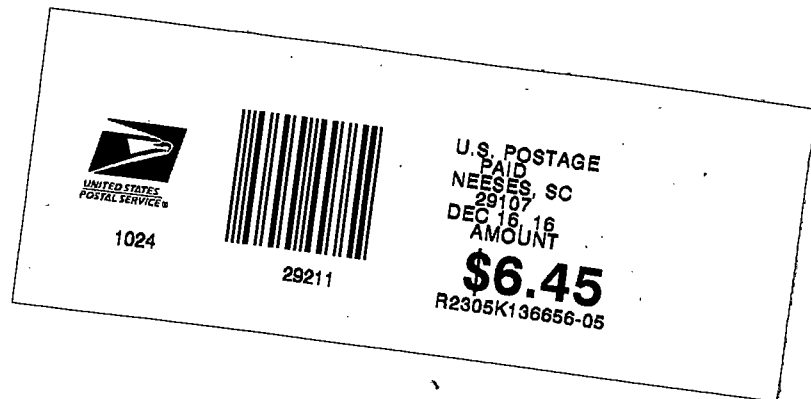
Ms. Hitchings:

Please find enclosed one original with six copies along with proper filing fee of \$25.00. A Motion To Declare A Violation Of Rule 4.1 and Rule 8.4 By Legal Counsel For Respondents.

Submitted by.

Clarence B. Jenkins Jr
Pro Se Appellant

Carlene Jett Jr
945 Wisc Rd
Meese, SC 29107



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DEC 19 2016

SC Court of Appeals

S.C. Court of Appeals
PO Box 11629
Columbia, SC 29211

