

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM SOUTH CAROLINA WORKERS'

COMPENSATION COMMISSION

Appellate Panel of the Full Commission

RECEIVED
JUN 06 2019
SC Court of Appeals

WCC Number: 1709864

Appellate Case No.: 2019-000460

Sarah Jefferies, Employee, Appellant,

v.

Milliken and Company, Employer,

and

Liberty Insurance Corporation, Carrier, Respondents.

RETURN TO APPELLANT'S MOTION TO REINSTATE APPEAL

Respondents, Milliken and Company and Liberty Insurance Corporation, request that Appellant's Motion to Reinstate Appeal be denied. In support, the Respondents state as follows:

1. On May 9, 2019, the Respondents received a copy of an Order from this Court, dated May 6, 2019, providing that this matter was dismissed due to the Appellant's failure to serve the South Carolina Workers' Compensation Commission with a copy of the Notice of Appeal pursuant to Rule 203(b)(6) of the South Carolina Appellate Court Rules.
2. Thereafter, the Respondents received correspondence from the Clerk of this Court, dated May 22, 2019, advising the Appellant of certain deficiencies in her Motion to Reinstate Appeal (hereinafter "Motion"), including failure to include proof of service of the Motion on the Respondents. Moreover, the May 22, 2019 correspondence informed the Appellant that she had ten (10) days from the date of the correspondence to cure her deficiencies, providing that she "must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II" of the South Carolina Appellate Court Rules. The correspondence further provides that should the Appellant fail to correct such deficiencies, her Motion would not be considered by this Court.
3. On May 30, 2019, the Respondents received handwritten correspondence from the Appellant, dated May 25, 2019, which read, "[e]nclosed please find Motion to Reinstate and Proof of Service in connection with the above-referenced case." Also enclosed with the correspondence were two additional pages, both labeled "Proof of Service," by the Appellant certifying that the "Notice of Motion to Reinstate" was served on the Respondents on May 25, 2019. However, to date, the Respondents have not yet received a copy of the Appellant's Motion. In addition, although the Appellant certified in her Proof of Service that the Motion was deposited in the U.S. Mail on May

25, 2019, the postage label provides a date of May 28, 2019. Being duly sworn, Myra S. Clayton, Legal Assistant, completed an Affidavit declaring that a copy of the Appellant's Motion to Reinstate Appeal was not included within the correspondence received from the Appellant on May 30, 2019. A copy of the Affidavit of Myra S. Clayton is attached hereto as "Exhibit A." A copy of the entire packet received by the Respondents from the Appellant, including a copy of the original envelope, is attached hereto as "Exhibit A1."

4. To date, per the instructions of this Court in correspondence, dated May 22, 2019, the Appellant has failed to provide a copy of the Motion to the Respondents and has failed to cure any and all deficiencies in her Motion. As such, the Respondents' respectfully request that the Appellant's Motion be dismissed.
5. In the alternative, if the Court does not dismiss the Appellant's Motion and reinstates the Appellant's Appeal, to the extent the Appellant has filed a Motion, the Respondents respectfully request the Appellant be required to provide a copy of the Motion to the Respondents and the Respondents allowed an appropriate amount of time, pursuant to the South Carolina Appellate Court Rules, within which to respond to the Appellant's Motion.

FOR THE FOREGOING REASONS, Respondents respectfully request this Court issue an Order denying the Appellant's Motion to Reinstate and dismiss this Appeal. In the alternative, Respondents respectfully request the Appellant be required to provide a copy of the Motion to the Respondents and the Respondents allowed an appropriate amount of time, pursuant to the South Carolina Appellate Court Rules, within which to respond to the Appellant's Motion.

BY: 

Jeffrey S. Jones, Esquire
SC Bar No. 66292
Willson, Jones, Carter, & Baxley, PA
872 S. Pleasantburg Drive
Greenville, SC 29607
(864) 527-3273
Attorney for Respondents

Date: June 4, 2019

Exhibit A

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SOUTH CAROLINA WORKERS'
COMPENSATION COMMISSION

Appellate Panel of the Full Commission

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SC Court of Appeals

WCC Number: 1709864

Appellate Case No.: 2019-000460

Sarah Jefferies, Employee, Appellant,

v.

