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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

W.C.C. File No.: 1322347

RECEIVED
OCT 14 2019
SC Court of Appeals

Courtney Ray Mitchell, Employee, Appellant,

v.

United Parcel Service, Employer, and
Liberty Mutual, Carrier, Respondents.

MOTION FOR CLARIFICATION

Pursuant to Rules 201 and 240, SCACR, Respondents United Parcel Service and Liberty Mutual hereby seek clarification of this Court's October 10, 2019 Order granting Appellant Courtney Ray Mitchell's Motion for Leave to File an Amended Notice of Appeal ("Motion to Amend"). In their Return in Opposition to Motion for Leave to File Amended Notice of Appeal and Amended Notice of Appeal, received by this Court on August 26, 2019 ("Return in Opposition"), Respondents stated that they were not opposing a mere technical correction to the Notice of Appeal; however, Appellant's Motion clearly stated that he "mistakenly omitted a previous order of the Single Commissioner of the South Carolina Workers' Compensation Commission." His Amended Notice of Appeal specifically appealed "the decision of the Honorable T. Scott Beck," who was the Single Commissioner in this matter, although he erroneously

identified that decision as having been filed on May 23, 2019. He also indicated that he was appealing the Commission order filed on July 15, 2019.

The Commission Administrative Order filed on May 23, 2019 was signed by Amy A. Bracy, Judicial Director, not Commissioner Beck. (Exh. A.). The July 15, 2019 order denying Appellant's Motion to Reinstate was signed by Commissioner Susan S. Barden. (Exh. B). The *only* Order signed by Commissioner Beck in this matter was the February 14, 2019 Single Commissioner Decision and Order which, as is explained in more detail in Respondents' Return in Opposition is not on appeal and cannot be appealed directly to this Court. *See* Rule 201, SCACR (appeals may be taken "from any *final* judgment, appealable order or decision") (emphasis added); Janhrette v. Union Camp Paper Corp., 293 S.C. 59, 60, 358 S.E.2d 704, 705 (1987) (a decision by a single commissioner, which has not been appealed effectively to and determined by the Full Commission is not a final judgment or order subject to direct appeal to this Court).

Respondents do not and have not opposed Appellant's appeal of the May 23, 2019 and July 15, 2019 Administrative and Commission Orders. However, due to the confusion in Appellant's Notice of Appeal and Amended Notice of Appeal, both of which reference "the decision of Honorable T. Scott Beck," this Court's October 10, 2019 Order leaves some uncertainty as to whether Appellant has been granted permission to appeal directly to this Court the Single Commissioner Decision filed by Commissioner Beck.


CONCLUSION

As a result and for all the reasons set forth herein, this Court should clarify that the October 10, 2019 Order grants Appellant's Motion to Amend only to the extent that

he is attempting to appeal the May 23, 2019 Administrative Order dismissing Appellant's case, and the July 15, 2019 Commission Order denying his motion to vacate the May 23, 2019 Administrative Order, and denying it to the extent Appellant is seeking to appeal directly the February 14, 2019 Single Commissioner Order of Commissioner Beck.

October 11, 2019

McANGUS GOUDELOCK & COURIE, LLC



Helen F. Hiser, S.C. Bar No.: 76124

P.O. Box 650007

Mount Pleasant, South Carolina 29465

(843) 576-2900

*Attorneys for Respondents United Parcel Service
and Liberty Mutual*

South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500
P.O. BOX 1715
Columbia, SC 29202-1715
(803) 737-5723



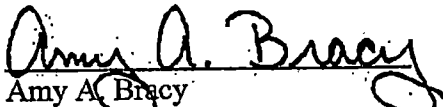
WCC File #: 1322347

Date of Injury: 06/21/2013

ADMINISTRATIVE ORDER

Courtney Mitchell v. United Parcel Service Inc.
WCC File No: 1322347

The Request for Commission Review in the above captioned case is dismissed. The appellant brief was not timely filed pursuant to R.67-705 H(3). Brief was due by May 12, 2019 and no extension was requested.


Amy A. Bracy
Judicial Director

Date: May 23, 2019

CERTIFICATE OF SERVICE

I hereby certify on May 23, 2019, I served this document on the parties listed below by electronic mail or depositing a copy hereof, postage prepaid, in the United States mail and addressed as follows:

Donald L. Smith
Attorney At Law
122 N. Main Street
Anderson, SC 29621

United Parcel Service Inc.
55 Glenlake Pkwy NE
ATLANTA, GA 30328

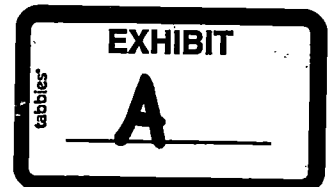
O Shayne Williams
McAngus Goudelock & Courie, LLC
PO Box 1349
Myrtle Beach, SC 29578

By: Eugenia C. Hollmon, Judicial Department

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AUG 19 2019

SC Court of Appeals



SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
JUDICIAL CONFERENCE DECISION AND ORDER

Courtney R. Mitchell v UPS
SCWCC: 1322347
Commissioner: Beck

This matter was heard before the South Carolina Workers' Compensation Full Commission in Judicial Conference on a **Motion to Reinstate**. The Commissioners considered the matter and ordered the matter handled in the following manner:

IT IS, THEREFORE, ORDERED the pending appeal of the Administrative Order of the Commission is hereby;
_____ Dismissed as Interlocutory. _____ Set for Oral Argument.

