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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM South Carolina  
Workers Compensation Commission

Full Commission Order Dated April 28, 2017 affirming Commissioner Melody L. James orders dated January 04, 2013 And September 30, 2013

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Case No.: 2017-001217

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John C. McDaniel.....Appellant,

v.

Snelling Staffing Services and United Wisconsin Insurance  
Company c/o United Heartland .....Respondents.

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**RETURN TO RESPONDENT’S MOTION TO STRIKE**

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*“The Workmen’s compensation act is remedial legislation which is entitled to a liberal construction to accomplish the ends and purposes for which it was enacted.” Flemon v. Dickert-Keowee, Inc. 259 S.C. 99, 190 S.E.2d 751(1972)*

Let it be known that the appellant hereby responds to the respondents motion to strike as follows.

The Respondents motion is generally based on a misunderstanding of what a remand hearing is. Apparently, the Respondents believe that a remand hearing is not a continuation of the original hearing and, that after a remand hearing, the Appellant should be forced to pursue two independent appeals, one concerning the first hearing and another concerning any issues arising from the second hearing. However, this holding is simply not true, and the Respondents’ motion should be denied.

1) The Respondents have put forth that the Amended Form 30 originally filed with the commission on October 12, 2013 and again on Dec. 23, 2016 out of an abundance of caution are insufficient to preserve the issues stated on that amended form 30. (The same, and unchanged, Amended Form 30 was submitted both times)

A) The amended form 30 filed on October 12, 2013 was timely, and as the respondents assert, it did not have a \$150 filing fee attached. The reason there was no \$150 filing fee attached is that Title 42 does not require the filing fee to be paid again to amend forms, nor does chapter 67 require the payment of a second filing fee for amending a form. The \$150 filing fee was paid with the original form 30, then a remand hearing was held, after the remand hearing was held the amended form 30 was submitted. (It is important to note, that the motion to remand was granted prior to any review hearing. Thus, the \$150 filing fee was never expended.) This amended form 30 uses the \$150 filing fee from the original form 30. If the lack of a filing fee were the reason that the Amended Form 30 was ineffective, the commission would have stated such.

However, in the first order from the full commission the commission stated, “in reaching this decision, the appellant panel did not consider any documents outside the record because the claimant’s amended form 30 was not timely served; therefore, any records submitted with the amended form 30 were not considered by the panel.” After the appellant put forth the argument that the commission was responsible for serving the amended form 30 the wording was changed in the second full commission decision and order.

It now reads, “in reaching this decision, the appellant panel did not consider any documents outside the record because the claimant’s amended form 30 was not properly before this panel; therefore, any records submitted with the amended form 30 were not considered by the panel.” Of note, this wording was changed by the respondents, without direction from the Commission, to include reference to the records submitted with the Amended Form 30.

The proposed decision and order written by the commission stated, “Claimant’s amended Form 30 is not properly before this Panel.” However, even when the appellant objected to the respondents changing the wording of the Commission’s own amendment, the Commission allowed the Respondents to draft whatever order would be most helpful to them.

When the commission fails to state why the Amended Form 30 is not properly before them, they do not allow for substantial judicial review. Simple declarations without any supporting evidence or explanation does not allow for substantial judicial review, this is contrary to law and incredibly prejudicial to the appellant.

§ 42-17-50 “If an application for review is made to the commission within fourteen days from the date when notice of the award shall have been given, the Commission shall review the award”

The Appellant initially informed the Commission of the intent to appeal both orders from the single commissioner on October 4, 2013 in an email objecting to the scheduling of the full commission hearing only 14 days after the issuance of the remand hearing order. The Court of Appeals found that the issue warranted a new review hearing, as the 14 days was insufficient time between the issuance of the decision and order from Commissioner James second hearing and the full commission review hearing.

B) The Appellant has an obligation to amend forms as needed according to R.67-613 B.(4) "If the nature of the claim or the relief requested changes, file a new hearing request according to R.67-207 unless R.67-610 applies."

The original hearing was held Nov. 28, 2012 and the Original Form 30 was timely served.

Thereafter, a Motion for Additional evidence was granted under R. 67-707.

The remand hearing was held July 8, 2013. On October 3, 2013 Appellant received via U.S. mail "Notice of Appellate Review" setting a full commission review hearing for October 14, 2013. On October 4, 2013 Appellant received via Certified Mail both the Decision and Order from the July 8, 2013 remand hearing and the "Notice for Appellate Review."

After receipt of the Decision and Order on Oct 4, 2013 the Appellant amended the Form 30 to reflect a change in the nature of the relief requested on his request for review.

On October 12, 2013 Appellant delivered to the Commission the "Amended Form 30 with attachments" via Email. [Respondents Exhibit H]

The Appellant timely filed the Amended Form 30.

C) R.67-211 C.(2) "When the claimant does not serve the form or document, the Commission will serve it by depositing the form or document in the United States Postal Service first class postage, addressed to the opposing parties per R.67-210."

R.67-701 A." The Commission will not accept for filing a Form 30 that is not postmarked or delivered to the Commission by the fourteenth day from the date of receipt of the hearing Commissioner's order."

R.67-701 (B) and R. 67-211 (C)(2) places the duty of service of all Form 30's with the Commission. The Commission was provided with the Amended Form 30 within eight (8) days of the receipt of the Decision and Order from the (July 8, 2013) remand hearing. The Full Commission review was held on the tenth (10<sup>th</sup>) day after receipt of the remand order by the Appellant. At the review hearing the Appellant was notified by the Full Commission Panel that "We have that [amended form 30] in front of us, yes, sir." The Appellant relied on this statement as an express declaration that the Amended Form 30 was accepted as timely filed.

The filing of the Amended Form 30 within the 14 day window tolls the statutory time limit and it would be contrary to law for the commission to exclude the issues raised.

D) § 1-23-320 (E) "Opportunity must be afforded all parties to respond and present evidence and argument on all issues involved."

In preparation for the second full commission hearing, the Appellant has once again forwarded the Amended Form 30 for the upcoming review hearing to have the Commission

prepare copies and serve them on the opposing parties as required under R.67-701 B., which states for pro se claimants “the judicial department will prepare the additional copies of the Form 30 and serve the Form 30 on the opposing party.”

When the commission fails to accept the amended form 30, they are no longer allowing for substantial judicial review, as it is the Appellant’s responsibility to place enough evidence in the record to allow for substantial judicial review.

E) Why would the Appellant serve the same Amended Form 30 twice?

The appellant served the commission the amended form 30 on two separate occasions. The reason an amended form 30 was served the first time was that the appellant’s request for relief had changed. The reason the same amended form 30 was served the second time was that at the first full commission hearing the amended form 30 had been excluded as not timely served. The Worker’s Compensation commission however unlawfully limited both of the full commission hearings to only the original form 30, which was filed prior to the granting of the motion for remand. The motion for remand that the appellant is referring to was actually titled “motion for additional and newly discovered evidence.” However, this motion was filed pursuant to § 67 – 707 and that particular regulation calls for remand and the motion itself asks for the issue to be remanded to the original hearing Commissioner.

2) The Respondents argue that the hearing currently being briefed should exclude any issue not raised on the Original Form 30 filed January 14, 2013.

Respondents misunderstand the law. The July 8<sup>th</sup> 2013 remand hearing was a linear continuation of the first hearing held Nov. 28<sup>th</sup> 2012. Once a remand hearing was granted the appeal was stayed. This stay is not lifted until a decision and order is served on all parties. § 67 – 707 (C)(2)(e) The point of placing the appeal on stay is to afford the opportunity to amend or withdraw the appeal after the remand hearing, otherwise, there would be no reason to stay the appeal so a remand may be heard.