Milliken and Company, Employer,

and

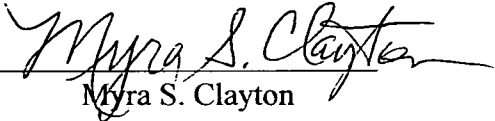
Liberty Insurance Corporation, Carrier, Respondents.

AFFIDAVIT OF MYRA S. CLAYTON

The undersigned, Myra S. Clayton, personally appeared before me who, being duly sworn, states as follows:

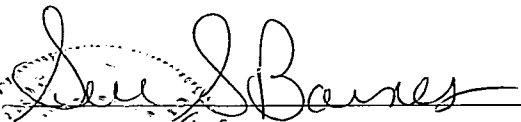
1. My name is Myra S. Clayton.
2. I am over the age of eighteen (18) and am a resident of the State of South Carolina.

3. I am currently employed as a Legal Assistant at Willson Jones Carter & Baxley, P.A. in the Greenville, South Carolina office.
4. On May 30, 2019, I received, on behalf of Jeffrey S. Jones, correspondence in the mail from Sarah Jefferies, dated May 25, 2019. The documentation contained in the correspondence received in the mail included only a cover letter, a page noting, "Sent Proof of Service to the Respondents ... Appellate Case No. 2019-000460," and two Proofs of Service labeled as "Notice of Motion to Reinstate from Administrative Tribunal" – Proof of Service and "Notice Appeal from Administrative Tribunal" – Proof of Service," respectively.
5. A copy of the Appellant's Motion to Reinstate Appeal was not included with the correspondence received from the Appellant on May 30, 2019.
6. A full and accurate copy of the documentation received from the Appellant on May 30, 2019 is enclosed hereto as "Exhibit A1."


Myra S. Clayton

Sworn to and Subscribed before me on

4th day of June, 2019



Notary Public for South Carolina

My Commission Expires 03/27/2027

SERI S. BARNES
Notary Public, State of South Carolina
My Commission Expires 03/27/2027

Exhibit A1

Sarah Jefferies
P.O. Box 161606
Boiling Spring S.C. 29316



Jeffrey S. Jones
Baxley P.A.
872 S. Pleasantburg Drive
Greenville S.C. 29607



POSTAGE PAID
BY ADDRESSEE
U.S. POSTAL SERVICE
BOILING SPRING
AMOUNT
\$6.85
PERMIT NO. 192382-22

Sent Proof of Service
to the Respondents

Appellate Case no. 2019-000460

Ms. Sarah Jefferies
P.O. BOX 161606
Boiling Spring SC 29316
864-345-3688

May 25, 2019

Re: Sarah Jefferies v. Milliken And Company, Liberty
Insurance Company

Appellate Case no. 2019-000460
Motion to Reinstate
Proof of Service

To Whom it may Concern:
Enclosed please find Motion to Reinstate and
Proof of Service in connection with the
Above-referenced case.

If you have any questions I can be reached
at (864) 345-3688

Thank you

Sincerely,
Sarah Jefferies
Sarah Jefferies
Claimant

Enclosures

cc: Jeffrey S Jones, Esquire

NOTICE MOTION TO REINSTATE FROM ADMINISTRATIVE TRIBUNAL
THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

MOTION TO REINSTATE FROM APPELLATE PANEL
Appellate Case No. 2019-000460

Sarah Jefferies

VS

Appellant,

Milliken And Company

Employer,

Liberty Insurance Corporation

And

Carrier/ Respondents

PROOF OF SERVICE

I Certify that I have served the Notice of Motion to Reinstate on Milliken And Company, and Liberty Insurance Corporation by depositing copy of it in the United State Mail, Postage Prepaid on May 25, 2019 Address to their Attorney of record, Jeffrey S. Jones, Wilson Jones Carter & Baxley, PA, 8725 Pleasantburg Drive, Greenville SC 29607.

