

February 6, 2017

Ref Case# 2016-000598 *Civil pages*

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

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

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FEB 09 2017

SC Court of Appeals

Ref: 2016-000598

Ms. Kitchings:

The South Carolina Court of Appeals has failed to provide with **Due Process** required by 14th Amendment of the U.S. Constitution under the law. Rule 210 (c), SCACR only states that that information had to be presented to lower courts or tribunal not accepted which is indicated in your letter dated February 2, 2017. It appears as S.C. Court of Appeals is selective to what should apply under the rules of law. And to prove this claim in case 2016-001382 a ruling was made by this S.C. Court of Appeals which denied Respondent (S.C. Worker's Compensation Commission) motion to strike clearly because Appellant had provided verification that evidence was presented. The ruling by S.C. Court of Appeals in case 2016-001382 clearly stated that only verification of evidence was presented not accepted was sufficient to satisfy Rule 210 (c) SCACR (enclosed). The letter from S.C. Court of Appeals dated February 2, 2017 (enclosed) stating Appellant shall not include any items in the record on appeal that were not presented to, and accepted by, the Worker's Compensation Commission is not in agreement with previous ruling and standing of this COURT. Furthermore, it goes beyond the standard of

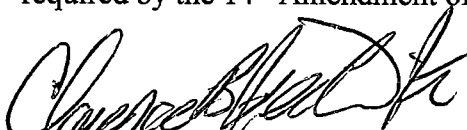
Rule 210 (c), SCACR requiring to be accepted. I have provided this COURT with portions of transcript verifying that such information was presented to S.C. Worker's Compensation Commission but it was ignored, I have provided this COURT with Orders from the Commission verifying pertinent facts were presented to but ignored, I have provided written documentations verifying presentation of evidence to this COURT but ignored and denied therefore is abuse of the S.C. Judicial System with a clear record of bias and prejudice. Furthermore, the records shows that pertinent information was either brought by Appellant or Respondent still was presented and not accepted by S.C. Worker's Compensation Commission therefore meet the standard of Rule 210 (c), SCACR.

I am going to highlight pertinent information that S.C. Court of Appeals has refused to see and accept which is in plain black and white verification from May 21, 2015 hearing before Comm. Michael Campbell II. May 21, 2015 hearing transcript on Page 86 lines 6 to lines 22 (enclosed) clearly presented to commission that short-term and long-term disability payments was paid but this COURT has denied when documentations are evident and true. Appellant again presented to the COURT on page 87 lines 12 to lines 19 (enclosed) informed this COURT of disability payments therefore willfully ignored from Liberty Mutual. Aetna Insurance and Amazon itself. On page 109 lines 1 to lines 11 (enclosed) clearly presented to this COURT medical records from medical providers that been denied. By denying what is evident before this COURT is a willful deception to satisfy political friendship and political association. By Amazon and American Zurich Ins. and S.C. Court of Appeals stating no such information is evident is false statement

and misrepresentation. I am requesting this COURT to provide specific response to above stated statements in this paragraph.

Provided that S.C. Court of Appeals can not make a determination based on facts before them therefore other options will be considered to ensure that justice is not ignored.

The rulings of this COURT has been bias and prejudice with a neglect of Due Process required by the 14th Amendment of the U.S. Constitution.



Clarence B. Jenkins Jr, Appellant

Cc: Atty. James R. Goude-lock
Atty. Helen F. Hiser

The South Carolina Court of Appeals

Clarence B. Jenkins, Jr., Appellant,

v.

South Carolina Workers' Compensation Commission,
Respondent.

Appellate Case No. 2016-001382

ORDER

Respondent has filed a motion to strike matters Appellant designated for inclusion in the record on appeal and referenced in his initial brief. Because Appellant has certified that he presented the matters as attachments to his motions, the motion to strike is denied. Pursuant to Rule 210(c), SCACR, matters may be included in the record as long as they were presented to the lower court, even if they were not admitted into evidence. Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.").



