

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

William P. Keesley, Successor Circuit Court Judge

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Case No. 2013-CP-32-01272

Case No. 2014-CP-32-00399

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Appellate Case No. 2015-001821

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APPEAL FROM THE WORKERS' COMPENSATION COMMISSION

W.C.C. Case No. 0506205

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Alexander Guice, Employee, Appellant,

v.

US Foodservice, Inc., Employer, and  
Ace American Insurance Company, c/o  
Gallagher Bassett Services, Inc., Respondents.

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**DECLARATION OF ALEXANDER GUICE VOIDING "SETTLEMENT AGREEMENT  
AND RELEASE" DATED 12/22/2005 AND NOTICE OF DEMAND FOR ENTITLED  
TEMPORARY TOTAL DISABILITY BENEFITS AND PAYMENTS**

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**TO: ERIN LEIGH HANTSKE, ESQUIRE, EMPLOYER'S REPRESENTATIVE FOR  
US FOODSERVICE, INC., AND ACE AMERICAN INSURANCE COMPANY,  
C/O GALLAGHER BASSETT SERVICES, INC., THE EMPLOYER AND  
CARRIER:**

**PLEASE TAKE NOTICE** that pursuant to S.C. Code Ann. § 42-17-10 (Supp. 2005), of  
the South Carolina Workers' Compensation Act, **ALEXANDER GUICE**, the undersigned *pro*  
*se* Appellant, the Employee, Claimant, and Injured Worker (hereinafter "Claimant" or

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SC Court of Appeals

“Undersigned”), hereby presents this “Declaration of Alexander Guice Voiding “Settlement Agreement and Release” dated 12/22/2005 and Notice of Demand for Entitled Temporary Total Disability Benefits and Payments” (“Declaration”), wherein the undersigned respectfully

DECLARES:

1. THAT the undersigned Claimant, and the Claimant’s former counsel of record, namely, Robert Glenn Bacon, Esquire, signed a “Settlement Agreement and Release” (“Agreement”), in the Matter of Alexander Guice v. US Foodservice, Inc., et al, W.C.C. Case No. 0506205, on or around **12/22/2005**.

2. THAT the terms and conditions contained within the plain language of the Agreement mandated:

**“WHEREAS, full and complete medical reports are on file with the South Carolina Workers’ Compensation Commission and these are duly considered by it in approving this Settlement Agreement and Release.”**

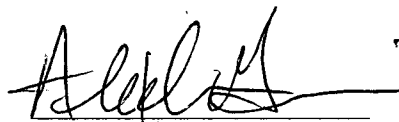
3. THAT Section 42-17-10 of the code of laws of South Carolina (Supp. 2005), provides in relevant part, that **“...a memorandum of the agreement in the form prescribed by the commission, accompanied by a full and complete medical report shall be filed with the commission within fifteen days after agreement has been reached by the parties for approval of the commission; otherwise, such agreement shall be voidable by the employee or his dependents.”** *Id.* at 4. (Emphasis added).

4. THAT as of the expiration of the fifteen (15) day period from the date the undersigned and his former attorney signed the agreement on 12/22/2005, or by no later than 01/06/2006, “full and complete medical reports” was not filed with the S.C. Workers’ Compensation Commission (hereinafter “Commission”), respective to aforementioned Agreement, for Commission approval.

5. THAT as of the date the undersigned and his former attorney signed the agreement on **12/22/2005**, alleged former “Employer’s Representative”, namely, Walter Hilton Barefoot, Esquire, HAS NOT SIGNED THE SETTLEMENT AGREEMENT AND RELEASE; rather, Mr. Barefoot instead signed the **Commission’s approval** of the agreement, on **01/05/2006**, which **was not** the “form prescribed by the Commission”, pursuant to Section 42-17-10, upon review of the unambiguous language set forth in S.C. Code Reg. § 67-803(B)(2) (Supp. 2005), which expressly requires that **“...the claimant, his or her attorney, and the attorney for the employer’s representative sign the Agreement and Final Release.** The Agreement and Final Release **may then be approved** by the Commissioner assigned the claim without an appearance before a Commissioner...”, wherein all parties **were obligated** to signed the agreement **prior** to the proposed agreement being filed with the Commission, for the Commission’s approval, which to date, has not occurred.

6. THAT pursuant to Section 42-17-10 of the code of laws of South Carolina (Supp. 2005), the undersigned Claimant HEREBY DECLARE THE AGREEMENT ENTERED INTO BY THE UNDERSIGNED AND HIS FORMER ATTORNEY ONLY, ON 12/22/2005, VOID.
7. THAT pursuant to Section 42-9-260(B)(1), (F) and (G), of the code of laws of South Carolina (Supp. 2005), the undersign issues this **Notice of Demand** for the IMMEDIATE RELEASE of any and all workers' compensation benefits, to include payments of entitled Temporary Total Disability Payments; and the TWENTY FIVE PERCENT PENALTY on the withheld Temporary Total Disability Payments, secured by the undersigned, pursuant to the South Carolina Workers' Compensation Act, and respective to W.C.C. Case No. 0506205, to the undersigned, by OPERATION OF LAW, as a matter of law.
8. THAT all payments, benefits, and the like, secured by the undersigned under the Act, and respective to W.C.C. Case No. 0506205, be submitted to the undersigned at the contact information provided below.

By:



Alexander Guice  
U.S. Citizen  
Honorable Disabled Veteran  
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Tampa, FL 33681  
(813) 562-0547  
alguice@hotmail.com  
Appellant/Claimant, Pro Se

February 18, 2017