

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM THE S.C. WORKERS'  
COMPENSATION COMMISSION

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S.C. SUPREME COURT

Opinion No. 2017-UP-443 (S.C. Ct. App. filed Nov. 29, 2017)

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Lettie Spencer, Respondent,

v.

NHC Parklane, Employer/Petitioner,

and

Premier Group Insurance Co., Inc. Carrier/Petitioner.

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REPLY TO RESPONDENT'S RETURN  
TO PETITION FOR WRIT OF CERTIORARI

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## QUESTIONS PRESENTED

1. Did the Court of Appeals err by finding and concluding that the Commission's Decision and Order is not supported by substantial evidence and is affected by errors of law.
2. Did the Court of Appeals err by substituting its judgment for that of the Commission and by remanding this matter for further proceedings?

## ARGUMENTS

1. THE COURT OF APPEALS ERRED BY FINDING AND CONCLUDING THAT THE COMMISSION'S DECISION IS NOT SUPPORTED BY SUBSTANTIAL EVIDENCE AND IS AFFECTED BY ERRORS OF LAW.

2. THE COURT OF APPEALS ERRED IN SUBSTITUTING ITS JUDGMENT FOR THAT OF THE COMMISSION AND BY REMANDING THIS MATTER FOR FURTHER PROCEEDINGS.

The Petition for Writ of Certiorari presented in this matter should be granted as the Court of Appeals' Opinion clearly conflicts with prior decisions of this Court. In particular, that Opinion disregards a longstanding rule of law in this State which provides that decisions of administrative agencies are respected and upheld if there is, in fact, reliable evidence to support them. The decision of the Commission clearly meets such a requirement.

In his Return to the Petition for Writ of Certiorari Mrs. Spencer's Counsel argues that the weight of the evidence contained in the record for this case supports the Court of Appeals' opinion reversing the Commission's decision. Such arguments, however, do not explain why the Commission's ruling in this case is wrong as a matter of law.

Indeed, the breadth and length of the Respondents' arguments with respect to why the facts and evidence should be viewed more favorably for her begets support for the Petitioners' request that their Petition be granted here. Unquestionably, the Parties disagree as to how the

evidence in this case should be treated. Such a difference in opinion, however, is not a sufficient nor a legal basis to overturn the decision of those at an administrative level who are charged with and made responsible by law to make difficult decisions. In the absence of a clear error of law, or arbitrary decision-making, we have to respect those administrative decisions.

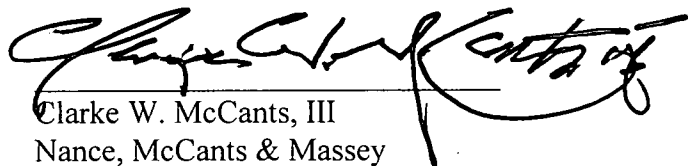
The length to which the Court of Appeals' analyzes the facts of this case likewise supports a grant of a Writ of Certiorari in this case. Without rehashing the arguments presented by the Petitioners throughout the course of this case, they respectfully submit that for every point raised by the Respondent and the Court of Appeals as to the sufficiency of the factual basis for the Commission's decision, a contrary and stronger argument has been made, to support that decision.

#### CONCLUSION

As presented in its Petition before this Court the Commission's decision in this case is not affected by an error of law. The Court of Appeals simply views the evidence in a fashion different from the Commission. Longstanding precedent in this State establishes that in such circumstances the decision of the agency below has to be affirmed.

For these reasons the Petitioners respectfully ask that their Petition for a Writ of Certiorari in this matter be granted.

Respectfully Submitted,



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Dated: March 25, 2018

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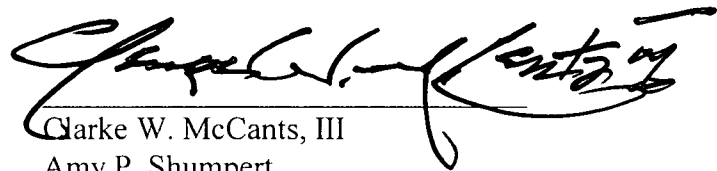
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PROOF OF SERVICE

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I certify that I have served a copy of the attached Reply to Return to Petition for Writ of Certiorari on counsel for the Respondent, Andrew W. Creech, by depositing a copy of the document in the United States Mail, postage prepaid, on April 24, 2018, addressed to Andrew W. Creech, Elrod Pope Law Firm, P.O. Box 11091, Rock Hill, SC, 29731

April 24, 2018



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