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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS'
COMPENSATION COMMISSION

W.C.C. File No.: 1714378

Ryan Cook, Employee, Appellant,

v.

Condustrual, Inc., Employer, and
Benchmark Insurance Company,
Carrier, Respondents.

NOTICE OF APPEAL

Ryan Cook appeals the decision of the Appellate Panel of the South Carolina Workers' Compensation Commission dated, filed, and received electronically on September 2, 2020. As required by Section 42-17-60, *S.C. Code Anno.*, as amended July 1, 2007, the grounds for the appeal are:

1. The Commission erred in finding as a matter of fact and concluding as a matter of law the Appellant, a contract employee, was not covered under the Workers' Compensation Act when he sustained admitted injuries leaving but still upon the premises owned by the company where he was contracted to work.
2. The Commission erred as a matter of law in failing to find the area where the Appellant sustained his admitted injuries while leaving but still upon premises owned by the company where he was contracted to work was brought within the scope of his employment by an express or implied requirement in his employment contract for its use in going and coming from his work.

3. The Commission erred in ruling the common sense extension of coverage for a reasonable time to depart from the premises at the end of the workday should not apply to contract employees.
4. The Commission erred as a matter of law in ruling that the purposes of the premises rule are not furthered by its extension to the premises of a contract employer.
5. The Commission erred as a matter of law in ruling that the roadway on the premises of the contract employer would have to had "actually *caused*" the Appellant's injuries for them to be compensable.
6. The Commission erred as a matter of law in ruling there is no authority for extending premises rule to premises owned by a contract employer, the error being such authority is found in the fourth exception to the going and coming rule.
7. The Commission erred as a matter of law the Workers' Compensation Act should be liberally construed with an eye towards coverage rather than non-coverage.
8. The Commission erred as a matter of law in relying upon *Keene v. CNA Holdings*, 426 S.C. 357, 827 S.E.2d 183 (S.C. App. 2019) as binding precedent that the Appellant's contract employer was not his statutory employer because the Supreme Court granted certiorari to review the Court of Appeals decision on November 1, 2019.

September 4, 2020

By: 

J. Kevin Holmes, S.C. Bar # 2578
Malcolm M. Crosland, Jr., S.C. Bar # 8934
~~THE STEINBERG LAW FIRM, L.L.P.~~
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Attorneys for the Appellant

Other Counsel of Record are:

George D. Gallagher
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Attorneys for the Respondent

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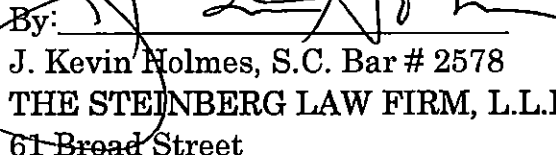
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PROOF OF SERVICE

I hereby certify that I have served the Notice of Appeal on Condustrual, Incv. And Benchmark Insurance Company by depositing a copy of it in the United States Mail, postage prepaid, on September 4, 2020, addressed to their attorney, George D. Gallagher, Esquire, Speed, Seta, Martin, Trivett & Stublely, L.L.C., Post Office Box 11669, Columbia, South Carolina 29211 and upon the South Carolina Workers' Compensation Commission, Post Office Box 1715, Columbia, South Carolina 29202-1715.

September 4, 2020

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September 4, 2020

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

Re: Ryan Cook, Employee, v. Condustrual, Inc., Employer, and
Benchmark Insurance Company, Carrier
W.C.C. File No.: 1714378

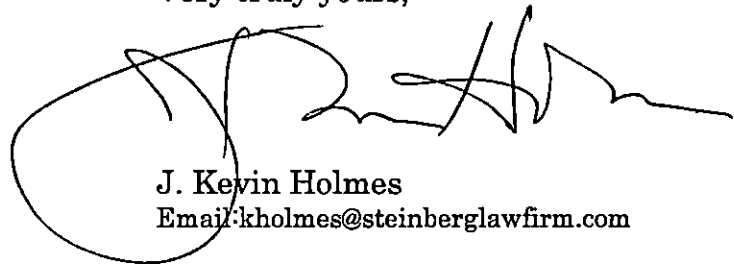
Dear Ms. Kitchings:

Enclosed for filing pleas find the following:

1. Notice of Appeal;
2. Proof of Service;
3. A copy of the Order challenged on appeal;
4. A Filing fee of \$250.00.

With kindest regards, I am

Very truly yours,



J. Kevin Holmes
Email: kholmes@steinberglawfirm.com

JKH/ms

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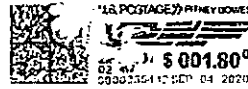
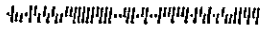
September 4, 2020

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Enclosures

cc: George D. Gallagher, Esquire
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