In this case, the Court of Appeals went so far as to reference the stay in their order reversing and remanding the full commission order. “This appellant panel review hearing was stayed while the single commissioner held a remand hearing.” [Respondents Exhibit G]

Respondents argue that the Appellant’s issues raised on the Amended Form 30, are not preserved for judicial review because they were not raised in the Original Form 30 filed Jan. 14, 2013. However, after the Original Form 30 was filed, a review hearing was set, but, prior to that full panel hearing, a motion for additional evidence was considered and granted pursuant to R. 67-707(B). This motion asked for the case be remanded to the original hearing commissioner. When the full commission granted this motion they deviated from R. 67-707 (B).

Thereafter, the Appellant objected to the way in which the motion was granted as it was not in adherence with R. 67-707 (C)(2)(d). The commission granted the objection and set a remand hearing before the single Commissioner. That remand hearing was held on July 8, 2013, and a

Decision and Order was issued on Sept. 30, 2013. On October 12, 2013, Appellant filed an Amended Form 30 amending the form 30 filed Jan. 14, 2013, pursuant to S.C. Code of Regulations Chapter 67, raising multiple issues from both the original and remand hearings held before the single commissioner.

Thus, the second order from Commissioner James dated September 30, 2013 was in fact effectively appealed when the amended form 30 was received by the commission prior to the expiration of the statutorily afforded 14 days to appeal after receipt of the order.

3) As to respondents exhibit A, the appellate panel decision and order filed April 28, 2017.

A) Page 6, of Exhibit A, paragraph 1 states, “additionally, on March 8, 2013, prior counsel for the claimant filed a motion to admit additional and newly discovered evidence to include pay records from Jared Lampkin, the claimant’s replacement at Alside Revere. By judicial conference decision and order dated April 15, 2013, the claimant’s motion to admit additional evidence, dated March 8, 2013 was granted.

The respondents were allowed by the commission to write the decision and order signed by the commission on April 28, 2017. On April 11, 2017 the appellant objected to the respondents authoring the decision and order for the commission. Allowing the respondents to draft a decision and order after seeing the appellant’s grounds for appeal, including having the issues fully briefed, is an obvious miscarriage of justice as it allows the respondents to preemptively respond to the appellant’s issues on appeal with the effect of the commissioners own words. When the appellant objected to the respondents authoring the commission’s decision and order the commission in order to maintain the air or illusion of fairness should have drafted the order themselves, or had their legal counsel draft it as had happened previously. It cannot be considered a liberal construction of the statutes, which must be construed as such to protect the injured worker, to allow the respondents to draft the words of the commission. The decision and order that was signed by the full commission panel on April 28, 2017 was verbatim the document sent to them by the respondents. At the same time as the appellant notified the commission of his objection to the respondents drafting the decision and order, he provided them with proposed findings of fact to be ruled upon in accordance with title I. None of the appellant’s approximately 100 findings of fact were ruled upon, yet the respondents proposed order was signed without as much as a single word being changed. The judicial canons of conduct call for the commissioners to maintain impartiality. The judicial canons of conduct strictly prohibit the illusion of bias. Thus, when the commission signs every word put forth by the respondents and denies every word put forth by the appellant they are not abiding by the judicial canons of conduct.

Now, in a completely unsurprising turn of events the respondents are putting forth the order signed on April 28 as evidence, the order itself is not evidence simply a ruling upon law and fact which are being currently appealed.

B) Page 6 of exhibit a, paragraph three states, “the testimony in the record, together with documentary evidence (including the additional pay records of Jared Lampkin, admitted through

judicial conference order dated April 15, 2013), has been provided to the members of the appellant panel, and has been under careful study, review, and consideration. In addition, briefs and oral arguments were received from both parties.”

If Commissioner James II hearing were to consider the impact of Jared Lampkin’s records upon the appellant’s average weekly wage was not properly appealed, then the commissioners would not have considered the impact of Jared Lampkin’s records during the second full commission hearing. If the appellant had initiated a second line of appeals they would be the same issues between the same parties and thus would be barred by double jeopardy. Just as an individual cannot be charged with the same crime twice, an individual may not appeal the same topic twice. If the appellant had initiated a second line of appeals they would have been dismissed by the commission since no court, quasi-judicial or otherwise, may hear a case pertaining to the same issues, between the same parties as an already adjudicated case.

4) As to the respondents exhibit C, the original form 30 filed January 14, 2013.

The original form 30 filed on January 14, 2013 became stale the moment the motion for additional evidence which asked for the case to be remanded was granted. Once a remand hearing is held, it would be ludicrous to demand that the appellant pursue a line of appeals from a form that was filed prior to the remand hearing. The purpose of staying the case until the remand order is received, acts as a safety mechanism to keep stale pleadings from being heard. If Commissioner James had found in favor of the appellant’s position at the remand hearing than the appellant would no longer have to pursue the average weekly wage issue stated on the original form 30. Not to beat a dead horse, but, the purpose of placing the case on stay is to increase judicial economy. Forcing an appellant to pursue an independent line of appeals does not increase judicial economic efficacy.

5) As to respondents exhibit D, Commissioner James second hearing decision and order dated September 30, 2013.

More support for the appellant’s position that the case was remanded to Commissioner James and not bifurcated appears on page 2 of exhibit D, under “the statement of the case” heading, “this matter was remanded to the undersigned by order of the appellant panel to consider the impact of the pay records of Jared Lampkin on the calculation of claimant’s average weekly wage.”

Once again the appellant asserts that a remand hearing acts as a linear continuation of the first hearing and in fact the case was not bifurcated as the respondents would have the court believe.

6) As to respondents exhibit E, notice of appellant hearing dated October 1, 2013.

I am not sure why the respondents attached exhibit E. Exhibit E was the purpose of the Court of Appeals previously remanding this case back to the South Carolina Worker's Compensation commission. The notice was deficient as noted by the Court of Appeals attached as respondents exhibit G.

7) As to respondents exhibit F, four emails, two with the subject line, "RE; receipt of order 'scwcc # 1116275' dated October 4, 2013, two with the subject line, "FW: remanded or bifurcated? scwcc file #1116275. The second two emails are part of the email thread contained in the Respondents' motion as exhibit H.

This is an obvious attempt to cast the Appellant in a negative light as the emails are taken out of context. To better establish context of the conversations between the Appellant and the South Carolina Worker's Compensation Commission, the Appellant has attached the full email thread under each respective subject line. The former email thread is attached as Appellant's Exhibit B and the latter email thread is attached as Appellant's Exhibit C. Please read the entirety of both email chains in order to understand more clearly the Appellant's position.

To be clear the Respondents, Exhibits F and H are incomplete portions of email chains which have been attached hereto in their entirety as Appellant's Exhibits B and C.

8) As to Respondents' Exhibit G, Court of Appeals' unpublished opinion No. 2016-UP-327, Appellant case no. 2014 - 000186, reversing and remanding the full commissions order.

The Appellant would implore the court to once again read their previous opinion. The Appellant asserts that the court has a strong understanding of the difference between a case being bifurcated and a case being remanded. The Appellant had faith that the commission would understand that the violation of his due process would be remedied. However, the commission failed to thoroughly understand this honorable court's previous ruling and once again proceeded as if the case had been bifurcated. The commission does not have the authority to bifurcate cases, bifurcation may only be granted by an actual judge. Additionally, bifurcation is not applicable in Worker's Compensation cases as outlined by J. Keith Roberts in Respondents Exhibit H. He stated, "your case is not been 'bifurcated' in the legal sense of the term. Bifurcation is a process that is sometimes used in Circuit Court that is in applicable to workers compensation. When a member of our staff informed you that your case had been 'bifurcated,' what they were trying to communicate to you was that.. the hearing by the appellant panel had been stayed... As you are aware, the person who told you your case had been 'bifurcated' is not an attorney and was merely trying to help you understand the status of your case. That person was wholly unaware that the verb 'bifurcated' could be confused with a legal process that is used in civil and criminal trials that is unrelated to workers compensation."