FOR THE COURT

Columbia, South Carolina

cc:
Clarence B. Jenkins, Jr.
James Keith Roberts, Esquire

FILED

December 22, 2016

The South Carolina Court of Appeals

Clarence B. Jenkins, Employee, Appellant,

v.

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

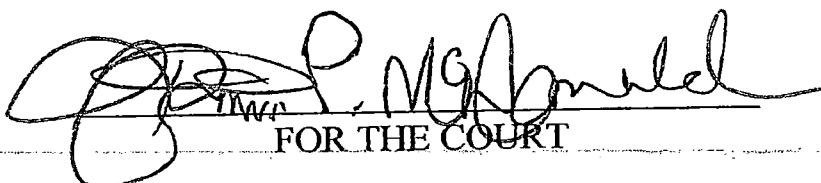
Appellate Case No. 2016-000598

ORDER

Appellant has filed a "Motion to Declare a Violation of Rule 4.1 and Rule 8.4" of the South Carolina Rules of Professional Conduct, arguing Respondents' attorneys made false statements in their initial brief in an attempt to defraud this court. The motion is denied.

Respondents have filed a motion (1) to strike portions of Appellant's initial reply brief that raise new arguments and reference items not presented to the Workers' Compensation Commission, and (2) to strike or order clarification of several items in Appellant's designation of matter. Respondents' motion is granted with respect to Appellant's initial reply brief. Appellant shall, within twenty days of entry of this order, serve and file an amended initial reply brief that excludes the following issues and related arguments: "III. Did Single Commissioner Michael Campbell II. erred with instructions and declaring Appellant lacks credibility from May 21, 2015 hearing?"; "VIII. Did The Commission Appellate Panel erred by not accepting medical evaluations from Dr. Carol Benoit and Dr. James Way that verifies a direct and casual relationship to work injury on February 10, 2013 under R67-707"; and "VIII. Did The Commission Appellate Panel erred by refusing and rejecting a medical assessment by SCWCC Legal Counsel, J. Keith Roberts in J.R. Brock's report of Lexington County Sheriff Office under R67-707?" *See State v. Hewins*, 409 S.C. 93, 118 n.9, 760 S.E.2d 814, 827 n.9 (2014) ("It is well settled appellants may not make new arguments for reversal in their reply brief."). In addition, Appellant shall strike from his amended initial reply brief all references

to the medical evaluations by Dr. Carol Benoit & Dr. James Way and any disability payments from Liberty Mutual Insurance or Aetna Insurance. Respondents' motion is denied with respect to Appellant's designation of matter; however, Appellant shall not include any items in the record on appeal that were not presented to, and accepted by, the Workers' Compensation Commission. See Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal."). Failure to comply with this order and the South Carolina Appellate Court Rules may result in dismissal of this appeal.


FOR THE COURT

Columbia, South Carolina

cc: Clarence B. Jenkins
J. Russell Goudelock, II, Esquire
Helen F Hiser, Esquire

FILED

February 2, 2017

BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC FILE NO. 1303989

CLARENCE B. JENKINS,)
)
CLAIMANT,) HEARING
) BEFORE COMMISSIONER
) R. MICHAEL CAMPBELL, II
v.)
) TRANSCRIPT
AMAZON.COM, DEDC, LLC,)
)
EMPLOYER,)
AND)
)
AMERICAN ZURICH INSURANCE)
COMPANY,)
)
CARRIER,)
DEFENDANTS.)
_____)

THE WORKERS' COMPENSATION HEARING, TAKEN
BEFORE CORA ELLIS BRUTON, A NOTARY PUBLIC IN AND FOR
THE STATE OF SOUTH CAROLINA, COMMENCING AT THE HOUR OF
3:44 P.M., THURSDAY, MAY 21, 2015, SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION, 1333 MAIN STREET,
COLUMBIA, SOUTH CAROLINA 29201.

