

NOTICE OF APPEAL FROM ADMINISTRATIVE AGENCY

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION
COMMISSION

Appellate Panel, Workers' Compensation Commission

WCC FILE NO. 1408826

Gennette Sowell,

Claimant/Respondent

v.

Piggly Wiggly,

Employer,

and

Auto Owners Insurance Inc.,

Carrier/Appellants.

NOTICE OF APPEAL

Employer/Carrier appeals the decision of the Appellate Panel of the South Carolina Workers' Compensation Commission dated October 17, 2017. Appellant received a copy of this decision on October 17, 2017.

The grounds for this appeal are as follows:

1. The Appellate Panel erred in concluding that there was no indication of an acute incident.
2. The Appellate Panel erred in concluding as a matter of law that the Claimant sustained a compensable repetitive trauma injury that arose out of and within the course and scope of her employment.
3. The Appellate Panel erred in concluding as a matter of law that the preponderance of the evidence establishes that the Claimant's condition, specifically work-related asthma/occupational asthma is related to her work.

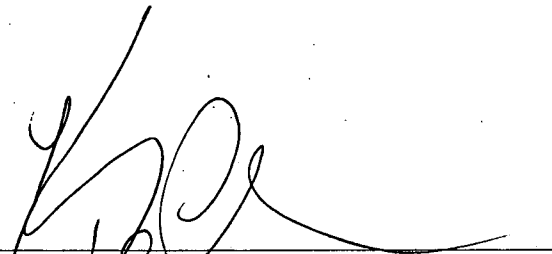
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SC Court of Appeals

4. The Appellate Panel erred in concluding as a matter of law that the Claimant's condition qualifies as an occupational disease.
5. The Appellate Panel erred in concluding as a matter of law that the Claimant is entitled to weekly compensation for total disability and for total and permanent disability.
6. The Appellate Panel erred in concluding as a matter of law that the Claimant is entitled to lifetime medical care.
7. The Appellate Panel erred in concluding as a matter of law that the Claimant is entitled to be paid in a lump sum.
8. The Appellate Panel erred in concluding as a matter of law that the Claimant is entitled to any and all medical treatment causally related to her occupational asthma which will provide relief or effect a cure of the Claimant's disabling symptoms and which is reasonable and necessary medical care for the remainder of her life.
9. The Appellate Panel erred in concluding as a matter of law that the Claimant is entitled to an award of total and permanent disability for her occupational asthma.

November 16, 2017



Kenya C. Miller, Esq. (SC Bar No: 3426)
Kristian C. Bell, Esq. (SC Bar No: 76578)
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Attorneys for Appellants

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In The Court of Appeals

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COMMISSION

Appellate Panel, S.C. Workers' Compensation Commission

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v.

Piggly Wiggly,

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Auto Owners Insurance Inc.,

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CERTIFICATE OF SERVICE

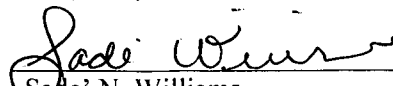
The undersigned certifies that she is an employee Dickie, McCamey & Chilcote, P.C. and that she has served, on the date set forth below, a copy of the document described below, in the above entitled action to the following persons, pursuant to Section 15-9-930 and Section 15-9-940 of the Code of Laws of South Carolina, 1976, as well as Rule 203 and Rule 262 of the SCACR, by depositing a copy of same in the United States Mail, postage prepaid, addressed to:

TO: Amy Bracy
South Carolina Workers' Compensation Commission
PO Box 1715
Columbia, SC 29202-1715

Preston F. McDaniel, Esquire
McDaniel Law Firm
1315 Elmwood Ave
Columbia, SC 29201

DOCUMENT: NOTICE OF APPEAL TO THE S.C. COURT OF APPEALS

DATE OF MAILING: November 16, 2017


Sade N. Williams

Legal Assistant to Kenya C. Miller, Esquire

85188



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Attorney at Law
Admitted in SC

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SC Court of Appeals

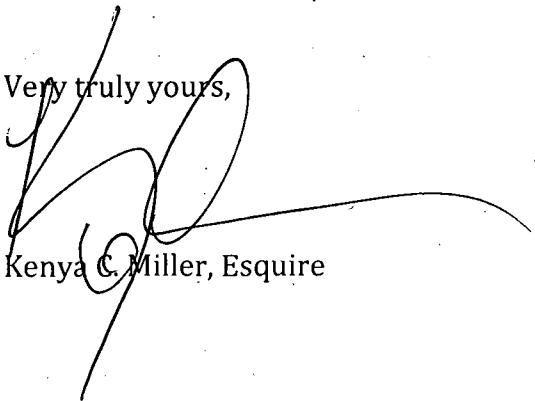
VIA REGULAR U.S. MAIL

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

RE: Gennette Sowell v. Piggly Wiggly
Date of Accident: 01/06/2014
WCC File No.: 1408826
Our File No.: 0056461.0349337
Claim No.: 36-1835-2014

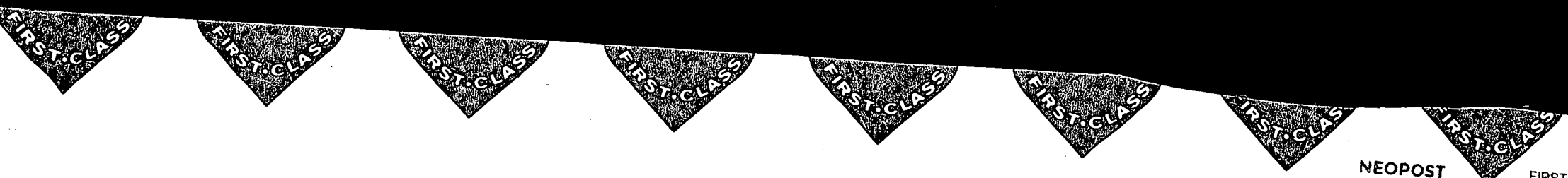
Dear Ms. Kitchings:

Enclosed for filing is a Notice of Appeal in the above-referenced matter. Also enclosed, please find a check in the amount of \$100.00 representing the filing fee for same, as well as a *self-addressed stamp envelope* in order to receive a file stamped copy of the Notice of Appeal. Additionally, we are also providing a copy of the Decision and Order of the Appellate Panel for the South Carolina Workers' Compensation Commission. Please be advised that the hearing transcript from the Appellate Hearing was previously requested from Creel Court Reporting on November 7, 2017. In that regard, we have enclosed documentation verifying request of the hearing transcript. By copy of this letter, we are serving the Notice of Appeal on the Respondent via regular U.S. mail to her attorney, Preston McDaniel, Esquire. Enclosed please find a certificate of service verifying same. Please feel free to contact me should you have any questions or concerns regarding this submission.

Very truly yours,

Kenya C. Miller, Esquire

KCM/snw
Enclosures

cc: Ryan Hall, Auto Owners Insurance (via email)
Stephanie Wilson, Auto Owners Insurance (via email)
Preston McDaniel, Esquire (via regular mail)
Amy Bracy, Judicial Director of SCWCC (via regular mail)



Dickie McCamey

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