The person who is “not an attorney,” was actually Miss Virginia Crocker the judicial director of the South Carolina Worker’s Compensation commission at the time. It becomes clear how abusive the commission was to the Appellant when Roberts stated, “that person was wholly unaware that the verb ‘bifurcated’ could be confused with a legal process.” To be clear there is no non-legal meaning to the word bifurcated. The word bifurcated is exclusively a legal term and in no way, shape or form, was the judicial director trying to assist a pro se claimant by using specific legal terms in a non-legal way.

9) As to Respondents Exhibit H, partial emails with subject line, “re;FW;FW remanded or bifurcated? SCWCC file #1116275,” dated October 12, 2013.

Although Respondents Exhibit H is partially addressed in point 7 above, the Appellant would just like to clarify that appellant’s Exhibit C has the entire email chain less the amended form 30 which is attached to Exhibit H from the Respondents.

10) As to appellant’s Exhibit A, tables 1-3 and annotation.

I have attached, as Exhibit A, three tables. Table 1 is a visual representation of the timeline according to the Respondents of the current case, Table 2 substitutes the word “bifurcation” in place of “motion for remand” in order to show the only way that the Respondents timeline would make sense, Table 3 is the visual representation of the appellant’s position.

The appellant asserts that Table 1 is not a legal procession of events as the case was remanded and not bifurcated. The appellant asserts that Table 2 would be a legal procession of events but does not accurately represent the instant case as it was remanded and not bifurcated. The appellant asserts that table 3 is both a legal procession of events and accurately represents the current case. Please read the appellant’s Exhibit A in total starting with table 1’s annotation and ending with Table 3’s annotation.

11) As to Appellant’s Exhibit D, email objecting to defendants authoring order.

The Appellant asserts that once the commission received the objection they failed to exercise their discretion to draft it themselves. This failure creates an unfair burden on the Appellant by allowing the Respondents to start defending against the issues as raised in the previous case in front of this court.

12) The Respondents’ motion is premature, meritless and abusive.

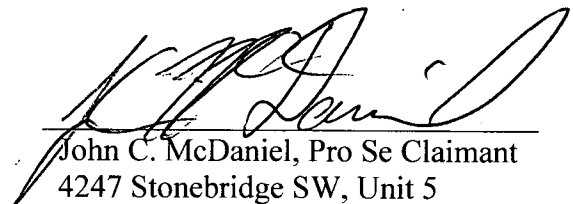
A) It is premature for the Respondents to try to limit the scope of the appellant’s appeal. The appellant has not even declared that any rulings from the second hearing will be challenged. Also it is in fact the actions of the commission which are being appealed. Whether or not the order from the second hearing was included in the decision and order signed by the commission on April 28, 2017 is an issue preserved for appeal as procedural issues may be appealed.

B) Whether or not this motion is granted will not change the Appellant's issues on appeal. The issues on appeal have yet to be formulated by the appellant as he is not yet in receipt of the transcript from the latest full commission hearing.

C) This motion is yet another attempt by the Respondents to use the unfair advantage of getting to know the Appellant's possible issues on appeal and the fully briefed legal reasoning behind the stated issues. The Respondents are attempting to preemptively limit the scope and latitude of the forthcoming appeal. This is, in the appellant's opinion, an obvious miscarriage of justice and should not be condoned by South Carolina's Court of Appeals.

For the above reasons, the Appellant prays that this honorable court dismisses the Respondents' motion to strike the Appellant's notice of appeal.

June 9, 2017



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John C. McDaniel, Pro Se Claimant  
4247 Stonebridge SW, Unit 5  
Wyoming, MI 49519  
843-425-3000  
Jmcdaniel1982@gmail.com

Table 1	Table 2
<p>The below table is a visual representation of the Respondent's claim that the Appellant Failed to start a second line of appeal addressing commissioner James 2<sup>nd</sup> order dated Sept. 30, 2013, affirming her 1<sup>st</sup> order dated Jan 4, 2013. The Respondents assert that the granting of the motion for remand bifurcated the case. The Respondents simply misunderstand the difference between remanded and bifurcated.</p>	<p>The below table is the same as Table 1 except that the words "Motion for Remand" were replaced with "Bifurcation." Table 1 is structurally deficient in its representation of the case as the case was remanded not bifurcated. Table 2 is not representative of the current case, as it was never bifurcated. Neither of these is correct. The Appellant's Timeline appears as Table 3, on the next page.</p>

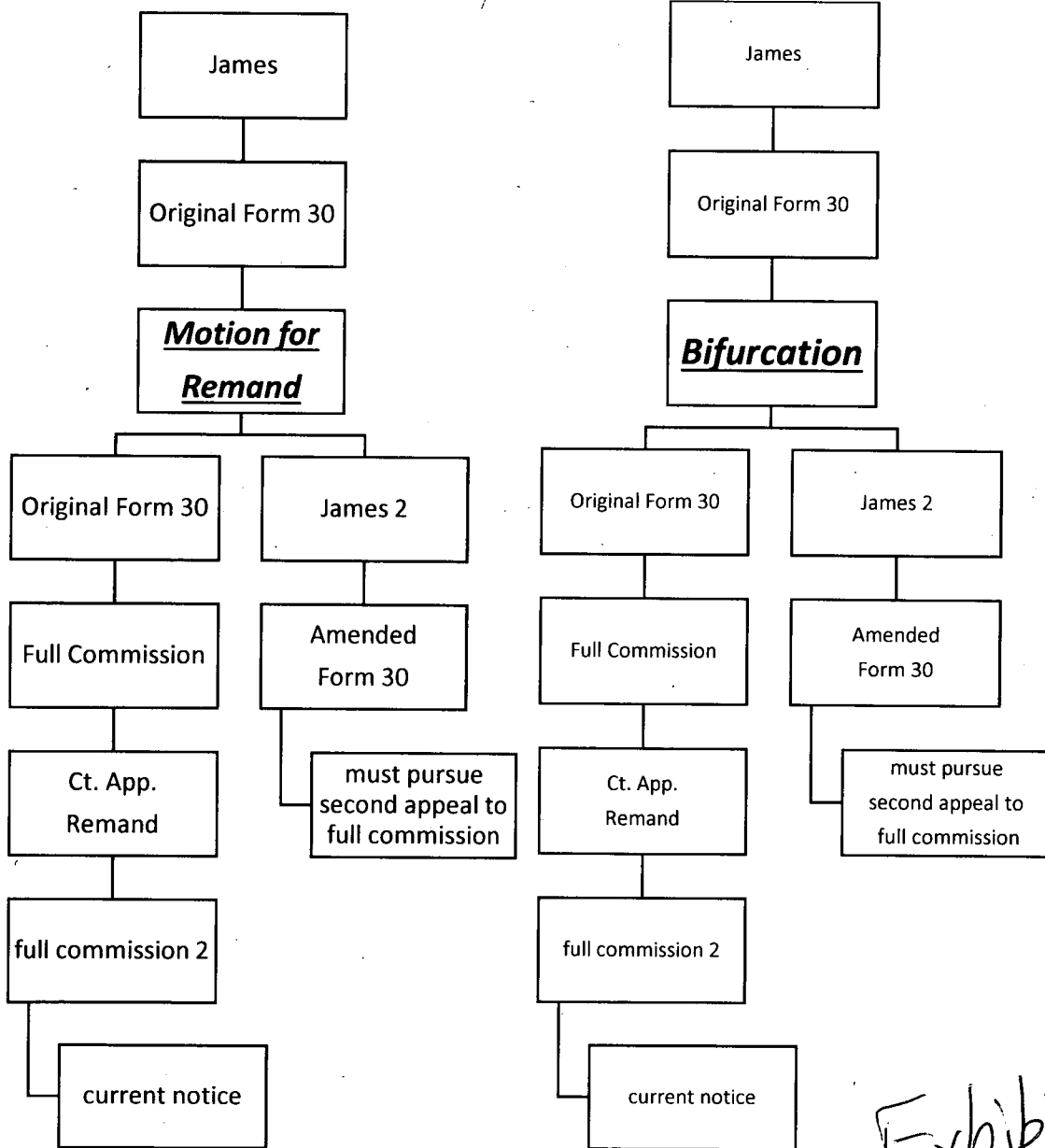


Exhibit "A"

