

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

Avery B. Wilkerson, Jr. Chair  
T. Scott Beck, Commissioner  
R. Michael Campbell, II, Commissioner

---

Trial Court Case No. 1102937  
Appellate Case No. 2019-001141

---

**RECEIVED**  
**Jun 30 2020**  
**SC Court of Appeals**

Barry Adickes, Claimant.....Respondent,

v.

Philips Healthcare, Employer,  
and Fidelity & Guarantee  
Insurance Company, Carrier. .... Appellants.

---

**RESPONDENT'S DESIGNATION OF MATTERS  
TO BE INCLUDED IN THE RECORD ON APPEAL**

---

Respondent proposes the following be included in the Record on Appeal:

1. Claimant's Form 50 dated 9/23/14;
2. Defendants' Form 51 dated 10/15/14;
3. Claimant's Form 50 dated 11/2/18;
4. Transcript of proceedings before Commissioner McCaskill of 1/21/15;
5. Decision and Order of Commissioner McCaskill dated 8/27/2015;
6. Transcript of proceedings before the Appellate Panel of the Commission of 12/14/15;
7. Decision and Order of the Appellate Panel of the Commission dated 2/8/16;
8. *Adickes v. Phillips Healthcare*, Op. No. 2018-UP-027 (S.C. Ct. App. filed January 17, 2018);
9. Decision and Order of Commissioner Barden of 1/17/19;
10. Decision and Order of Commissioner James dated 6/19/19;
11. Decision and Order of the Appellate Panel of the Commission dated 6/20/19;

12. Decision and Order of the Appellate Panel of the Commission dated November 8, 2019;
13. Claimant's Form 58 with attachment dated 1/21/15;
14. Claimant's APA 1/6/2015; pp. 48-185;
15. Claimant's APA dated 2/28/19; pp. 1-16, 74-127;
16. *Bass v. Kenco* Employer brief to circuit court;
17. *Bass v. Kenco*, 2003 WL 22977624 (S.C. Workers' Compensation Commission) (March 20, 2003).

I certify that this Designation of Matters contains no matter which is irrelevant to this appeal.

Respectfully submitted,



---

William L. Smith, II (SC Bar No. 5226)  
James David George, Jr.(SC Bar No. 103634)  
Chappell, Smith & Arden, PA  
P.O. Box 12330  
Columbia, SC 29211  
(803) 929 3600  
(803) 929 3604 (facsimile)  
bsmith@csa-law.com  
Attorneys for Respondent

June 30, 2020

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

Avery B. Wilkerson, Jr. Chair  
T. Scott Beck, Commissioner  
R. Michael Campbell, II, Commissioner

---

Trial Court Case No. 1102937  
Appellate Case No. 2019-001141

---

**RECEIVED**

**Jun 30 2020**

**SC Court of Appeals**

Barry Adickes, Claimant.....Respondent,

v.

Philips Healthcare, Employer,  
and Fidelity & Guarantee  
Insurance Company, Carrier. .... Appellants.

---

**PROOF OF SERVICE**

---

The undersigned hereby certifies that on June 30, 2020, he served counsel for Appellants with the *Respondent's Initial Brief and Designation of Matters to be Included in the Record on Appeal* by mailing a copy of the same by United States Mail with first class postage prepaid to the following address:

Brooke A. Payne, Esquire  
Ryan D. Oxford, Esquire  
P.O. Box 2449  
Mt. Pleasant, SC 29465



---

William L. Smith II (SC Bar No. 5226)  
James David George, Jr. (SC Bar No. 103634)  
Chappell, Smith & Arden  
2801 Devine Street, Suite 300  
Columbia, SC 29205  
PH: (803) 509-5839

June 30, 2020



CHAPPELL SMITH &amp; ARDEN, P.A.

Licensed to practice  
in South Carolina,  
North Carolina,  
Georgia and the  
District of Columbia

PO Box 12330  
Columbia, SC 29211  
803.929.3600  
Fax 803.929.3604  
800.531.9780

www.CSA-LAW.com

June 30, 2020

**RECEIVED**

**Jun 30 2020**

**SC Court of Appeals**

**Via Email - [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)**

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

RE: Barry Adickes, Claimant, Respondent v. Philips Healthcare, Employer, and Fidelity & Guarantee Insurance Company, Carrier, Appellants  
Appellate Case No.: 2019-001141  
Trial Court Case No. 1102937

Dear Ms. Kitchings:

Enclosed please find the following documents for filing regarding the above referenced matter:

1. *Respondent's Initial Brief*
2. *Respondent's Designation of Matters to be Included in the Record on Appeal*
3. *Proof of Service*

Thank you for your assistance in this matter.

Very truly yours,

William L. Smith II  
James David George, Jr.  
Attorneys for the Respondent

WLS/kll

cc: Brooke A. Payne, Esquire  
Ryan D. Oxford, Esquire