

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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May 28 2020

APPEAL FROM SOUTH CAROLINA
Workers' Compensation Commission

SC Court of Appeals

Appellate Case No.: 2017-001764

Op. No. 5726 (S.C. Ct. App, filed May 13, 2020) (Shearouse Adv. Sh. No. 19 at 75)

Chisolm Frampton, Employee, Appellant,

v.

S.C. Department of Natural Resources, Employer,
and S.C. State Accident Fund, Carrier, Respondents.

MOTION TO SUPPLEMENT RECORD

Pursuant to 212 (b), SCACR, Appellant hereby moves to supplement the Record on Appeal with additional evidence from the record at the Workers' Compensation Commission. The additional evidence is necessary to ensure the Court has a full and accurate understanding of a particular issue germane to the issues on appeal.

The additional evidence sought to be supplemented to the Record on Appeal consists of several forms filed by the Respondents with the Commission as part of their ongoing provision of compensation and medical treatment to Appellant. Most specifically, these documents confirm that the case was accepted, that salary and compensation was paid and terminated pursuant to the applicable statute and regulations, and that Respondents paid for surgery performed on Appellant

by the authorized treating physician, Dr. Bailey.

This additional evidence is necessary to correct the inadvertent misstatement of Respondents that Frampton's "cervical fusion surgery . . . was paid for under his Blue Cross Blue Shield health benefits . . ." and to ensure the Court does not suffer a misapprehension of this fact. [R. P. 9, line 25-page 10, line 1; Brief of Respondents, page 2].

These documents were part of the trial record as the parties stipulated that "The Commission's file . . . shall be made part of the record in this case." [R. P. 2].

The specific evidence sought to be added to the Record on Appeal is:

1. Form 15 (Temporary Compensation Report), dated March 21, 2011.
2. Form 17 (Receipt of Compensation), dated July 27, 2011.
3. Form 18 (Period Report), dated September 5, 2011.
4. Form 18 (Period Report), dated March 5, 2012.
5. Form 18 (Period Report), dated September 4, 2012.
6. Form 18 (Period Report), dated March 4, 2013.
7. Form 18 (Period Report), dated September 4, 2013.
8. Form 18 (Period Report), dated March 4, 2014.
9. Form 18 (Period Report), dated November 17, 2014.
10. Form 18 (Period Report), dated March 4, 2015.

Appellant requests the Court grant the motion in the interests of fairness and justice.

Respectfully Submitted,



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Columbia, South Carolina

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The State Accident Fund, Carrier, Respondents.

PROOF OF SERVICE

I certify that I, Wanda Powell, paralegal to Stephen B. Samuels have caused the **Motion to Supplement Record** to be served upon the below parties on May 28, 2020, addressed as follows:

Kirsten L. Barr, Esquire
Trask & Howell, LLC
P.O. Box 2167
Mt. Pleasant, SC 29465
via email: kbarr@trask-howell.com



Wanda Powell
Paralegal to Stephen B. Samuels

May 28, 2020
Columbia, South Carolina



STEPHEN B. SAMUELS
P. JASON REYNOLDS
ATTORNEYS AT LAW

May 28, 2020

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Via US Mail

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RE: Chisolm Frampton v. SC Department of Natural Resources
Appellate Case No. 2017-001764

Dear Ms. Kitchings:

Enclosed for filing, please find the Appellant's **Motion to Supplement Record** in the above-referenced matter. Upon receipt, I would kindly ask if you would please forward, to our office, a clocked copy. A filing fee check, made payable to the SC Court of Appeals in the amount of \$50.00, was placed in the United States mail dated for today.

By copy of this letter and enclosure to Kirsten L. Barr, counsel of record for the Respondents, we are serving her with a copy of the **Motion to Supplement Record** as indicated by the enclosed Proof of Service.

Thank you for your consideration in this matter. Please contact us with any questions or if further information is needed from our office.

With kindest regards, I am

Respectfully,

A handwritten signature in blue ink, appearing to read "Stephen B. Samuels", written over a light blue horizontal line.

Stephen B. Samuels

/wp

Enclosure(s) as stated (*Via email: ctappfilings@sccourts.org*)

cc: Kirsten L. Barr, Esquire (*Via Email: kbarr@trask-howell.com*)
John C. Land, III (*Via email: Pat@lpwlawfirm.com*)

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