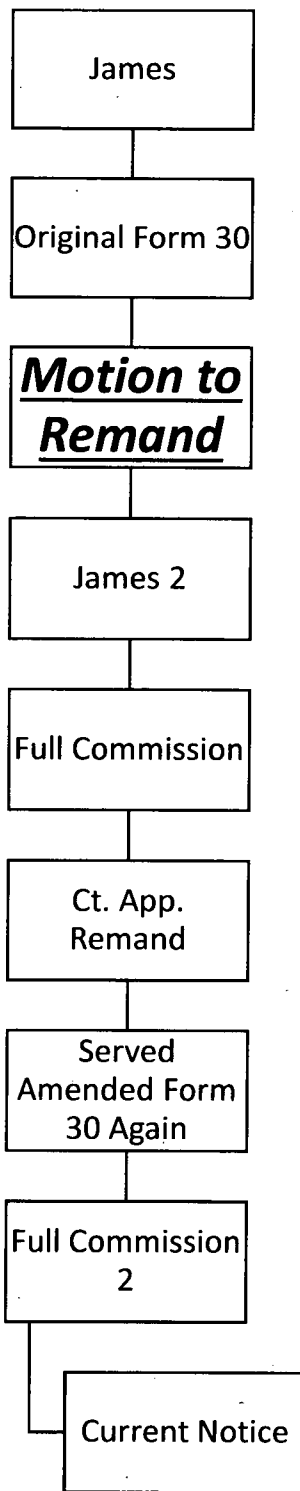


Table 3
<p>The table to the left is a visual representation of the appellant's timeline. As you can see, a motion to remand was granted, and Commissioner James 2<sup>nd</sup> order dated Sept. 30, 2013 was heard prior to the first Full Commission hearing. On October 12, 2013 the Worker's Compensation Commission and the respondents were electronically served with an Amended Form 30 [Respondents exhibit H]. The respondents admit, "at that time, the period to appeal the September 30, 2013 order had not yet run." Upon request for clarification from the Worker's Compensation Commission's in-house counsel [respondents exhibit H] Mr. J. Keith Roberts responded, "your case is not been 'bifurcated' in the legal sense of the term. Bifurcation is a process that is sometimes used in circuit court that is in applicable to workers compensation... As you are aware, the person who told you your case had been 'bifurcated' is not an attorney and was merely trying to help you understand the status of your case. That person was wholly unaware that the verb 'bifurcated' could be confused with a legal process that is used in civil and criminal trials it is unrelated to workers compensation."</p> <p>The second hearing before Commissioner James was a linear continuation of the first and the full commission hearing affirmed both of Commissioner James's orders.</p>



john mcdaniel <jmcdaniel1982@gmail.com>

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## remanded or bifurcated? SCWCC file #1116275

7 messages

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john mcdaniel <jmcdaniel1982@gmail.com>

Mon, Oct 7, 2013 at 11:45 AM

To: "Cannon, Gary" <gcannon@wcc.sc.gov>, "Crocker, Virginia" <vcrocker@wcc.sc.gov>, Allison Nussbaum <allison.nussbaum@mgclaw.com>

Mr. Cannon & Ms. Crocker,

Could someone please explain to me whether my case was remanded or bifurcated?

67-707 which the motion for new evidence was granted under, states the appeal will be stayed and reset on the docket after an order is received. It also outlines that the hearing may be reconvened at the discretion of the commissioner.

Read 67-707 in full then please answer the following questions please:

Was a remand order to the original hearing commissioner issued?

Did commissioner James reconvene the hearing?

When was notice sent that my claim had been reset on the docket?

What date and time was the Order dated Sept 30, 2013, received by pro se claimant John McDaniel?

Was the hearing notice for October 14, 2013 set prior to 3:52 p.m. October 4, 2013?

Will you forward me any evidence that my case has been bifurcated?

Sincerely,

John C. McDaniel

---

Roberts, Keith <keroberts@wcc.sc.gov>

Tue, Oct 8, 2013 at 4:38 PM

To: "jmcdaniel1982@gmail.com" <jmcdaniel1982@gmail.com>

Cc: "allison.nussbaum@mgclaw.com" <allison.nussbaum@mgclaw.com>, "Crocker, Virginia" <vcrocker@wcc.sc.gov>, "Cannon, Gary" <gcannon@wcc.sc.gov>

Dear Mr. McDaniel,

Please allow this email to serve as a response to the questions you posed yesterday morning.

The purpose of Appellate Hearing set for October 14<sup>th</sup>, 2013 is to determine the issues your former attorney raised on the Form 30 filed on January 14<sup>th</sup>, 2013, which appealed the Decision and Order of Commissioner James dated January 4<sup>th</sup>, 2013. You were served with a copy of the Brief Request notifying you that the matter was on the appellate docket on June 19<sup>th</sup>, 2013. You were served with a notice of the time and date of the Oral Arguments on October 1<sup>st</sup>, 2013.

Exhibit "B"

The most recent Decision and Order issued by Commissioner James following the Hearing on July 8<sup>th</sup>, 2013 is not subject to the pending appeal. On March 8<sup>th</sup>, 2013, your former attorney filed a motion to

consider additional evidence. On April 15<sup>th</sup>, 2013 the Full Commission at Judicial Conference granted the motion to consider the additional evidence and set the additional evidence to be considered by the Appellate Panel at the same time it considered the issues you raised on appeal in your Form 30 dated January 14<sup>th</sup>, 2013.

However, you wrote an email on April 15<sup>th</sup>, 2013 demanding that the review hearing by the appellate panel be stayed and that the additional evidence be considered by the single Commissioner. Pursuant to your request, the review hearing was stayed, and a Hearing was held by Commissioner James on July 8<sup>th</sup>, 2013 to consider the additional evidence.

Commissioner James issued her Order on September 30<sup>th</sup>, 2013. A copy of the September 30<sup>th</sup>, 2013 Decision and Order was sent to your address via U.S. Certified Mail.

The Decision and Order of Commissioner James filed September 30<sup>th</sup>, 2013 is not under review at the Hearing set for October 14<sup>th</sup>, 2013. If you wish to appeal the Decision and Order of Commissioner James filed September 30<sup>th</sup>, 2013 you must do so in accordance with the South Carolina Workers' Compensation Act.

If you require further explanation of the rules and regulations of the Commission or of the legal implications of your case, you are permitted to retain a private attorney to represent you in all matters before the Workers' Compensation Commission.

Sincerely,

**J. Keith Roberts**

Attorney at Law

South Carolina Workers' Compensation Commission

1333 Main Street - Suite 500

Columbia, South Carolina 29201

Direct: (803) 737-5701

KeRoberts@wcc.sc.gov

**From:** john mcdaniel [mailto:jmcdaniel1982@gmail.com]

**Sent:** Monday, October 07, 2013 11:46 AM

**To:** Cannon, Gary; Crocker, Virginia; Allison Nussbaum  
**Subject:** remanded or bifurcated? SCWCC file #1116275

[Quoted text hidden]

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**john mcdaniel** <jmcdaniel1982@gmail.com>  
To: "Roberts, Keith" <keroberts@wcc.sc.gov>, Gary Cannon <gcannon@wcc.sc.gov>

Tue, Oct 8, 2013 at 5:02 PM

Mr Roberts,

This email does not address four concerns.