CORA ELLIS BRUTON
COURT REPORTER
131 BROWNING COURT
LEXINGTON, SOUTH CAROLINA 29073
803-397-0189

1 from March -- from February the 21st, 2014 I was just
2 recently terminated as of April 3rd, 2014, but the
3 point that I want to make is that because I was denied
4 access because of work restrictions not able to
5 accommodate by Amazon HR, and that 42-9-10 states that
6 the Employee should receive weekly benefits. During
7 the time of March 5th to July 19th I received short
8 term disability from March 5th up until -- no, I'm
9 sorry. From February the 7th up until March 5th, 2014
10 I received five weeks short term disability payment.
11 So because of 42-9-10 states that weekly benefits
12 should be paid to the Employee -- Employee because
13 he's out. I did not receive any income from March 5th
14 up until July 19th because the Employer kept me out
15 because of my medical symptoms and work restrictions.
16 Therefore, I feel that workers' comp -- that Amazon
17 owes for four and a half months of unpaid benefits.
18 Short term benefits was not paid, eventually long term
19 disability kicked in the middle of July. But for four
20 and a half months, from March 5th up until July 19th
21 there was no income at all. And therefore, Amazon
22 should be held accountable for those benefits.

23 THE COURT: Sir, I hear what you're saying, but
24 I'm also looking at your Form 50 and I don't see where
25 that's a part of your Form 50 and what is before me

1 today.

2 MR. JENKINS: Well, if you take -- if you take
3 January 22nd, 2014 to present that would fall within
4 that category.

5 THE COURT: Correct, but you haven't argued as
6 part of your argument on your Form 50 that you wanted
7 TTD.

8 MR. JENKINS: Well, let's see.

9 THE COURT: And that has to be included as part
10 of your Form 50, otherwise it's not properly before
11 me.

12 MR. JENKINS: Well, you see, due to injury the
13 Claimant requests temporary total disability benefits
14 because of lost compensable time from work and wages
15 to a period of, and I do have from January 22nd, 2014
16 to present. So that would include -- present means
17 now, which income -- some income has been provided,
18 but some -- during some months no income has been
19 provided.

20 THE COURT: Okay.

21 MR. JENKINS: So -- so you take January 22nd, 2014

22 --

23 THE COURT: All right. I see where you're
24 talking about.

25 MR. GOUDELOCK: May I respond, Your Honor?

1 MR. JENKINS: Right, right, right, right, but the
2 point -- the whole thing about that though, but Amazon
3 be able to subpoena the records. Amazon, even though
4 they were not part of Amazon legal Brief, Amazon have
5 a public document where they issue subpoenas for all
6 those medical records including Richland Medical
7 Center, Dr. Muhammed, Norfield Medical Center, Dr.
8 Eden, but yet, Dr. Tomarchio, Dr. Gonzalez, but yet,
9 you know, I'm not able to present all their records
10 when Amazon is the one that issued subpoenas for the
11 records though.

12 THE COURT: And you could have if you had
13 properly listed stuff.

14 MR. JENKINS: Right. Right, but you -- I
15 understand, sir, but even though -- even though I may
16 have not properly listed them, they saw those things
17 --

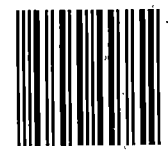
18 THE COURT: And here -- be also aware of this, if
19 there were subpoenas that were issued the Commission
20 is aware of that. That's all a part of the record.
21 We have all of that information.

22 MR. JENKINS: Right. So then does the Commission
23 have to ask where are the records then? Why didn't
24 Amazon submit the records? You know why Amazon didn't
25 submit the records; because the records dispute their

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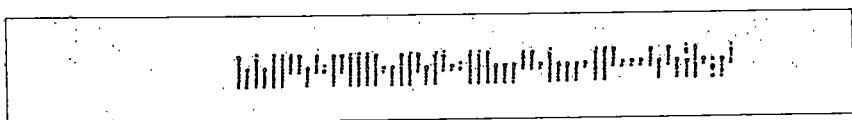


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