

February 14, 2017

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

Clarence B. Jenkins Jr.
945 Wire Rd.
Neeses, SC 29107

Ref: Case No.# 2016-000598

Honorable Jenny Kitchings:

The issues regarding complaint 2016-001382 as whether documentations were submitted and presented to Honorable Judge Casey L. Manning has been determined as verified TRUE by South Carolina Court of Appeals therefore is closed decision and does not required a review. Furthermore met the standard of Rule 210, SCACR of South Carolina Court of Appeals.

South Carolina Court of Appeals has been provided sufficient written verifications by Appellant for a reverse if a decision is affected by error of law has met the standard of the Administration Procedures Act due to violations of South Carolina Worker's Compensation Commission Rule R67-611 by Commissioners of South Carolina Worker's Compensation Commission as a agency. Provided that South Carolina Court of Appeals may find sufficient cause to reverse previous actions of South Carolina Worker's Compensation Commission would be suspicious of Respondents as stated in their Reply

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SC Court of Appeals

but it is a viable claim being made by Appellant in this Response. A self represented claimant are not required to file a pre-hearing brief according to R67-611 of South Carolina Worker's Compensation Commission. By South Carolina Worker's Compensation Commission stating Appellant had to file a pre-legal brief and denying the opportunity to submit pertinent documentations is a violation S.C. Code Ann. 1-23-380 (5). See instructions of South Carolina Worker's Compensation Commission Law R67-611.

Appellant is submitting a Notice of Hearing from South Carolina Worker's Compensation Commission dated March 19, 2015 stating the attorneys must file a form 58 according to Regulation R67-611. See documents.

For as a review being confined to record has been met according to S.C. Ann. 1-23-380(4); see also Terry v. South Carolina Dept. of Health & Environmental Control, 377 S.C. 569, 574, 660 S.E.2d 291, 294 (Ct. App. 2008) is more evident by portions of the transcript of May 21, 2015 hearing proceedings at South Carolina Worker's Compensation Commission by an independent contracted court reporter, Cora Brutont that has been submitted by Appellant to verify presentation of written documentations but denied.

Provided South Carolina Court of Appeals considered previous Response as a motion and requires the \$25.00 fee therefore notification is being requested. The required \$25.00 fee would be a hardship due to a continuation of improper rulings of the COURT.

Appellant is requesting that South Carolina Court of Appeals review all documents according to the record rendering and fair and just decision.

February 14, 2017



Clarence B. Jenkins Jr.

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945 Wire Rd.

Neeses, South Carolina 29107

(803) 263-4514

Pro Se Appellant

Atty. James R. Goudelock
PO Box
Columbia, South Carolina
Attorney for Respondents

Atty. Helen F. Hiser
Post Office Box 650007
Mt. Pleasant, South Carolina 29465
Attorney for Respondents

See Attachments

(3) A party shall plead in response to an amended form within the time remaining for response to the original form or within ten days after service of the amended form, whichever period may be longer, unless the Commission otherwise orders.

(4) Attorneys for the parties shall serve the opposing party according to R.67-211.

(5) If the claimant is not represented by an attorney, the Commission will serve the employer's representative or attorney.

C. An amended form must be timely filed and served. The Commissioner will determine at the hearing whether to allow a party to rely on new facts or defenses.

HISTORY: Amended by State Register Volume 16, Issue No. 4, eff April 24, 1992; State Register Volume 21, Issue No. 4, eff April 25, 1997.

67-611. Pre-hearing Brief.

A. A claimant who is representing himself or herself is not required to file a Form 58, Pre-hearing Brief.

(1) If the claimant elects to file a Form 58, mail the Form 58 to the Commissioner's office identified on the hearing notice.

(2) The Commissioner's office will send a copy of the Form 58 to the employer's attorney.

B. Each attorney representing a party at a hearing shall file and serve a Form 58 according to the following:

(1) File a Form 58 and proof of service at least ten days before the hearing with the Hearing Commissioner's office identified on the hearing notice. Complete the Form 58 and give the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements including video recordings and/or transcribed audio recordings have been taken from one of the witnesses including the claimant and indicate who has possession of same. A party is under a duty to promptly supplement a response with respect to any question directly addressed on the form and amend a response if the party obtains information upon the basis of which the party knows the response was incorrect when made, or the party knows the response thought correct when made is no longer true and the circumstances are such that a failure to amend the response is in substance a knowing concealment.

