

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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JUN 21 2017

SC Court of Appeals

Appeal From The South Carolina  
Workers Compensation Commission  
Commissioner, Gene McCaskill

Appellate Case No: 2016-001457

Terry McCall #233236 ..... Appellant  
v.  
Trojan Labor/Hire Quest, LLC. .... Respondent(s)

Appellant's Reply To Respondents  
Return To Motion For Leave

Pending before this Court is, Appellant Terry McCall's, Appeal from from the Workers Compensation Commission's denial of Appellant's request to waive filing fee's and dismissing his Appeal. Appellant filed his final brief on May 31, 2017. Along with the final brief, Appellant filed a Motion for leave to file his Motion for Newly Discovered Evidence in South Carolina Workers Compensation Commission Office. Respondents Trojan Labor and Hire Quest, LLC Appellant Terry McCall offers this Reply to Respondents Return To motion for Leave

On May 31, 2017 Appellant filed a "Motion for Leave"  
to Allow the Appellant the right to file his Motion for Newly  
Discovered Evidence in the S.C. Workers Compensation  
Commissionary Office. The Court of Appeals has exclusive  
authority and jurisdiction to consider Appellant's  
motion. Where S.C. Workers Compensation Commissionary denied  
filing/entertaining the request to entertain the same  
arguments in a letter/motion to the Workers Compensation  
Commissionary Office, that the form 32 should have been  
granted by the Chair person waiving filing fees where  
Appellant timely filed his Form 30, on 3-8-16, but by  
Clerical error, was clocked in 3-11-16 making the Chair  
Person believe it was late, when in fact, the respondents  
have written" on (page 5) in their Foot notes that Respondents  
believe Appellants form (30) was "timely" and the Commissioner  
Chair Person, Erred in failing to grant Appellants form (32),  
which was Appellants request to waive filing fees associated  
with the Appeal. (January 9, 2017, Correspondence Attached)  
As Exhibit B: see Attachment S.C. Workers Compensation  
Commissionary letter dated May 3, 2017, Advising of Clerical Error  
response was must pay filing fee \$150.00 dollars

The Appellant believes he has made more than a Bonafide  
Effort to Advise the S.C. Workers Compensation

Commission Office, that A Clerical Error occurred  
in their Office, And the Appeal should be heard.  
And the Appellant has been denied Access to the  
Full Commission for his Appeal right(s) because of  
the Agency's own Clerical Error, And they knowingly &  
intentionally refuse to correct, recognize, Admit,  
they erred and Allow Appellant his right to Appeal,  
without filing fees, waiving them, which is to only block  
his Appeal: this type conduct should not be excepted  
by Any Court. Once a Court has been exposed to the  
Error of their own Office. The proper Avenue to take  
would be correct the error; Unfortunately the Appellant  
has had to hang out in the Courts of Appeal for  
unnecessary delay.

The Appellant believes the Court should consider the  
burden and cost(s) for both parties in this case. And  
if the Court grants the Motion for Leave, to File his  
Motion for Newly Discovered Evidence, in S.C. Workers  
Compensation Commission Office: It may speed up  
help clear up their own Clerical Error,

"Affidavit"

WCC# 1410083

I, Terry McCall of sound mind do hereby state that; The Newly Discovered Evidence. (A hand written Certificate of Service, Clocked In Late by the Clerks Office, At S.C. Workers Compensation Commissioners Office dated 3-8-16, marked 3-8-16, but clock stamped filed 3-11-16, is the Newly discovered Evidence which was produced and found by Respondents Counsel After Ordered by the Court of Appeals to review the records, is of the same Nature and character for granting the Motion of Newly Discovered Evidence Motion, To allow Appeal to be heard by full commission, waiving filing fee's.

The evidence sought is not evidence of a cumulative or impeaching character, but would likely have produced a different result had the evidence been produced as requested before the filing of Appeal Motion for Newly Discovered Evidence.

The evidence was not known to the Appellant At the time of Appeal, Motion for Newly Discovered Evidence, And could not have been secured, And the discovery of the evidence is being brought to the Courts Attention immediately;

Swoon and subscribed before me this 19<sup>th</sup> day of June year 2017

Notary Public  
[Signature]  
my commission Expires 3/3/2025

[Signature]  
Terry McCall # 233236  
Goodman Cr. Trust  
Doin 3-B27-B  
4556 Broad River Rd  
Columbia, S.C.

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The Appellant request the Court, And prays the Court grants his Motion For Leave, issues its order, as the Court deems just and proper.

Date 6-20-17

Terry McCall

Terry McCall #233236  
Goodman Corr. Inst.  
Dorm 3-B27-B  
4556 Broad River Rd.  
Columbia, S.C.  
29210

Proof of Service

I, Terry McCall have properly served the Appellants Reply to Respondents Return To Motion for Leave, by placing same in the United States Postal Service postage prepaid, affixed forwarded to addresses below:

Terry McCall

Goodman Corr Inst  
Dorm 3-B27-B  
4556 Broad River Rd  
Columbia, S.C. 29210

To: Kelsey J. Brudney, Attorney  
Collins @ Leary  
P.O. Box 12487  
Columbia, S.C. 29211

The Hon. Terry A. Kitchens  
S.C. Court of Appeals  
P.O. Box 11629  
Columbia, S.C.  
29211

Dated 6-20-17

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Terry McCall #233236  
Goodman Corr. Inst.  
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Dated 6-20-17

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Case # 2016-001457

In Re: Filings Appellants Reply to Respondents Return to  
Motion For Leave

Dear Clerk of Court of Appeals

I find enclosed the Appellants Reply  
which needs filing, and placed before the Court,  
and Affidavit.

Thank You

s Terry McCall

Terry McCall #233236  
Goodman Corr Trust  
Dorm 3-B27-B  
4556 Broad River Rd  
Columbia, S.C.  
29210

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HON. JENNY A. RITCHINGS, Clerk  
S.C. Court of Appeals  
P.O. Box 11629  
Columbia, S.C.  
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