May 25, 2019

Sarah Jefferies
Sarah Jefferies
Appellant

Post office Box 161606
Boiling Spring south Carolina
29316

864-345-3688

NOTICE APPEAL From ADMINISTRATIVE TRIBUNAL
THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL From APPELLATE PANEL
South Carolina Worker's Compensation Commission
Michael Campbell, Gene McCaskill, Melody James
Commissioners
W.C.C. File No. 1709864

Sarah Jefferies vs Appellant,
Milliken And Company Employer,
Liberty Insurance Corporation And Carrier/Respondent

PROOF OF SERVICE

I Certify that I have served the Notice of Motion to Reinstatement on Milliken And Company, and Liberty Insurance Corporation by depositing copy of it in the United State Mail, Postage prepaid on May 25, 2019 address to their Attorney of record, Jeffrey S. Jones, Wilson Jones Carter & Baxley, PA, 8725 Pleasantburg Drive, Greenville SC 29607.

May 25, 2019

Sarah Jefferies
Sarah Jefferies
Appellant
Post office Box 16606
Boiling Spring South Carolina 29316
SJA-2K-21 CC

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SOUTH CAROLINA WORKERS'
COMPENSATION COMMISSION

Appellate Panel of the Full Commission

WCC Number: 1709864
Appellate Case No.: 2019-000460

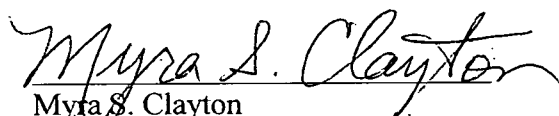
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and
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CERTIFICATE OF SERVICE OF MYRA S. CLAYTON

I, Myra S. Clayton, do hereby certify that I am the Legal Assistant for Jeffrey S. Jones, Esquire, attorney for the defendants with **WILLSON JONES CARTER & BAXLEY, P.A.** in Greenville, South Carolina, and that on the 4th day of June, 2019, I mailed the foregoing **Return to Appellant's Motion to Reinstate Appeal** to the following by placing a copy thereof in the United States mail, first class, proper postage affixed thereto:

(Via Certified Mail/RRR & Regular U.S. Mail)
Ms. Sarah Jefferies
P.O. Box 161606
Boiling Springs, SC 29316


Myra S. Clayton
Legal Assistant to Jeffrey S. Jones, Esquire
WILLSON JONES CARTER & BAXLEY, P.A.
872 S. Pleasantburg Drive
Greenville, SC 29607

WILLSON JONES CARTER & BAXLEY, P.A.

ATTORNEYS AT LAW

GREENVILLE CHARLESTON COLUMBIA CHARLOTTE RALEIGH ATLANTA MYRTLE BEACH

Jeffrey S. Jones
Direct (864) 527-3273
Fax (864) 241-5372
jsjones@wjlaw.net

872 S. Pleasantburg Drive
Greenville, SC 29607
www.wjcbllaw.com

June 4, 2019

RECEIVED

JUN 06 2019

SC Court of Appeals

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

Re: Sarah Jefferies, Employee, Appellant v. Milliken and Company, Employer, and
Liberty Insurance Corporation, Carrier, Respondents.
Appellate Case No. 2019-000460
WCC File No.: 1709864 DOI: 6/22/2017
Carrier: Liberty Insurance Corporation - Claim No.: WC555 D64872
WJC&B File No.: 0010.05006

Dear Honorable Kitchings:

Enclosed for filing is a Return to Appellant's Motion to Reinstate Appeal in the above-referenced matter. Also enclosed at the following:

- (1) Proof of Service of the Return to Appellant's Motion to Reinstate Appeal on the Appellant; and
- (2) The original and six (6) copies of the Return to Appellant's Motion to Reinstate Appeal.

With kindest regards,

WILLSON JONES CARTER & BAXLEY, P.A.


Jeffrey S. Jones

JSJ/cpg

Enclosures: as noted

cc: Ms. Sarah Jefferies (via certified and regular U.S. mail)
P.O. Box 161606
Boiling Springs, South Carolina 29316