(2) Serve the opposing party according to R.67-211.

C. The Form 58 shall remain in the Commission's file but shall not constitute evidence or become part of the record of the hearing.

D. If an attorney fails to file and serve a Form 58, the Commissioner may postpone the hearing according to R.67-613 or assess against an attorney by written order a fine of up to one hundred dollars.

HISTORY: Amended by State Register Volume 16, Issue No. 4, eff April 24, 1992; State Register Volume 21, Issue No. 4, eff April 25, 1997.

67-612. Admission of Expert's Report as Evidence.

A. This regulation does not apply to the Form 14A filed according to R. 67-1301, nor shall this regulation be construed to limit a party's right to call a witness (lay or expert) or present evidence (lay or expert) in the form of a deposition.

B. A written expert's report to be admitted as evidence at the hearing must be provided to the opposing party as follows:

(1) The moving party must provide the report to the opposing party at least fifteen days before the scheduled hearing.

(2) The non-moving party must provide to the moving party any report not provided by the moving party at least ten days before the scheduled hearing.

(3) Where both parties file hearing requests the first party to file shall be considered the moving party.

(4) The carrier shall be deemed the moving party in all hearings scheduled pursuant to a request under R. 67-504C.

South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723



WCC File #: 1303989
Carrier File #: B367100249000101671
March 19, 2015

NOTICE OF HEARING

CLARENCE B JENKINS v. AMAZON.COM.DEDC, LLC

Subject: To determine issues as set forth on Forms 50 and 51.
Date: May 21, 2015 at 03:30 PM
Location: SC Workers' Compensation Commission, 1333 Main Street, Suite 500 Hearing Room B
Columbia, SC 29202

South Carolina Regulations 67-601 through 67-615 govern hearings before the South Carolina Workers' Compensation Commission. The claimant must attend when not represented by an attorney or when disfigurement is involved. Corporations must be represented by an attorney, and uninsured employers must attend.

Attorneys must file a Form 58 with proof of service pursuant to Regulation 67-611. Postponements are only granted pursuant to Regulation 67-613. Please visit www.wcc.sc.gov/Commissioners to view Commissioners' Preferences. If you have questions regarding this matter, please contact the office of the undersigned Jurisdictional Commissioner.

Commissioner Mike Campbell
803-737-5678, bcheeseboro@wcc.sc.gov

CERTIFICATE OF SERVICE – This is to certify the undersigned has served this notice in the above entitled action upon all parties to this cause by sending a copy hereof by electronic mail or United States mail.

By: Barbara Cheeseboro, SC Workers' Compensation, March 19, 2015

Party

Employee: CLARENCE B JENKINS
945 WIRE RD
NEESES, SC 29107

Employer: AMAZON.COM.DEDC, LLC
Carrier: American Zurich Insurance Co.

Employer: AMAZON.COM.DEDC, LLC
Carrier: American Zurich Insurance Co.

Attorney

J. Russell Goudelock, II (5)
rgoudelock@mgclaw.com
803-779-2300

Elizabeth F. Render
elizabeth.render@mgclaw.com
803-227-2308

South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
Post Office Box 1715
Columbia, South Carolina 29202-1715
(803) 737-5739 www.wcc.sc.gov



PRE-HEARING BRIEF
WCC File No: 1303989

Claimant's Name: Clarence B. Jenkins SSN: 248-41-1391
Address: 945 Wire Road, Neeses, SC 29107
Home Phone: _____ Work Phone: (803) 791-6542
Preparer's Name: J. Russell Goudelock, II

Employer's Name: Amazon.com DEDC, LLC [CAE1]
Address: 7200 Discovery Drive, Chattanooga, TN 37421
Carrier: Insurance Company of the State of Pennsylvania
Preparer's Phone #: (803) 227-2222

A claim for workers' compensation benefits is made based on the following grounds:

