

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY-APPELLATE PANEL, WORKERS' COMPENSATION
COMMISSION

WCC File No.: 1516896

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JUL 07 2017
SC Court of Appeals

Herbert Troy Randall.....Appellant,

v.

Palmetto State Transportation and
Cherokee Insurance Company
are the.....Respondents.

NOTICE OF APPEAL

Herbert Troy Randall appeals the Decision and Order of the South Carolina Workers' Compensation Commission's Appellate Panel dated May 31, 2017. Appellant received written notice of this Order on June 9, 2017.

Pursuant to S.C. Code Ann. §42-17-60 (Supp. 2009), Appellant states the following grounds for the appeal as well as the alleged errors of law:

1. The Commission erred in finding and concluding that Respondents did not fail to comply with Reg. 67-504(A) in that they never served a copy of a Form 15 on the Appellant as required by the Regulation.
2. The Commission erred in failing to find that the Respondents failed to comply with Reg. 67-504(A) in that they never served a copy of a Form 15 on the Appellant.
3. The Commission erred in failing to impose a 25% penalty on the Respondents for failure to comply with Reg. 67-504.

4. The Commission erred as a matter of law in finding that the Respondents were in compliance with S.C. Code §42-9-260.
5. The Commission erred in finding and concluding that the Appellant's failed drug test constituted proper grounds for termination of TTD Benefits.
6. The Commission erred in finding and concluding that the Respondents properly terminated TTD Benefits.
7. The Commission erred as a matter of law in failing to assess a penalty against the Respondents for improper termination of TTD Benefits.
8. The Commission erred as a matter of law, and as a matter of fact, in its construction and/or application of SC Code Sections 42-19-30 and 42-3-105.
9. The Commission erred as a matter of law, and as a matter of fact, in its construction and/or application of Reg. 67-504.
10. Given that the Hearing Commissioner specifically found that "There is no evidence that the Appellant was ever served with a copy of either of the Form(s) 15 as required by Reg. 67-504(A)", the Commission erred as a matter of law, and as a matter of fact, in failing to find that the Appellant was entitled to TTD Benefits from December 6, 2015, through the present and continuing, as well as a 25% penalty, as the Respondents were not in compliance with Reg. 67-504.
11. The Commission erred in finding and concluding that the Appellant's request for an award of TTD benefits, as well as the 25% penalty upon same, lacked merit.
12. The Commission erred as a matter of law, and as a matter of fact, in finding and/or concluding that the Appellant was not entitled to a 25% penalty on the back TTD Benefits.

13. The Commission erred in finding and concluding that the Form 15(II) filed on December 17, 2015, was timely for the termination of TTD benefits.

Respectfully submitted,



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Attorney for Appellant

Other Counsel of Record:

George Gallagher
Speed, Seta, Martin, Trivett & Stublely, LLC
PO Box 11669
Columbia, SC 29211

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM RICHLAND COUNTY
APPELLATE PANEL, WORKERS' COMPENSATION COMMISSION

WCC File No.: 1101678
Appellate Case No.: 2013-001499

Herbert Troy Randall

Appellant

v.

Palmetto State Transportation
and
Cherokee Insurance Company

Respondents

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SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on George Gallagher by depositing a copy of it in the United States Mail, postage prepaid, on July 5, 2017, addressed to Mr. George Gallagher, Speed, Seta, Martin, Trivett & Stublely, LLC, PO Box 11669, Columbia, SC 29211.

July 5, 2017


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July 5, 2017

Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

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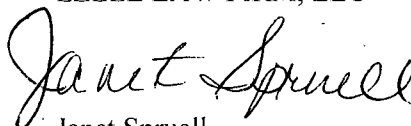
RE: Herbert Troy Randall vs. Palmetto State Transportation and Cherokee Insurance Company
WCC File No.: 1516896

Dear Mrs. Kitchings:

Please find enclosed our Notice of Appeal and Proof of Service of Notice of Appeal in the above referenced matter along with our check for \$100.00 for the filing fee for same. By copy of this correspondence to the attorney for the Respondents, Mr. George Gallagher, I am providing him with notice of our actions in this regard.

If you require any additional information, please do not hesitate to call our office. Otherwise, I sincerely hope this letter finds you doing well and I look forward to hearing from you soon.

Sincerely yours,
EZELL LAW FIRM, LLC



Janet Spruell
Paralegal to Jeffrey D. Ezell

/js

Enclosures

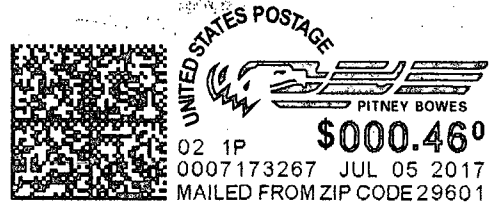
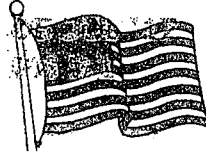
CC: George Gallagher
Herbert Troy Randall



EZELL LAW FIRM, LLC

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GREENVILLE
SC 296



Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
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SC Court of Appeals

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