1. Was the appeal hearing scheduled prior to me receiving the 2nd order from Ms. James on October 4, at 3:52 pm?
2. When did I receive notice that the stay had been lifted?
3. When was I notified that my case had been bifurcated?
4. Can you forward any records of the bifurcation of my case?

Sincerley, John McDaniel

On Oct 8, 2013 4:41 PM, "Roberts, Keith" <keroberts@wcc.sc.gov> wrote:

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**Roberts, Keith** <keroberts@wcc.sc.gov>  
To: "jmcdaniel1982@gmail.com" <jmcdaniel1982@gmail.com>  
Cc: "allison.nussbaum@mgclaw.com" <allison.nussbaum@mgclaw.com>, "Crocker, Virginia" <vcrocker@wcc.sc.gov>, "Cannon, Gary" <gcannon@wcc.sc.gov>

Wed, Oct 9, 2013 at 10:52 AM

Dear Mr. McDaniel,

The appellate hearing was scheduled following the Hearing held by Commissioner James on July 8<sup>th</sup>, 2013 in accordance with the May 20<sup>th</sup>, 2013 judicial conference order. You should have been aware that the stay was lifted once the remanded issue was heard by Commissioner James on July 8<sup>th</sup>, 2013. Your case has not been "bifurcated" in the legal sense of the term. Bifurcation is a process that is sometimes used in Circuit Court that is inapplicable to workers' compensation. When a member of our staff informed you that your case had been "bifurcated", what they were trying to communicate to you was that, pursuant to your request on April 15<sup>th</sup>, 2013, the hearing by the appellate panel had been stayed and the issue of after discovered evidence had been separated from the remaining issues on appeal and remanded to the single Commissioner. As you are aware, the person who told you your case had been "bifurcated" is not an attorney and was merely trying to help you understand the status of your case. That person was wholly unaware that the verb "bifurcated" could be confused with a legal process that is used in civil and criminal trials that is unrelated to workers' compensation. Misunderstanding legal terms is a risk that you run by choosing to remain *pro se*. If you are having trouble understanding any aspect of your case, you are permitted to retain a private attorney to represent you in all proceedings before the Workers' Compensation Commission.

Since your case has not been "bifurcated" I am unable to forward you any records of the "bifurcation" of your case. However, if you would like a copy of your workers' compensation file, you may request it. There will be a base charge of \$20.00, plus \$0.50 for each page over twenty pages, plus the actual cost of postage.

I noticed that in your email below you did not send a copy to a representative of the Defendants. I am forwarding a copy of your email to Allison Nussbaum. In the future, you should Cc Ms. Nussbaum with any correspondence to the Commission, in order to avoid *ex parte* communication.

Since you made the decision to proceed with your claim *pro se*, you have relied heavily on the Commission's staff to assist you in understanding and pursuing your claim. We have made every effort to respond to your questions promptly and accurately. Various members of our staff have dedicated an inordinate amount of time to assisting you with your numerous inquiries. In order to best serve everyone involved and avoid future confusion, you are to direct all future correspondence with the Commission, other than official pleadings and motions, to my and Mr. Cannon's attention only.

Thank you in advance for your cooperation with our request.

Sincerely,

**J. Keith Roberts**

Attorney at Law

South Carolina Workers' Compensation Commission

1333 Main Street - Suite 500

Columbia, South Carolina 29201

Direct: (803) 737-5701

KeRoberts@wcc.sc.gov

**From:** john mcdaniel [mailto:jmcdaniel1982@gmail.com]  
**Sent:** Tuesday, October 08, 2013 5:03 PM  
**To:** Roberts, Keith; Cannon, Gary  
**Subject:** Re: FW: remanded or bifurcated? SCWCC file #1116275

[Quoted text hidden]

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john mcdaniel <jmcdaniel1982@gmail.com>  
To: "Roberts, Keith" <keroberts@wcc.sc.gov>  
Cc: "Cannon, Gary" <gcannon@wcc.sc.gov>, "Crocker, Virginia" <vcrocker@wcc.sc.gov>, "allison.nussbaum@mgclaw.com" <allison.nussbaum@mgclaw.com>

Wed, Oct 9, 2013 at 4:07 PM

Mr. Roberts,

I am not in receipt of the notice for briefs, that you claim was served June 19. Could you forward a copy of this along with the return receipt? Also, this is odd that I would receive notice while the remand hearing had not yet been heard. There are other issues to be addressed from your most recent email, however I am away from the office and will get back to you soon.

Sincerely  
John mcdaniel

On Oct 9, 2013 10:55 AM, "Roberts, Keith" <keroberts@wcc.sc.gov> wrote:

---

**john mcdaniel** <jmcdaniel1982@gmail.com>

Sat, Oct 12, 2013 at 6:33 PM















To: "Roberts, Keith" <keroberts@wcc.sc.gov>, klove@wcc.sc.gov, bcheeseboro@wcc.sc.gov  
Cc: "allison.nussbaum@mgclaw.com" <allison.nussbaum@mgclaw.com>, "Crocker, Virginia" <vcrocker@wcc.sc.gov>, "Cannon, Gary" <gcannon@wcc.sc.gov>, eboyd@wcc.sc.gov, john mcdaniel <jmcdaniel1982@gmail.com>, Elizabeth McDaniel <eadmcdaniel@gmail.com>

Please see attached Amended Form 30 for the upcoming review hearing in the above referenced WCC file.

Thanks  
John C. McDaniel  
[Quoted text hidden]

---

**14 attachments**

-  **Amended Form 30.pdf**  
803K
-  **Amended Addendum (Form 30).pdf**  
541K
-  **Index of Exhibits.docx**  
14K
-  **Exhibit A (Excerpts from Cobbs testimony).pdf**  
1006K
-  **Exhibit B (Hearing 11-28 Page 24).pdf**  
547K
-  **Exhibit C (Light Industrial DOT Form).pdf**  
1070K
-  **Exhibit D (Roper ER Findings).pdf**  
577K
-  **Exhibit E (Tavels MMI).pdf**  
196K
-  **Exhibit F (Email to Jim).pdf**  
438K
-  **Exhibit G (Letter to MGC- late payment).pdf**  
656K
-  **Exhibit H (Employee Master Dossier Report).pdf**  
560K
-  **Exhibit I (Affidavit I).pdf**  
1548K
-  **Exhibit J (Affidavit III).pdf**  
1488K
-  **Exhibit K (Affidavit II).pdf**  
1455K

---

**john mcdaniel** <jmcdaniel1982@gmail.com>

Fri, Dec 23, 2016 at 5:52 PM

To: Allison Nussbaum <allison.nussbaum@mgclaw.com>, "Bracy, Amy" <abracy@wcc.sc.gov>, "Cannon, Gary" <gcannon@wcc.sc.gov>, "keroberts@wcc.sc.gov" <keroberts@wcc.sc.gov>, "WCC Appeals," <wccappeals@wcc.sc.gov>, Eugenia Hollmon <ehollmon@wcc.sc.gov>

out of an abundance of caution I am electronically serving again the amended form 30 for the upcoming hearing of John McDaniel V. Employment Professionals Inc and United Heartland of Wisconsin. please be advised that I contacted the

commission via email and left multiple phone messages over the past 10 days that have remained unreturned and unanswered so the commission will have to accept this as notice of electronic service. I will also be serving the brief that is due today in an additional email and will be depositing a copy in US Mail.

hope everyone had a merry x-mas,  
John McDaniel

----- Forwarded message -----

From: **john mcdaniel** <jmcdaniel1982@gmail.com>

Date: Sat, Oct 12, 2013 at 6:33 PM

Subject: Re: FW: FW: remanded or bifurcated? SCWCC file #1116275

To: "Roberts, Keith" <keroberts@wcc.sc.gov>, klove@wcc.sc.gov, bcheeseboro@wcc.sc.gov














Cc: "allison.nussbaum@mgclaw.com" <allison.nussbaum@mgclaw.com>, "Crocker, Virginia" <vcrocker@wcc.sc.gov>, "Cannon, Gary" <gcannon@wcc.sc.gov>, eboyd@wcc.sc.gov, john mcdaniel <jmcdaniel1982@gmail.com>, Elizabeth McDaniel <eadmcdaniel@gmail.com>

Please see attached Amended Form 30 for the upcoming review hearing in the above referenced WCC file.

