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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION APPELLATE PANEL

R. Michael Campbell, III, Commissioner

Appellate Case No. 2020-000481
W.C.C. File No. 1205924

Opinion No. 5703
Heard April 1, 2019 – Filed December 31, 2019

David B. Lemon, Employee/Claimant,.....Respondent,

v.

Mt. Pleasant Waterworks, Employer, and State Accident Fund, Carrier,.....Petitioners.

**MOTION FOR LEAVE TO
SUPPLEMENT THE RECORD ON APPEAL**

Pursuant to Rule 212(b), S.C.A.C.R., and for the reasons set forth in the Petitioners' attached Memorandum, the Petitioners respectfully move for leave of Court to supplement the Record on Appeal with a portion of the transcript from the September 11, 2014 hearing before the Workers' Compensation Commission, specifically pages 4--6 of that transcript (*proposed as A. pp.227--229, attached*). In the alternative, the Petitioners request that the Supreme Court exercise its discretionary authority under Rule 212(a), S.C.A.C.R., to inspect and consider this portion of the hearing transcript.

The Petitioners respectfully contend that this portion of the hearing transcript bears directly on, and is dispositive of, one of the issues on appeal: whether the Respondent is bound by his stipulation that the Petitioners are entitled to a credit for temporary disability compensation paid as a result of a prior back injury claim. While the Respondent's stipulation is reflected in the Hearing Commissioner's Order (A. p.4), it is more particularly stated in the actual hearing transcript at pages 4–6. The undersigned heretofore labored under the mistaken belief that the actual hearing transcript had not been preserved, as it was not included in the Record on Appeal by prior counsel and brings the existence of the actual transcript to the attention of the Court upon its discovery so as to prevent further confusion or injustice.

Therefore, **WE HEREBY MOVE.**

May 4, 2021
Mount Pleasant, South Carolina

Respectfully submitted,



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