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SC Court of Appeals

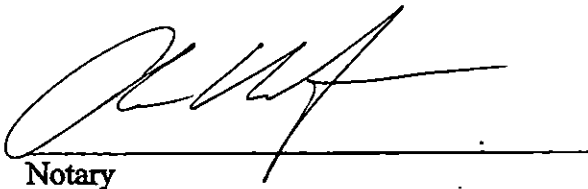
NOTICE OF APPEAL

Alicia M. Ruffin appeals the order of the Panel of Commissioners for the Workers Compensation Commission dated February 24, 2021. Appellant received written notice of entry of this order on February 26, 2021.

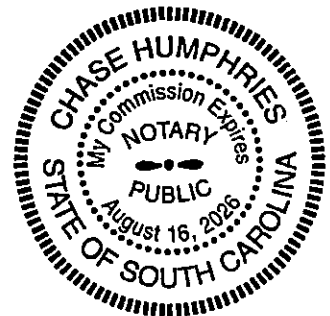
Alicia M. Ruffin

Alicia M. Ruffin, *ProSe*
563 Duncan Station Drive
Duncan, South Carolina
864-814-8350
Representative for Appellant

Atty. Keith Roberts
SC Workers Compensation Commission
1333 Main St., Columbia, SC 29201
864-737-5700
Attorney for Respondent


Notary

This statement has been sworn on 28 day of May, 2021



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NOTICE OF APPEAL IN A WORKER'S COMPENSATION CASE

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM THE WORKERS COMPENSATION COMMISSION

Commissioner Melody James, Commissioner Aisha Taylor
Commissioner Avery Wilkerson, Commissioner Michael Campbell
Commissioner Gene McCaskill, Commissioner Susan S. Barden

Scott T. Beck, Commissioner

Case No. SCWCC 1815744

South Carolina Workers Compensation
Commission,

Respondent,

v.

Alicia Ruffin,

Appellant,

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Order served via E-mail and USPS

Alicia Ruffin, Appellant
563 Duncan Station Drive
Duncan, SC 29334

Keith Roberts, Esquire
Attorney for the Workers Compensation Commission
1333 Main St., Columbia, SC 29201
keroberts@wcc.sc.gov

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of this order in the above-entitled action upon all parties to this case by sending an electronic copy hereof by electronic mail addressed to the attorneys for said parties; or if there is a n unrepresented party(ies), by depositing a copy hereof, postage paid in the United States mail, first class, addressed to the unrepresented party(ies) and to the attorney(s) for the represented party(ies).

By Alicia Ruffin on May 27, 2021

May 27, 2021

Honorable Jenny Kitchings
1220 Senate Street
Columbia, South Carolina 29201

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Dear Honorable Jenny Kitchings :

Please allow this amended letter to serve as Notice for Appeal under SC App.Ct.R.203 (6) in reference to Worker's Compensation Case No.: 1817544 in the matter of Alicia Ruffin vs. Builders First Source/Liberty Mutual. The Appellant's cause for an appeal are as follows:

The order instructions dated 10/15/2020 by Commissioner Scott Beck "coached" the defense attorney, Amanda Neely into providing evidence that was not submitted for oral argument prior to September 16, 2020 hearing. The Commission allowed Liberty Mutual to stop payment of TTD on November 30, 2020. This was before Commissioner Scott Beck rendered his decision on December 10, 2020. Evidence was tampered with, intentionally concealed, and submitted to the Commission by Atty. Amanda Neely for the September 16, 2020 hearing. The evidence was postmark "Printed: 12/6/2011", but the subpoena was dated November 12, 2019. This evidence was documented as being destroyed by the South Carolina Judicial Department on 05/19/2016. In addition, the Panel of Commissioners denied the Appellant's Motion for Reinstatement before it was received. As written on the order, the decision was made on" _____, 2020". The Motion for Reinstatement was submitted before The Panel of Commissioners on January

26, 2021.

Procedurally, the events listed above involved violation of the Appellant's 5th Amendment rights in failing to allow Due Process, Spoilage of Evidence and Intentional Concealment of Evidence. And violation of Canon Rule 501 Code 3 – A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently. Under the Fruit from a Poisonous Tree Doctrine, once the Defense Attorney, Amanda Neely entered the tainted evidence; all claims by the Defense, their firm and those they represented should have been dismissed in favor of the Appellant. Under Section 42-15-70, liability of employer for medical treatment, effect of malpractice. The Appellant suffered injuries at the hands of the doctors that was appointed by the insurance carrier Liberty Mutual. The Appellant is under obligation to report injuries that occur while under Workers Compensation from outside and inside the network of Authorized physician. Those reports were not included under record by the Commission. The Appellant submitted a recording documenting the abuse from Liberty Mutual authorization physician Dr. David Mitchell; the Commissioner refused to all the recording into record. The Appellant submitted injuries she sustain from an EMG study conducted by Authorized physician Dr. Matthew Terrazell; sending her to St. Francis Bon Secours on 06/19/19; this too was ignored by the Commission. The worst of the injuries was done by PA, William Sean Irving; he was not an appointed physician, but he was allowed to treat me by Dr. David Mitchell. After wearing a neck brace from 11/26/2018 until 04/12/2019; he removed the neckbrace from the Appellant and forcefully jerked her neck towards her shoulder sending her to Prisma Health Emergency Room on 04/12/2019. The Appellant was assigned 3 authorized

physicians Dr. David Mitchell, Dr. Sung Han, and Dr. Matthew Terrazella. None of the following physicians provided the Commission with a 14 B Statement. The only statement was provided by Dr. Charles Kanos. Under Section 42-15-90 (a), fees of attorneys and physicians and hospital charges approved by commission... (a) receive a fee, gratuity, or other consideration for a service rendered pursuant to this title unless the fee, gratuity, or other consideration is approved by the commission or a court of competent jurisdiction... Dr. Charles Kanos, IME was paid \$1500.00 to provide a 14 B Statement. This was not previously approved by the Commission, since the services were rendered 07/22/2019 this case was brought before the Commission on September 16, 2020. No statement has been given to Appellant by the Commission acknowledging that Commission approved of his services that was rendered. But Dr. Charles Kanos statement was allowed into evidence by the Commission although, he stated, "I do not have her imaging, no disc, for review". Those the IME findings should be found without merit.

Enclosed is copy of Instructions to Amanda Neely from Commissioner Beck, the September 16, 2020, Case No: 1815744: Workers Compensation Commission Decision, the February 24, 2021; Denial Decision Statement. An Email from Executive Director, Gary Canon, stating that the enclosed letter is all there is and no explanation or just cause included within the Denial Decision Statement. Emergency Room bill from St. Francis 06/19/2019 ER visit after Dr. Matthew Terrazella and lastly the information from Dr. Charles Kanos, his bill, medical statement and 14 B Statement.

The Appellant is requesting the Court of Appeals to overturn the denial decision

made by the Workers Compensation Commission and re-instate the Appellant's TTD payments retroactive active from November 30, 2020 until the conclusion of the appeal process with the South Carolina Court of Appeals or a possible settlement can be reached. The Appellant is requesting this resolve to be taken place by the power of the Court of Appeals.

Respectfully,

A handwritten signature in black ink that reads "Alicia M. Ruffin". The signature is written in a cursive style with a large initial 'A' and 'R'.

Alicia M. Ruffin
Appellant