Thanks  
John C. McDaniel

---

#### 14 attachments

-  **Amended Form 30.pdf**  
803K
-  **Amended Addendum (Form 30).pdf**  
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-  **Exhibit B (Hearing 11-28 Page 24).pdf**  
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-  **Exhibit D (Roper ER Findings).pdf**  
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-  **Exhibit E (Tavels MMI).pdf**  
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560K
-  **Exhibit I (Affidavit I).pdf**  
1548K
-  **Exhibit J (Affidavit III).pdf**  
1488K



john mcdaniel <jmcdaniel1982@gmail.com>

---

**receipt of order "scwcc # 1116275**

12 messages

---

john mcdaniel <jmcdaniel1982@gmail.com>

Fri, Oct 4, 2013 at 1:14 AM

To: Eugenia Hollmon <ehollmon@wcc.sc.gov>, "Cannon, Gary" <gcannon@wcc.sc.gov>, "Deller, Valerie" <VDeller@wcc.sc.gov>, vcrocker@wcc.sc.gov, Allison Nussbaum <allison.nussbaum@mgclaw.com>, appeals@wcc.sc.gov

Ms. Hollmon,

I am in receipt of the notice of appellate hearing set for 10/14/13. This would be premature as i have not received the commissioner's order yet.

Pursuant to 67-707(C)(2)(e) "The original Hearing Commissioner will issue his or her findings and recommendations in the form of an order to the Commission *and* the parties."

I would just restate, I have not received the order from which appeal may be taken. This cannot be docketed without me knowing the subject matter. Being forced to proceed without the most recent order, or a chance to review it, would be highly prejudicial to my case and in violation of the Regulations that govern the commission.

Please contact me as soon as possible via email.

Sincerely, John C McDaniel

---

Hollmon, Eugenia <EHollmon@wcc.sc.gov>

Fri, Oct 4, 2013 at 9:12 AM

To: john mcdaniel <jmcdaniel1982@gmail.com>, "Cannon, Gary" <gcannon@wcc.sc.gov>, "Deller, Valerie" <VDeller@wcc.sc.gov>, "Crocker, Virginia" <vcrocker@wcc.sc.gov>, Allison Nussbaum <allison.nussbaum@mgclaw.com>, "WCC Appeals," <wccappeals@wcc.sc.gov>

Mr. McDaniel,

According to our records, Comm. James has just served you with her order dated September 30, 2013. This order should have addressed all the motions that you filed and also the remand issue from Judicial Conference. We are now setting this case based on your original appeal filed on January 17, 2013.

If you have any further questions, please feel free to contact me.

Genia Hollmon

**From:** john mcdaniel [mailto:jmcdaniel1982@gmail.com]

**Sent:** Friday, October 04, 2013 1:15 AM

**To:** Hollmon, Eugenia; Cannon, Gary; Deller, Valerie; Crocker, Virginia; Allison Nussbaum; WCC Appeals,

**Subject:** receipt of order "scwcc # 1116275

[Quoted text hidden]

Exhibit "C"

---

john mcdaniel <jmcdaniel1982@gmail.com>

Fri, Oct 4, 2013 at 10:43 AM

To: "Hollmon, Eugenia" <EHollmon@wcc.sc.gov>

Cc: "WCC Appeals," <wccappeals@wcc.sc.gov>, "Crocker, Virginia" <vcrocker@wcc.sc.gov>, "Cannon, Gary" <gcannon@wcc.sc.gov>, Allison Nussbaum <allison.nussbaum@mgclaw.com>, "Deller, Valerie" <VDeller@wcc.sc.gov>

Ms. Hollmon,

Please let me know how this was served. I just returned from my honeymoon in Florida which lasted from 9-29 till 10-3. How was i served? I have not recieved the order. I HAVE NOT RECIEVED ANY ORDER. Please provide me with a scanned copy of the addressee only signed receipt for the certified mail through which service of the order would be proper. I would like to say that this is not in the best interest of the injured worker, which you are supposed to protect, to procede with an appeal without ever providing the order.

Further, I would just point out that I will appeal additional violations of law, violations of procedure, errors of fact, errors of law and utter abuse of discretion, from both the first and second orders, once I recieve the order. I will clarify once again, I DO NOT HAVE THE SIGNED ORDER.

Will this move forward on the 14th?

John McDaniel

On Oct 4, 2013 9:12 AM, "Hollmon, Eugenia" <EHollmon@wcc.sc.gov> wrote:

---

**Hollmon, Eugenia** <EHollmon@wcc.sc.gov> Fri, Oct 4, 2013 at 10:51 AM  
To: john mcdaniel <jmcdaniel1982@gmail.com>  
Cc: "WCC Appeals," <wccappeals@wcc.sc.gov>, "Crocker, Virginia" <vcrocker@wcc.sc.gov>, "Cannon, Gary" <gcannon@wcc.sc.gov>, Allison Nussbaum <allison.nussbaum@mgclaw.com>, "Deller, Valerie" <VDeller@wcc.sc.gov>, "Morris, Tamara" <TMorris@wcc.sc.gov>

I am forwarding you concerns about service to Tamara Morris, Comm. James' assistant. Until otherwise informed, the hearing will proceed as scheduled on October 14<sup>th</sup>.

Thank you.

Genia Hollmon

**From:** john mcdaniel [mailto:jmcdaniel1982@gmail.com]  
**Sent:** Friday, October 04, 2013 10:44 AM  
**To:** Hollmon, Eugenia  
**Cc:** WCC Appeals;; Crocker, Virginia; Cannon, Gary; Allison Nussbaum; Deller, Valerie  
**Subject:** RE: receipt of order "scwcc # 1116275"

[Quoted text hidden]

---

**Morris, Tamara** <TMorris@wcc.sc.gov> Fri, Oct 4, 2013 at 11:26 AM  
To: "Hollmon, Eugenia" <EHollmon@wcc.sc.gov>, john mcdaniel <jmcdaniel1982@gmail.com>  
Cc: "WCC Appeals," <wccappeals@wcc.sc.gov>, "Crocker, Virginia" <vcrocker@wcc.sc.gov>, "Cannon, Gary" <gcannon@wcc.sc.gov>, Allison Nussbaum <allison.nussbaum@mgclaw.com>, "Deller, Valerie" <VDeller@wcc.sc.gov>

Mr. McDaniel,

The Order was sent out by Certified Mail on September 30, 2013, we serve all Orders to un-represented Claimants by Certified Mail to make sure they receive it and can respond within the 14 days to Appeal. Thank you, Tamara Morris

---

**From:** Hollmon, Eugenia  
**Sent:** Friday, October 04, 2013 10:52 AM  
**To:** john mcdaniel  
**Cc:** WCC Appeals,; Crocker, Virginia; Cannon, Gary; Allison Nussbaum; Deller, Valerie; Morris, Tamara  
**Subject:** RE: receipt of order "scwcc # 1116275"

I am forwarding you concerns about service to Tamara Morris, Comm. James' assistant. Until otherwise informed, the hearing will proceed as scheduled on October 14<sup>th</sup>.

Thank you.

Genia Hollmon

**From:** john mcdaniel [mailto:jmcdaniel1982@gmail.com]  
**Sent:** Friday, October 04, 2013 10:44 AM  
**To:** Hollmon, Eugenia  
**Cc:** WCC Appeals,; Crocker, Virginia; Cannon, Gary; Allison Nussbaum; Deller, Valerie  
**Subject:** RE: receipt of order "scwcc # 1116275"

Ms. Hollmon,

Please let me know how this was served. I just returned from my honeymoon in Florida which lasted from 9-29 till 10-3. How was i served? I have not recieved the order. I HAVE NOT RECIEVED ANY ORDER. Please provide me with a scanned copy of the addressee only signed receipt for the certified mail through which service of the order would be proper. I would like to say that this is not in the best interest of the injured worker, which you are supposed to protect, to procede with an appeal without ever providing the order.

