

**FORM 13
BRIEF OF APPELLANT***

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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AUG 23 2021

SC Court of Appeals

APPEAL FROM WORKER'S
COMPENSATION COMMISSION
Court of Common Pleas

Howard S. Barnes, Circuit Court Judge

Case No. 2021-000303

Raqual Cunningham

Appellant,

v.

BMW
Manufacturing Corporation,
LLC, Employer, and Hartford
Accident & Indemnity
Company c/o Sedgwick
Claims Management
Services, Inc., Carrier,

Respondent,

[INITIAL] BRIEF OF APPELLANT

Raqual Cunningham
114 Vermillion Drive
Spartanburg SC 29306
(864) 497-8680
Appellant

TABLE OF AUTHORITIES*

CASES

NONE REFERENCED

STATUTES

NONE REFERENCED

OTHER AUTHORITIES

NONE REFERENCED

STATEMENT OF ISSUES ON APPEAL

1. DID THE RESPONDENT'S GIVE APPELLANT A FAIR AND HONEST DECISION ON HER CASE AND APPEAL?
2. /DID RESPONDENT'S VIOLATE APPELLANT ENTIRELY AND UNLAWFULLY ?

STATEMENT OF THE CASE

On May2,2017 I injured my left ankle on faulty stairs where I was employed. I was taken to the hospital two hours later. I wasn't given anything for pain or an air cast, just crushes. MRI image taken a few weeks later showed there was damage to my peroneal tendon and lateral ligament. During the first surgery only the ligament was corrected because the tendon kept popping out after 3sessions of physical therapy. I got a second opinion and was told I needed another surgery to repair it. With my employer and their lawyer knowing this, I was ordered to go back to work or be terminated. The order stated I was not at maximum medical to work on my left ankle. My tendon was so damaged the doctor had to remove 20% of both tendons now so I can walk without it popping out or swelling out my shoes. Scar tissue had nothing to do with all the pain and discomfort I suffered through. The fact that my tendon was stretched beyond believe is where the pain and discomfort came from. It's why I was trying to get a earlier surgery date. When I told BMW's HR supervisor he found it humorous and hung up in my face. The same supervisor who was subpoenaed to be at the hearing but didn't show.

At both trails the opposing lawyer and both commissioner's had conversations about their families and past good times which I felt is a conflict of interest and why I was giving this horrible treatment. I was giving faulty paperwork from opposing lawyer while he knew I was appealing the decision of court. I was giving wrong information from worker's compensation director of appeals. I was informed to call the opposing lawyer about the form, check and letter because they were saying two different things lied to me about the check and the paperwork knowing I was then without a lawyer. I feel RULE 3.4 was violated due to respondent's not allowing me to get any statements from my physical therapist on my behalf or he would be terminated. I strongly feel my entire case was a violation of my rights and I was treated badly just because of a work injury due to their faulty stairs. The stairs was so bad they replaced them after my injury. They brought up my criminal background that was there before they hired me on so why make a issue out of it now? Then so concerned about my education, which wasn't an issue when I was working without the injury or while I was missing my kids basketball games.

This is a very short summary of my horrific experience with my employer's after 6 years of dedicated work. This type of treatment shouldn't be giving to anyone. It shouldn't be overlooked!!

STANDARD OF REVIEW

NONE REFERENCED

FACTS

NONE REFERENCED

ARGUMENTS

- I. BECAUSE RESPONDENT WERE SO DISHONEST AND WRONGFULLY TERMINATED APPELLANT WAS LEFT WITH NO FINANCIAL SUPPORT JUST BILLS. HER COSMETOLOGY LICENSE EXPIRED TO WORK FOR RESPONDANT AND IS VERY COSTLY WITH YEARS OF UP KEEP.

- II. BECAUSE RESPONDENT AND WORKER'S COMPENSATION ARE EX COWORKER'S I WASN'T GIVEN A FAIR OR HONEST TRIAL OR APPEAL FOR MY CASE .

CONCLUSION

For the reasons stated, this Court should reverse the judgment of the worker's compensation commission. Before my injury I worked 5 years faithfully for BMW. I let my cosmetology license expire for a job at their plant and all I got was a slap in the face because their stairs was faulty. I'm still with scar and restricted in my left ankle.

Respectfully submitted,

August 21, 2021

RAQUCAL CUNNINGHAM
114 Vermillion Drive
Spartanburg, S.C 29306
(864)497-8680
Appellant


8-21-21

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

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APPEAL FROM WORKER'S COMPENSATION
COMMISSION
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Case No. 2021-000303

RAQUICAL CUNNINGHAM

Appellant,

v.

BMW Manufacturing Corporation, LLC,
Employer, and Hartford Accident & Indemnity
Company c/o Sedgwick Claims Management
Service, Inc., Carrier

Respondent,

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on The Court of Appeals @ P.O. Box 11629 Columbia, S.C. 29211 and Vernon F. Dunbar @ 55 East Camperdown Way P.O. Box 2980 Greenville, S.C. 29602 by depositing a copy of it in the United States Mail, postage prepaid, on August 21, 2021, addressed to the court and the respondent's attorney on record.

August 21, 2021

Raqual
Cunningham
114 Vermillion
Drive.
Spartanburg, S.C., 29000
(864) 497-8680
Appellant



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Logical Cunningham
114 Verdrian Drive
Spartanburg, SC 29306



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