

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
David W. Huffstetler, Commissioner

File No. W.C.C. 0818929
Case No. 2011182266

Charlotte Williams, Employee,.....Appellant,

v.

David Stafford Drywall, Self Insured Employer, and
Accident Insurance Company,.....Respondents.

*APPELLANT'S RETURN TO RESPONDENTS'
REPLY TO PETITION FOR REHEARING*

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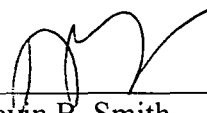
SC Court of Appeals

The Appellant's requests a rehearing directs this Court to the absolute mathematical certainty that the Respondent's WCC Form 20 produces an incorrect average weekly wage. The Respondents' reply works the math in another way and attempts to confuse the Court with their calculation.

Again, the Form 20 divides her total wages by 52 weeks as if she worked every single week of the preceding year. To be clear, when the Respondent totaled the Appellant's wages, if he left out even one week's pay, when he divided those total wages by 52 or by the actual number of weeks worked, either way the result is going to be lower than what it would be if he had every pay check available for the total wages earned.

The Respondent admitted some wage records were left out of the total. (R. p. 102). The laws of mathematics make it absolutely certain that the average from the total wages is going to be lower than what it should be. Therefore, the "other method" that "will most nearly approximate" her wages is the admission by the actual Defendant Employer himself who testified she earned \$76 a day or \$380 per week. (R., p. 101).

Respectfully submitted,



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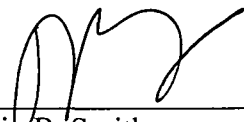
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PROOF OF SERVICE

I certify that I have served the Appellant's Return to Respondents' Reply to Petition for Rehearing in the above matter by depositing a copy of these documents in the United States Mail, postage prepaid, on April 4, 2013, addressed as follows:

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