

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM SOUTH CAROLINA  
Workers' Compensation Commission  
Appellate Panel

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Appellate Case No. 2018-001234

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**RECEIVED**  
SEP 06 2018  
SC Court of Appeals

Pamela Cartee, Claimant,

v.

SC Judicial Department, Employer, and State Accident Fund, Carrier, Defendants.

IN RE:

Preston F. McDaniel, Esquire, and John M. Milling, Esquire,.....Appellants,

v.

South Carolina Workers' Compensation Commission,.....Respondent.

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**RETURN TO MOTION FOR REHEARING**

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The South Carolina Workers' Compensation Commission (the WCC) files this Return to the Appellants Motion for Rehearing filed August 29, 2018, with the Court of Appeals.

The motion should be dismissed as a matter of law pursuant to SCARC Rules 221(c) and 240(i). "Rehearing of Motions. The appellate court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal." SCACR 221(c). "Rehearing. The court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the

motion or petition has the effect of dismissing or finally deciding a party's appeal.” SCACR 240(i). The Court’s Order on August 16, 2018 did not have the effect of dismissing or finally deciding a party’s appeal, and is therefore not allowed pursuant to the appellate court rules. Furthermore, there is no indication that there was any material fact or principle of law that was overlooked or disregarded. Appellant’s dissatisfaction with the non-dispositional, interlocutory order is not a basis for granting rehearing.

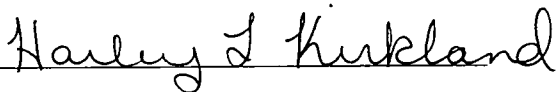
Additionally, the Respondent accepts any caption the court deems proper, so long as it is apparent in the record that the Workers’ Compensation Commission was the adjudicator of, and not an adverse party defendant to, the award on appeal.

Respectfully Submitted,

ALAN WILSON  
ATTORNEY GENERAL

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By: 

ATTORNEYS FOR THE COMMISSION

COLUMBIA, SOUTH CAROLINA  
SEPTEMBER 6, 2018

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**CERTIFICATE OF SERVICE**

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I hereby certify that I served the foregoing Return to Motion for Rehearing in the above matter, by placing a copy of said document in the United States mail, first class postage prepaid, and addressed to:

1. Preston F. McDaniel, Esq.  
McDaniel Law Firm  
1315 Elmwood Avenue  
Columbia, SC 29201
2. John M. Milling, Esquire  
Milling Law Office  
P.O. Box 519  
Darlington, SC 29540

September 6, 2018  
Columbia, South Carolina.

By:   
South Carolina Attorney General's Office  
Civil Division  
Post Office Box 11549  
Columbia, South Carolina 29211-1549