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February 10, 2017

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FEB 13 2017

SC Court of Appeals

Honorable Jenny Abbott Kitchings  
Clerk of the Court of Appeals  
PO Box 11629  
Columbia, SC 29211

Re: Stanley H. Starnes, Claimant, Respondent v. Senn Freight Lines, Employer and  
Guarantee Insurance Company, Carrier, Appellants  
Case No. 2017-000122

Dear Ms. Kitchings:

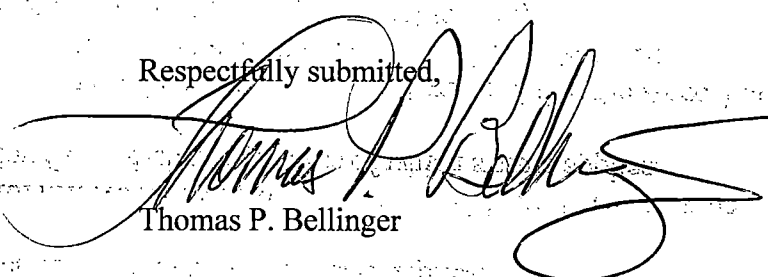
On February 2, 2017, David H. Keller, Esquire, filed a Motion to Hold Appeal in Abeyance. It has yet to be determined whether Claimant's death is unrelated to his Workers' Compensation claim; and thus, whether §42-9-280 or §42-9-290 applies.

That being said I concur with Mr. Keller that a determination of dependency must be made by the Workers' Compensation Commission regardless of which statute applies.

Therefore, I also respectfully request the Court to issue an Order holding the Appeal in Abeyance until such time as a hearing can be held and an Order issued by the Workers' Compensation Commission addressing dependency and what benefits if any would be payable.

My interpretation of S.C. Appellate Court Rule 240 (e) reveals I do not need to file a Return to this Motion since I consent to holding this appeal in abeyance; however, I wanted to state my position.

Respectfully submitted,

  
Thomas P. Bellinger

TPB:dip

cc: David H. Keller  
Turner, Padet, Graham & Laney  
PO Box 1509  
Greenville, SC 29602

Johnnie Starnes and Bessie Starnes.  
327 South Main St  
Gaston, SC 29053

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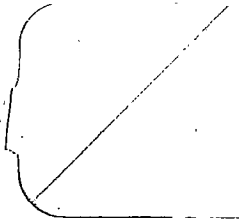


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