IT IS, THEREFORE, ORDERED the pending motion be, and hereby is;
_____ Granted. Denied. _____ Dismissed _____ Preserved for hearing

BEFORE THE;
_____ Hearing Comm. _____ Jurisdictional Comm. _____ Full Commission.

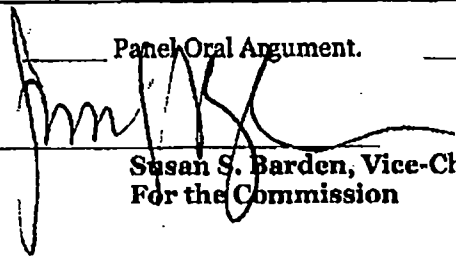
IT IS, THEREFORE, ORDERED this matter be, and hereby is; remanded to take such action and enter an Order consistent with the Court's directive.

_____ Remand to Panel as indicated below.
_____ Barden _____ James _____ Taylor
_____ Beck _____ Campbell _____ Wilkerson
_____ McCaskill

_____ Remand for Order consistent with the Order of the Court.
_____ Remand to the Hearing Commissioner.
_____ Remand to the Jurisdictional Commissioner.
Other: _____

_____ Remand: _____ Panel Oral Argument. _____ En Banc Oral Argument.

AND IT IS SO ORDERED.


Susan S. Barden, Vice-Chair
For the Commission

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Columbia, South Carolina
7/15 2019

CONCURRING:	NOT PARTICIPATING:	DISSENTING:
Commissioner T. Scott Beck	_____x_____	_____
Commissioner Melody James	_____	_____
Commissioner Aisha Taylor	_____	_____
Commissioner Avery Wilkerson	_____	_____
Commissioner Michael Campbell	_____	_____
Commissioner Gene McCaskill	_____	_____

CERTIFICATE OF SERVICE
THIS IS TO CERTIFY THE UNDERSIGNED HAS THIS DATE SERVED THIS ORDER IN THE ABOVE ENTITLED ACTION UPON ALL PARTIES ELECTRONICALLY OR BY DEPOSITING A COPY HEREOF, POSTAGE PAID, IN THE UNITED STATES MAIL

This 15 day of July, 2019.
By: Valerie D. Decker
SCWCC Judicial Department

EXHIBIT
B

THE STATE OF SOUTH CAROLINA
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APPEAL FROM SOUTH CAROLINA
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Courtney Ray Mitchell, Employee,Appellant,

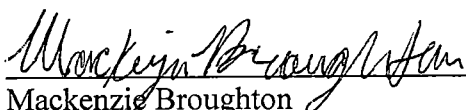
v.

United Parcel Service, Employer, and
Liberty Mutual, Carrier, Respondents.

PROOF OF SERVICE

I certify that on the 11th day of October 2019, I served Respondents United Parcel Service and Liberty Mutual's **Motion for Clarification** on Courtney Ray Mitchell by depositing a copy of it in the United States Mail, postage prepaid, addressed to his attorney of record as follows:

Donald L. Smith, Esq.
ATTORNEY OFFICE OF DONALD SMITH
122 N. Main Street
Anderson, South Carolina 29621
*Counsel for Appellant
Courtney Ray Mitchel*



Mackenzie Broughton
Legal Assistant to Helen F. Hiser
McAngus, Goudelock & Courie LLC
P.O. Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900

*Attorneys for Respondents United Parcel Service
and Liberty Mutual*

Reply To

HELEN F. HISER
Direct Dial: (843) 576-2930
helen.hiser@mgclaw.com

October 11, 2019

Via U.S. Mail

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

RECEIVED
OCT 14 2019
SC Court of Appeals

RE: Courtney Ray Mitchell v. UPS and Liberty Mutual
Date of Accident: June 21, 2013
WCC File No.: 1322347
Our File No.: 2095.15004
Claim No.: WC555C6285
Appeal No.: 2019-001361

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of Respondents' Motion for Clarification, and the original and one copy of the Proof of Service in the above-referenced matter. Please file the originals and return a clocked-in copy in the enclosed self-addressed, stamped envelope. Also enclosed is our firm's check in the amount of \$50 for filing the motion.

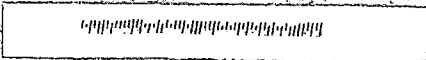
If you have any questions, please do not hesitate to contact me.

Sincerely,
McAngus Goudelock & Courie, LLC


Helen F. Hiser

Enclosures

cc: Donald L. Smith, Esq.



mgc | INSURANCE
 DEFENSE
MT PLEASANT, SC 29445

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 OCT 14 2019
 SC Court of Appeals

2095.15004/HFH/mtb
 The Honorable Jenny Abbott Kitchings
 South Carolina Court of Appeals
 P.O. Box 11629
 Columbia, SC 29211