

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
OCT 05 2017
SC Court of Appeals

Courtney Forrest,)
)
Claimant/Respondent,)
)
)
v.)
)
Advanced Disposal Services, Inc., and)
Arch Insurance Company,)
)
)
Defendants/Appellants.)
_____)

**NOTICE OF INTENTION TO APPEAL
AND GROUNDS FOR APPEAL**

The Defendants Advanced Disposal Services, Inc. and Arch Insurance Company, by and through their undersigned counsel of record, seek judicial review from the Decision and Order of the South Carolina Workers' Compensation Commission Appellate Panel dated September 6, 2017 pursuant to the provisions of §1-23-380, S.C. Code Ann. (1976), and §42-17-60, S.C. Code Ann. (1976), based on the following grounds:

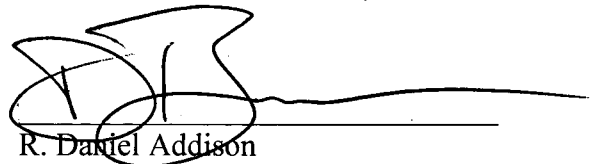
The decision of the Appellate Panel of the South Carolina Workers' Compensation Commission violates the terms and provisions of the South Carolina Code of Laws. The Commission's rulings are violative of issues of the law and interfere with the defendants' right to due process under the law. The Defendants assert the following exceptions on appeal are findings that are clearly erroneous in view of the reliable, probative, and substantial evidence of the record as a whole:

1. The Full Commission erred in finding that Claimant sustained the burden of proving a compensable injury to the left ankle; the error being that the overwhelming evidence demonstrated that he did not injure his ankle in the course and scope of his employment on April 12, 2016.
2. The Full Commissioner erred in finding the medical evidence compelling; the error being that no medical record described the ankle injury in such a way to eliminate a pre-existing condition.

3. The Full Commissioner erred in awarding continuing temporary total disability benefits; the error being that there is no reliable evidence of continuing disability and based on the testimony of the Claimant.
4. The Full Commission erred in allowing the limited medical evidence to outweigh the video evidence, surveillance evidence, testimony of the witnesses, and numerous inconsistencies in the testimony of the Claimant.
5. The Full Commission erred in finding Claimant entitled to continuing temporary total disability benefits; the error being that there is no credible evidence of medical treatment since April 2016.
6. The Full Commission erred in finding Claimant entitled to continuing temporary total disability benefits; the error being that there was no credible evidence to establish that the Claimant was physically unable to return to work after April 2016.

This the 5th Thu of October, 2017.

By:



R. Daniel Addison
David M. Bornemann
Hedrick Gardner Kincheloe & Garofalo LLP
1301 Gervais Street, Suite 1900
Columbia, SC 29201
803-727-1257
Attorney for the Defendants/Appellants