

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SOUTH CAROLINA
Workers' Compensation Commission

Appellate Case No. 2014-002416

RECEIVED

JAN 25 2017

SC Court of Appeals

William Lee Turner, Employee, Appellant,

v.

SAIIA Construction, Employer, and
Old Republic General Insurance Corporation
c/o Gallagher Bassett Services, Inc.,
Carrier, Respondents.

RETURN TO THE MOTION FOR LEAVE TO
FILE A RETURN IN OPPOSITION TO
PETITIONER'S REQUEST FOR ORAL ARGUMENT

By way of Return to the Motion, the Petitioner would respectfully submit as follows:

1. That in the Petition for Rehearing, the Petitioner repeatedly requested reconsideration, rehearing and rehearing en banc. First, not only does the very word rehearing encompass oral argument should the Court decide to grant rehearing, but the Court can order whatever it wants in reference to that grant of

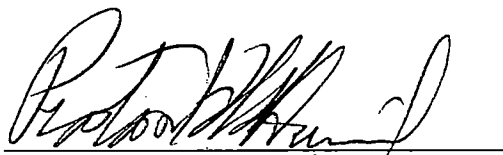
rehearing. The Court can ask for additional briefing on any or all of the specific issues raised. It can simply decide the matter based on the Petition and any Return and Reply filed or it can ask for further oral argument on any issue as it deems appropriate. The Petitioner clearly asked for reconsideration and rehearing and rehearing en banc. It is the Court's decision as to the rehearing that is granted.

2. That further in the original Petition, not as alleged in the Reply for the first time, the Petitioner asked for rehearing en banc or suggested rehearing en banc. Clearly that suggestion would encompass, as is clearly contemplated by the Rules under Rule 219, SCACR, that should the Court decide to grant hearing or rehearing on en banc in this case that the Court could allow or require further oral argument. Again, it is totally discretionary for the Court to decide, if it grants rehearing, what further briefing, hearing (oral argument) or reconsideration will be granted.

WHEREFORE, the Petitioner would respectfully submit that in the initial Petition for and throughout his Request for Rehearing, the Petitioner requested that the Court grant rehearing and it is within the Court's discretion to then decide what that will entail. Further, because of the ruling of the Court in reference to the original issues presented and because of this decision and its novelty and its precedential effect, the Petitioner variably believes that should the Court grant rehearing that further oral argument and a consideration for rehearing en banc would be in the

best interest of all concerned. However, like every request for rehearing, the final decision is a subject for decision by the Court in its discretion and its wisdom. There is nothing novel about the Petitioner's Request for Rehearing or different from the original Petition for Rehearing filed in this matter and any request for rehearing and the Motion should be denied.

Respectfully submitted by:



Preston F. McDaniel
SC Bar No.: 3770
MCDANIEL LAW FIRM
1315 Elmwood Avenue
Columbia, SC 29201
(803) 771-7211

Attorney for the Petitioner/Appellant

Dated: January 23, 2017

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Workers' Compensation Commission
Appellate Panel

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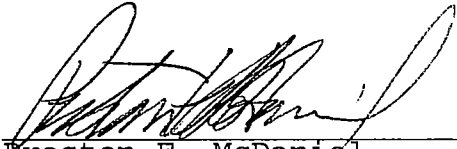
PROOF OF SERVICE

I certify that I have served the RETURN TO THE MOTION FOR LEAVE TO
FILE A RETURN IN OPPOSITION TO PETITIONER'S REQUEST FOR ORAL
ARGUMENT by depositing a copy of it in the United States Mail,
postage prepaid, on January 23, 2017, addressed to:

Jason W. Lockhart, McAngus
Goudelock & Courie
Post Office Box 12519
Columbia, SC 29211

Helen F. Hiser, Attorney,
McAngus, Goudelock & Courie
Post Office Box 650007
Mt. Pleasant, SC 29465

Dated: January 23, 2017



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Proudly representing injured workers
for over 30 years.

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January 23, 2017

Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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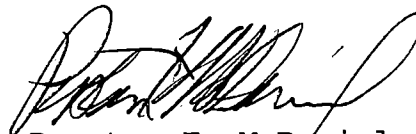
RE: William Lee Turner v. SAIIA Construction and Appeals
Republic General Insurance Corporation
Appellate Case No. 2014-002416

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of
Petitioner's RETURN TO THE MOTION FOR LEAVE TO FILE A RETURN IN
OPPOSITION TO PETITIONER'S REQUEST FOR ORAL ARGUMENT in the
above-referenced matter. Please file the original and return a
clocked-in copy to me in the enclosed, self-addressed, stamped
envelope.

By copy of this letter, I am serving Counsel of Record with a
copy of same.

Sincerely yours,



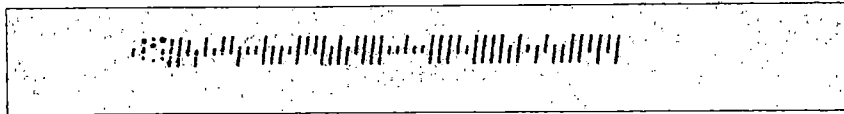
Preston F. McDaniel

PFM/kth
Enclosures

cc: Jason W. Lockhart, Esquire
Helen F. Hiser, Attorney
John Koon, Esquire



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McDaniel Law Firm
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Columbia, SC 29201

Honorable Jenny Abbott Kitchings
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