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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE WORKERS' COMPENSATION COMMISSION

Aisha Taylor, Commissioner
Susan S. Barden, Chair/Commissioner
Avery B. Wilkerson, Jr., Commissioner

WCC File No. 0917785

Paula Russell,

Appellant,

v.

Wal-Mart Stores, Inc.,

&

Illinois National Insurance Company,

Respondents.

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AUG 15 2019
SC Court of Appeals

NOTICE OF APPEAL

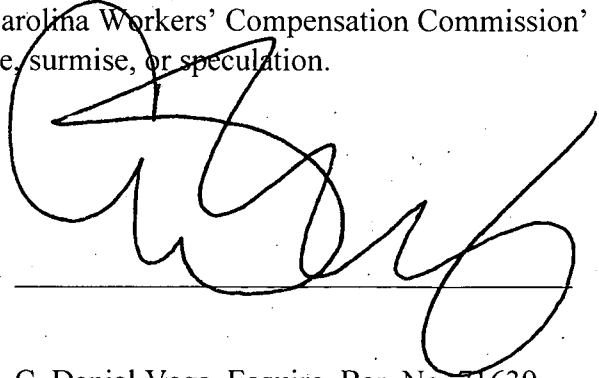
Paula Russell, through her attorney of record, C. Danial Vega, appeals the order of the Appellate Panel of the South Carolina Workers' Compensation Commission dated July 18, 2019.

Pursuant to S.C. Code Ann. section 42-17-60, Appellant hereby petitions this Court for review based on the following grounds for appeal and alleged errors of law:

1. Whether the Appellate Panel of the South Carolina Workers' Compensation Commission erred in once again requiring Paula Russell prove she suffered a change of condition for the worse with objective evidence in contravention of the 2016 opinion of this court and the 2019 opinion of the Supreme Court?
2. Whether the Appellate Panel of the South Carolina Workers' Compensation Commission erred in finding Paula Russell failed to establish a change of condition when the medical evidence of record, as stated to a "reasonable degree of medical certainty" by the authorized treating physicians, demonstrated a change of condition.

3. Whether the Appellate Panel of the South Carolina Workers' Compensation Commission erred as a matter of law in finding Paula Russell failed to establish a change of condition because no "objective" evidence supports a finding of a change of condition.
4. Whether the Appellate Panel of the South Carolina Workers' Compensation Commission erred in finding Paula Russell failed to establish a change of condition because her testimony concerning her symptoms were "conclusory" and "self-serving."
5. Whether the Appellate Panel of the South Carolina Workers' Compensation Commission erred in finding as fact that Paula Russell did not suffer a change of condition for the worse.
6. Whether the Appellate Panel of the South Carolina Workers' Compensation Commission' Decision and Order is based upon conjecture, surmise, or speculation.

August 15, 2019



C. Danial Vega, Esquire, Bar. No. 71639
Chappell Smith & Arden, P.A.
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dvega@csa-law.com
**Attorney for Paula Russell,
Appellant**

Other Counsel of Record:

Johnnie W. Baxley
Willson Jones Carter & Baxley, P.A.
421 Wando Park Boulevard, Suite 100
Mount Pleasant, South Carolina 29464
PH: (843) 284-1080
Attorney for Respondents

The State of South Carolina
In The Court of Appeals

Appeal from the South Carolina
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Claimant/Appellant,

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Employer,

and

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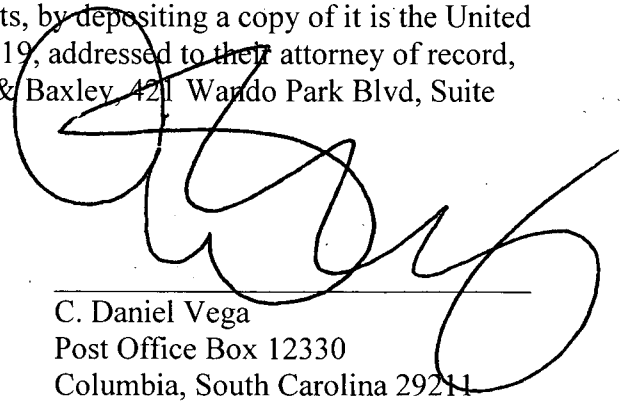
Carrier,

Defendants/Respondents,

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Wal-Mart Stores and Illinois National Insurance Co., Defendants/ Respondents, by depositing a copy of it in the United States Mail, postage pre-paid, on August, 15, 2019, addressed to their attorney of record, Johnnie W. Baxley, III, Willson, Jones, Carter, & Baxley, 421 Wando Park Blvd, Suite 100, Mt. Pleasant, South Carolina 29464 .

August 15, 2019



C. Daniel Vega
Post Office Box 12330
Columbia, South Carolina 29211
(803) 929-3600
Attorney for Appellant

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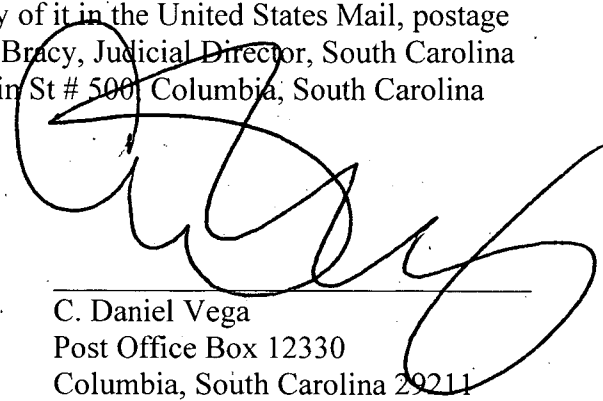
Carrier,

Defendants/Respondents,

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the South Carolina Workers' Compensation Commission by depositing a copy of it in the United States Mail, postage prepaid, on August 15, 2019, addressed to Amy Bracy, Judicial Director, South Carolina Workers' Compensation Commission, 1333 Main St # 500, Columbia, South Carolina 29201.

August 15, 2019



C. Daniel Vega
Post Office Box 12330
Columbia, South Carolina 29211
(803) 929-3600
Attorney for Appellant

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in South Carolina,
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August 15, 2019

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The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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RE: Paula Russell, Appellant, v. Wal-Mart Stores, Inc., Respondent,
WCC File No. 0917785

Dear Ms. Kitchings:

Enclosed for filing is a Notice of Appeal to the Court of Appeals. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the defendant/respondents.
- (2) A copy of the order that is to be challenged on appeal.
- (3) A filing fee of \$250.00.
- (4) Proof of service of the notice of appeal on the Workers' Compensation Commission.

Sincerely,

C. Daniel Vega
Post Office Box 12330
Columbia, South Carolina 29211
(803) 929-3600
Attorney for Appellant

cc: Johnnie W. Baxley, III
421 Wando Park Blvd., Suite 100
Mt. Pleasant, South Carolina 29464
(843) 284-1082
Attorney for Respondent