Further, I would just point out that I will appeal additional violations of law, violations of procedure, errors of fact, errors of law and utter abuse of discretion, from both the first and second orders, once I recieve the order. I will clarify once again, I DO NOT HAVE THE SIGNED ORDER.

Will this move forward on the 14th?

John McDaniel

On Oct 4, 2013 9:12 AM, "Hollmon, Eugenia" <EHollmon@wcc.sc.gov> wrote:

---

**Crocker, Virginia** <vcrocker@wcc.sc.gov> Fri, Oct 4, 2013 at 11:55 AM  
To: "Morris, Tamara" <TMorris@wcc.sc.gov>, "Hollmon, Eugenia" <EHollmon@wcc.sc.gov>, john mcdaniel <jmcdaniel1982@gmail.com>  
Cc: "WCC Appeals," <wccappeals@wcc.sc.gov>, "Cannon, Gary" <gcannon@wcc.sc.gov>, Allison Nussbaum <allison.nussbaum@mgclaw.com>, "Deller, Valerie" <VDeller@wcc.sc.gov>

Everyone

It is difficult to understand how someone who was not served an order would be able to call and tell us about it. In order for him to know there was an order, he would have had to be served.

The hearing on October 14<sup>th</sup> is the hearing on his original appeal from the order served in January of this year. His appeal time for the September order is still running and he has been so advised by our staff.

Ginger

Virginia L. Crocker

Judicial Director

803.737.5739 Voice

803.239.7935 Cell

---

**From:** Morris, Tamara  
**Sent:** Friday, October 04, 2013 11:27 AM  
**To:** Hollmon, Eugenia; john mcdaniel  
**Cc:** WCC Appeals;; Crocker, Virginia; Cannon, Gary; Allison Nussbaum; Deller, Valerie  
**Subject:** RE: receipt of order "scwcc # 1116275

Mr. McDaniel,

The Order was sent out by Certified Mail on September 30, 2013, we serve all Orders to un-represented Claimants by Certified Mail to make sure they receive it and can respond within the 14 days to Appeal. Thank you, Tamara Morris

---

**From:** Hollmon, Eugenia  
**Sent:** Friday, October 04, 2013 10:52 AM  
**To:** john mcdaniel  
**Cc:** WCC Appeals;; Crocker, Virginia; Cannon, Gary; Allison Nussbaum; Deller, Valerie; Morris, Tamara  
**Subject:** RE: receipt of order "scwcc # 1116275

I am forwarding you concerns about service to Tamara Morris, Comm. James' assistant. Until otherwise informed, the hearing will proceed as scheduled on October 14<sup>th</sup>.

Thank you.

Genia Hollmon

**From:** john mcdaniel [mailto:jmcdaniel1982@gmail.com]  
**Sent:** Friday, October 04, 2013 10:44 AM  
**To:** Hollmon, Eugenia  
**Cc:** WCC Appeals;; Crocker, Virginia; Cannon, Gary; Allison Nussbaum; Deller, Valerie  
**Subject:** RE: receipt of order "scwcc # 1116275

Ms. Hollmon,

Please let me know how this was served. I just returned from my honeymoon in Florida which lasted from 9-29 till 10-3. How was i served? I have not recieved the order. I HAVE NOT RECIEVED ANY ORDER. Please provide me with a scanned copy of the addressee only signed receipt for the certified mail through which service of the order would be proper. I would like to say that this is not in the best interest of the injured worker, which you are supposed to protect, to procede with an appeal without ever providing the order.

Further, I would just point out that I will appeal additional violations of law, violations of procedure, errors of fact, errors of law and utter abuse of discretion, from both the first and second orders, once I recieve the order. I will clarify once again, I DO NOT HAVE THE SIGNED ORDER.

Will this move forward on the 14th?

John McDaniel

On Oct 4, 2013 9:12 AM, "Hollmon, Eugenia" <EHollmon@wcc.sc.gov> wrote:

---

**john mcdaniel** <jmcdaniel1982@gmail.com> Fri, Oct 4, 2013 at 12:32 PM  
To: "Crocker, Virginia" <vcrocker@wcc.sc.gov>  
Cc: "Morris, Tamara" <TMorris@wcc.sc.gov>, "Hollmon, Eugenia" <EHollmon@wcc.sc.gov>, "WCC Appeals," <wccappeals@wcc.sc.gov>, "Cannon, Gary" <gcannon@wcc.sc.gov>, Allison Nussbaum <allison.nussbaum@mgclaw.com>, "Deller, Valerie" <VDeller@wcc.sc.gov>

To all concerned,

AS OF NOW, 12:30 PM, Oct. 4 2013, I have not recieved the signed order from the remand hearing.

I believe this email from Ms. Crocker amounts to defamation.

Ms, Crocker, are you in receipt of my email in which I stated "I HAVE NOT RECIEVED THE ORDER"?

Ms. Crocker, are you calling me a liar?

Sincerely, John McDaniel

---

**Crocker, Virginia** <vcrocker@wcc.sc.gov> Fri, Oct 4, 2013 at 3:03 PM  
To: john mcdaniel <jmcdaniel1982@gmail.com>  
Cc: "Allison Nussbaum (allison.nussbaum@mgclaw.com)" <allison.nussbaum@mgclaw.com>

Mr. McDaniel

The matter on appeal on October 14, 2013 is your appeal of the Decision and Order of Commissioner James dated January 4, 2013. The order served on September 30, 2013 is not currently on appeal although you are still within the time period for appeal of that order.

Virginia L. Crocker

Judicial Director

803.737.5739 Voice

803.239.7935 Cell

**From:** john mcdaniel [mailto:jmcdaniel1982@gmail.com]

**Sent:** Friday, October 04, 2013 12:33 PM

**To:** Crocker, Virginia

**Cc:** Morris, Tamara; Hollmon, Eugenia; WCC Appeals,; Cannon, Gary; Allison Nussbaum; Deller, Valerie

**Subject:** Re: receipt of order "scwcc # 1116275"

[Quoted text hidden]

---

**john mcdaniel** <jmcdaniel1982@gmail.com>

Fri, Oct 4, 2013 at 3:08 PM

To: "Crocker, Virginia" <vcrocker@wcc.sc.gov>

Cc: "Allison Nussbaum (allison.nussbaum@mgclaw.com)" <allison.nussbaum@mgclaw.com>

Ms. Crocker, Did you imply I am a LIAR? John

[Quoted text hidden]

---

**Crocker, Virginia** <vcrocker@wcc.sc.gov>

Fri, Oct 4, 2013 at 3:09 PM

To: john mcdaniel <jmcdaniel1982@gmail.com>

Of course, not; Mr. McDaniel. I would never do that.

Virginia L. Crocker

Judicial Director

803.737.5739 Voice

803.239.7935 Cell

**From:** john mcdaniel [mailto:jmcdaniel1982@gmail.com]

**Sent:** Friday, October 04, 2013 3:08 PM

**To:** Crocker, Virginia

**Cc:** Allison Nussbaum (allison.nussbaum@mgclaw.com)

**Subject:** Re: receipt of order "scwcc # 1116275"

Ms. Crocker, Did you imply I am a LIAR? John

On Fri, Oct 4, 2013 at 3:03 PM, Crocker, Virginia <vcrocker@wcc.sc.gov> wrote:

Mr. McDaniel

The matter on appeal on October 14, 2013 is your appeal of the Decision and Order of Commissioner James dated January 4, 2013. The order served on September 30, 2013 is not currently on appeal although you are still within the time period for appeal of that order.