Injury Illness Repetitive Trauma

1. Comp. Rate: \$326.08 2. AWW: \$489.09 Date of Injury: 02/10/13
3. Type of injury and body part(s): ALLEGED headaches, eyes, neck, legs and feet.
4. Facts in controversy: Did Claimant sustain any compensable injury(ies) by accident arising out of and in the course of his employment to the extent alleged in Form 50? Has Claimant been incapable because of injury from earning the same or similar wages? Is Claimant entitled to payment of any temporary total disability benefits (Form 50 seeks payment dates 04/22/13-09/23/13 and 01/22/14 to present)? Is Claimant entitled to payment of any permanent disability benefits (Form 50 seeks General Disability)? Is Claimant entitled to any additional medical treatment and/or medical evaluation?
5. Legal issues involved: S.C. Code Ann. Sections 42-1-120, 42-1-160, 42-9-10, and 42-15-60; other applicable statutes, regulations and case law.
6. Unusual aspects: Defendants have furnished Claimant with appropriate medical treatment and/or evaluation to the extent potentially caused by work injury. Claimant's current medical condition, if any, is not because of any compensable work injury. Defendants reserve the right, and may move, to postpone or adjourn the scheduled hearing to exercise due process rights afforded by the S.C. Administrative Procedures Act, and other applicable law, to cross-examine, respond to and/or otherwise oppose evidence presented by Claimant.
7. Witnesses (designate if expert):* Claimant; Michael Samina; Kelley Wells, RN; Alicia Kelsler and/or other representative(s) from Employer; see no. 6 above.
8. Exhibits: Relevant employment personnel records from Amazon; transcript of Claimant's deposition testimony (June 17, 2013); relevant employment personnel records from Voorhees College [submitted pursuant to APA]; relevant unemployment compensation records from S.C. Dept. of Employment and Workforce [submitted pursuant to APA]; extensive emails, in whole or in part, from Claimant to Defendants may be submitted; see no. 6 above.
9. Medical evidence (indicate report pursuant to R.67-612; deposition or appearance): See Defendants' Notice (May 11, 2015); transcript of deposition testimony of David E. Stickler, M.D. (January 15, 2015); see no. 6 above.
10. Name, address, and specialty, if any, of the treating physician: Palmetto Health HealthWorks, Columbia, SC, occupational medicine.
11. Impairment rating(s); body part(s); physician and date of opinion: None.
12. I am amending my Form 50/51 in the following manner: Defendants join in Claimant's request for hearing and seek determinations that Claimant has reached maximum medical improvement and no further medical benefits or any temporary or permanent disability compensation benefits are owed to the Claimant.

Mediation

- a. Mediation is requested to be ordered pursuant to Reg. 67-1801 B.
- b. Mediation is required pursuant to Reg. 67-1802.
- c. Mediation is requested by consent of the Parties pursuant to Reg. 67-4803.
- d. Mediation has been conducted by a duly qualified mediator and resulted in an impasse.

Questions regarding mediation may be submitted to mediation@wcc.sc.gov.

I verify the contents of this form are accurate and true to the best of my knowledge.

I certify I have served this document pursuant to Reg. 67-211 by delivering a copy to Clarence B. Jenkins

address 945 Wire Road, Neeses, South Carolina 29107

on the 11th **day of** May **20** 15

by first class postage certified mail personal service.

Signature: _____

Email: rgoudelock@mgclaw.com

Date of Hearing: May 21, 2015

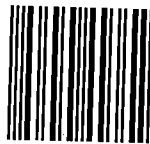
Time needed for hearing: 1.5 hours

Questions about the use of this form should be directed to the Jurisdictional Commissioner. Refer to Regulations 67-204 through 67-211, 67-211, and Regulations 67-601 through 67-615; as well as Reg. 67-1801. File this form and proof of service on the opposing party according to R.67-611 and R.67-212. Do not send medical reports. *Commissioners reserve the right to admit expert witnesses at hearings.

Clare Jett
945 Wye Rd
Neeses, SC 29167



1000

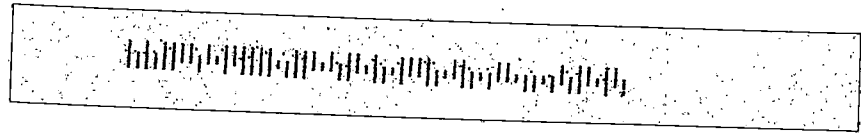


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Columbia, SC 29211