

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE SOUTH CAROLINA WORKER'S COMPENSATION  
COMMISSION,  
APPELLATE PANEL

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APPELLATE CASE NO.: 2018-002005  
WCC FILE NO: 1707458

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Scotty Steele,

Appellant,

v.

Canal Wood, LLC, Wallace  
Logging and the Hartford  
Insurance Company,

And

The SC Worker's  
Compensation Uninsured  
Employer's Fund,

Respondents.

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**REPLY OF APPELLANT TO INITIAL BRIEF OF RESPONDENT**

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Suite 100  
Columbia, South Carolina 29206  
(803) 743-4200  
SC Bar Number 16970

ATTORNEY FOR APPELLANT

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## ARGUMENT

### 1. CLAIMANT'S TESTIMONY THAT HE QUIT WORKING WAS NOT AN INDICATION THAT HE RESIGNED BUT THAT THERE WAS NO WORK AVAILABLE TO HIM DUE TO THE INJURY TO HIS HAND.

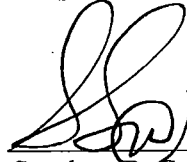
Claimant's testimony that he "quit" working was in response to a question by Claimant's counsel as to when he stopped working. The question was asked in order to determine whether the claimant had been unable to work due to the injury. Claimant also testified that he was unable to perform the duties of his job due to the injury to his hand. He stated that his lumber job required extensive use of his hands, cutting down trees, Hearing Tx. p. 11 ll. 18-20; cutting knots out of the wood, Hearing Tx. p. 11 ll. 13-14; placing a cable around the trees, Hearing Tx. p. 14 ll. 15-17; and loading them onto the trucks. Hearing Tx. p. 11, ll. 18-20. Further, Claimant testified that he presently only has substantial use of one hand, Hearing Tx. p. 17, ll. 3-13. Nonetheless, claimant has tried to work, but found himself unemployable due to his injury. Hearing Tx. p. 18, ll. 5-14. Neither the single commissioner or the appellate panel found that Scotty Steele voluntarily quit his employment at Wallace Logging.

Claimant also testified about the nature of his employment with Wallace Logging. He testified that Jamie Wallace would call or text he and the other employees with a destination where they would meet and then head to a job site to harvest timber and transport the timber to sawmills. Hearing Tx. p. 10. ll. 19-25. There is no evidence in the record that Jamie Wallace ever contacted Scottie Steele after the date of his accident.

## CONCLUSION

Scotty Steele did not quit his job on the day he was injured, but was physically unable to return to it and remains physically unable to return to the job to this day. His physical disability is the reason that he is not working and it would not exist if anyone had picked up his treatment, in accordance with the law, at the time of his injury. If someone had picked up treatment for his injuries he may well have returned to work after 8 weeks of temporary total disability benefits with minimal permanent injury, but we will never know.

Respectfully submitted,



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**PROOF OF SERVICE**

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I certify that I served a copy of the Reply of Appellate to Initial Brief of Respondent upon the South Carolina Court of Appeals and Counsel for Respondents by depositing a copy of it in the United States Mail, postage prepaid, addressed at their address of record, namely:

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