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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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APPEAL FROM THE APPELLATE PANEL OF THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

APR 08 2019

SC Court of Appeals

W.C.C. FILE NO. 1622114

NICHOLAS THOMPSON, EMPLOYEE,.....Appellant,

-vs.-

BLUFFTON TOWNSHIP FIRE DISTRICT, EMPLOYER,Respondents.

NOTICE OF APPEAL

Nicholas Thompson appeals the decision of the Appellate Panel of the South Carolina Workers' Compensation Commission dated March 7, 2019 affirming the decision of the Single Commissioner denying Appellant any and all benefits.

The grounds of appeal are:

1. The South Carolina Workers' Compensation Commission's Appellate Panel ("Appellate Panel") erred in affirming the order of the Single Commissioner denying Appellant benefits because the Order is contrary to the greater weight of the evidence and/or improperly fails to acknowledge Appellant's presentation of substantial evidence supporting his claim.
2. The Appellate Panel erred in affirming the order of the Single Commissioner denying Appellant benefits because this case is based on repetitive trauma and the Respondent failed to put forward any evidence that the Employer suffered any prejudice by the timing of the claimant's/Appellant's notification of injury.
3. The Appellate Panel erred in affirming the order of the Single Commissioner denying Appellant benefits because the Panel failed to determine this matter under the standard of proof required

under South Carolina Workers' Compensation regulations where the evidence is to be construed in a light favorable to a claimant.

4. The Appellate Panel erred in affirming the order of the Single Commissioner denying Appellant benefits because the Panel did not affirmatively credit the testimony and written statement of the Appellant's treating Neurosurgeon who opined (with no opposing evidence) that the Appellant's injury was at a minimum aggravated by the repetitive nature of his work as a firefighter.
5. The Appellate Panel erred in affirming the order of the Single Commissioner denying Appellant benefits because the Panel did not properly analyze the notification made by the Appellant of his disablement.

Appellant notified the Respondent when it became reasonably clear to Appellant that he had reached disablement due to the conditions of his work. This occurred when Appellant (who had never missed work due to injury) was limited by his doctor to light duty sedentary work, after which Appellant made timely notice of his condition and disablement to his Employer.

6. Such other grounds as may be briefed according to the Appeal Court schedule.



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April 4, 2019

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NICHOLAS THOMPSON, EMPLOYEE,Appellant,

-vs.-

BLUFFTON TOWNSHIP FIRE DISTRICT, EMPLOYER,Respondents.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the Respondent by depositing a copy of it in the United States Mail, postage prepaid on April 4, 2019, addressed to:

- (1) the attorney of record for the Respondent and it's Carrier, **Alan Westerlund, Esq.**, Willson, Jones, Carter, and Baxley at 421 Wando Park Blvd., Suite 100, Mount Pleasant, South Carolina 29464.
- (2) **The South Carolina Workers' Compensation Commission**; 1333 Main Street, Columbia, South Carolina 29201
- (3) **The South Carolina Court of Appeals**, 1220 Senate St, Columbia, South Carolina 29201



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PURSUING JUSTICE | IMPROVING LIVES

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April 4, 2019

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SC Court of Appeals

The South Carolina Court of Appeals, 1220 Senate St, Columbia, South Carolina 29201

Alan Westerlund, Esq., Willson, Jones, Carter, and Baxley at 421 Wando Park Blvd., Suite 100, Mount Pleasant, South Carolina 29464.

The South Carolina Workers' Compensation Commission; 1333 Main Street, Columbia, South Carolina 29201

Re: Appeal from the South Carolina Workers' Compensation Commission
Nicholas Thompson v. Bluffton Township Fire District et al W.C.C. FILE NO. 162114

Greetings:

The Appellant, Nicholas Thompson, through his counsel David Berry, hereby serves upon the interested parties named above his appeal from the captioned W.C.C. case.

Background: This matter worked its way through the Commission. An Appellate Panel order affirming the decision of the Single Commissioner is attached.

The Employee has filed a motion for rehearing with the Commission. To date no order has been entered.

The time for appeal of the Panel's order will lapse in a few days.

This Notice of Appeal is being filed out of an abundance of caution. Appellant understands that this appeal may be stayed until the Full Commission issues a final order on Appellant's Rule 59 motion.

By filing this Notice of Appeal Appellant does not wish to imply to the South Carolina Workers' Compensation Commission any lack of confidence in the nature and quality of Appellant's motion for

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Rehearing currently under consideration by the Commission.

Enclosures: Appellant has enclosed with this letter:

1. Notice of Appeal,
2. Proof of service,
3. A copy of the pertinent order from the Commission,
4. A filing fee check in the amount of \$250.00.

Because of the unusual calendar of this matter the Appellant requests that the Court notify him immediately of any problems with this submission or corrections or amendments proper compliance may require.

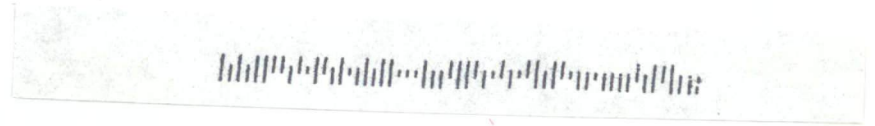


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April 4, 2019

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