Virginia L. Crocker

Judicial Director

803.737.5739 Voice

803.239.7935 Cell

**From:** john mcdaniel [mailto:jmcdaniel1982@gmail.com]

**Sent:** Friday, October 04, 2013 12:33 PM

**To:** Crocker, Virginia

**Cc:** Morris, Tamara; Hollmon, Eugenia; WCC Appeals,; Cannon, Gary; Allison Nussbaum; Deller, Valerie

**Subject:** Re: receipt of order "scwcc # 1116275

To all concerned,

AS OF NOW, 12:30 PM, Oct. 4 2013, I have not received the signed order from the remand hearing.

I believe this email from Ms. Crocker amounts to defamation.

Ms, Crocker, are you in receipt of my email in which I stated "I HAVE NOT RECEIVED THE ORDER"?

Ms. Crocker, are you calling me a liar?

Sincerely, John McDaniel

---

**john mcdaniel** <jmcdaniel1982@gmail.com>

Fri, Oct 4, 2013 at 3:22 PM

To: "Crocker, Virginia" <vcrocker@wcc.sc.gov>, "Cannon, Gary" <gcannon@wcc.sc.gov>, Allison Nussbaum <allison.nussbaum@mgclaw.com>

Ms. Crocker, Please explain then, if you received my email where I stated I am NOT in receipt of the signed order.

How could you state " In order for him to know there was an order, he would have had to be served."?

Thanks John C McDaniel

[Quoted text hidden]

---

**john mcdaniel** <jmcdaniel1982@gmail.com>

Thu, Jul 17, 2014 at 11:23 PM

To: Elizabeth Dale <elizabeth@maybanklaw.com>

[Quoted text hidden]



john mcdaniel <jmcdaniel1982@gmail.com>

---

**John McDaniel v. Career Employment Professionals d/b/a Snelling (Claim No.: 041100021048)**

---

john mcdaniel <jmcdaniel1982@gmail.com>

Tue, Apr 11, 2017 at 2:04 AM

To: Marguerite Kamilaw <marguerite.kamilaw@mgclaw.com>, "keroberts@wcc.sc.gov" <keroberts@wcc.sc.gov>, "Bracy, Amy" <abracy@wcc.sc.gov>, Eugenia Hollmon <ehollmon@wcc.sc.gov>

Cc: "appeals@wcc.sc.gov" <appeals@wcc.sc.gov>, Allison Nussbaum <allison.nussbaum@mgclaw.com>, Helen Hiser <helen.hiser@mgclaw.com>

To whom it may concern,

I object to the respondents authoring the decision and order in this case. The proposed order by the respondents is objectionable on many grounds. I do not consent to having my legal arguments summarized by my legal adversary. I do not consent to having the defendants draft the decision and order. It is also highly objectionable that the respondents would be so cavalier as to make judicial determinations on behalf of the commission, by changing the expressly written amendment proposed by the commission.

I have attached my proposed findings of fact. Under title I if a party submits proposed findings of fact each proposed findings of fact shall be ruled upon. I have the utmost faith that the commission will defend the injured worker, and apply the laws liberally as their construction requires, in ruling upon each and every one of my 97 proposed findings of fact.

As a side note, it is laughable that the respondents completely omitted any reference to the remand hearing held before Commissioner James in the proposed order.

However, on a more serious note, the respondents are currently refusing to answer my emails regarding the denial of my pain medication. A motion to enforce medical treatment will be filed forthwith.

Sincerely,

John C McDaniel

[Quoted text hidden]

---

 **proposed findings.docx**  
24K

Exhibit "D"

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM South Carolina  
Workers Compensation Commission

Full Commission Order Dated April 28, 2017 Affirming Commissioner Melody L. James orders  
dated January 04, 2013 And September 30, 2013

Case No.: 2017-001217

RECEIVED

JUN 12 2017

SC Court of Appeals

John C. McDaniel.....Appellant

v.

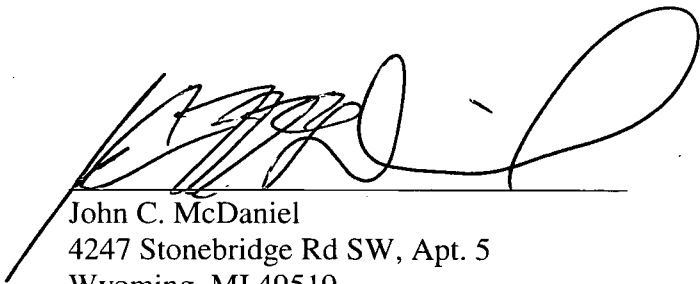
Snelling Staffing Services and United Wisconsin Insurance  
Company c/o United Heartland ..... Respondents.

**PROOF OF SERVICE**

I certify that I have served "Return to Respondents Motion to Strike" by depositing a  
copy in the U.S. Mail, postage paid on June 9, 2017 addressed to the below:

Helen F. Hiser  
R. Mark Davis  
Allison Nussbaum  
McAngus Goudelock & Courie, LLC  
735 Johnnie Dodds Blvd., Suite 200  
Mt. Pleasant, SC 29465

Jenny Abbott Kitchings  
SC Court of Appeals  
Clerk of Court  
P.O. Box 11629  
Columbia, SC 29211



John C. McDaniel  
4247 Stonebridge Rd SW, Apt. 5  
Wyoming, MI 49519  
Phone Number: 843-425-3000  
Email: jmcDaniel1982@gmail.com

# John C. McDaniel

---

4247 Stonebridge Rd SW, Apt. 5  
Wyoming, MI 49519  
Phone Number: 843-425-3000  
Email: jmcDaniel1982@gmail.com

**June 9, 2017**

Jenny Abbott Kitchings  
SC Court of Appeals  
Clerk of Court  
P.O. Box 11629  
Columbia, SC 29211

McAngus Goudelock & Courie, LLC  
735 Johnnie Dodds Blvd., Suite 200  
Mt. Pleasant, SC 29465

RE: John C. McDaniel v. Career Employment Professional d/b/a Snelling Staffing  
DOI: 11/21/2011  
WCC File: 1116275  
Appellant Case No: 2017-001217

**RECEIVED**

JUN 12 2017

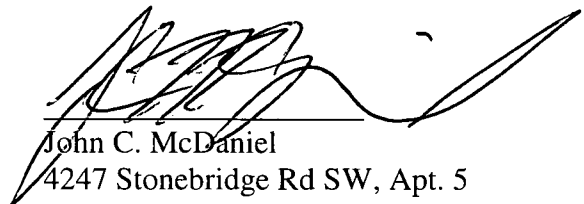
**SC Court of Appeals**

Dear Ms. Kitchings,

Enclosed for filing, please find an original and one (1) copy of John McDaniel's "Return to Respondents Motion to Strike", along with, an original and one (1) copy of the proof of service. At your earliest conveniences please file the original and return the file-stamped copies in the enclosed, self-addressed, stamped envelope.

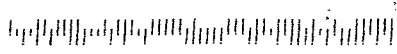
Please call me if you have any questions about the enclosed. Thank you for your time.

Sincerely,

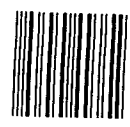


John C. McDaniel  
4247 Stonebridge Rd SW, Apt. 5  
Wyoming, MI 49519  
Phone Number: 843-425-3000  
Email: jmcDaniel1982@gmail.com

June 9, 2017



1000



29211

U.S. POSTAGE  
PAID  
WYOMING, MI  
49509  
JUN 09 17  
AMOUNT  
**\$2.87**  
R2305M148127-23

Jenny Abbott Kitchings  
SC Court of Appeals  
Clerk of Court  
P.O. Box 11629  
Columbia, SC 29211

**RECEIVED**  
JUN 12 2017  
SC Court of Appeals