

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA
Workers' Compensation Commission

WCC File No. 1717573

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Oct 19 2021

SC Court of Appeals

Jeffrey W. McCoy, Claimant,Appellant/Respondent,

v.

CroMed, LLC, Employer,
and Guarantee Ins. Co. (*in liquidation*)/S.C. Property & Casualty Ins. Guaranty Association,
Carrier,.....Respondent/Appellant.

NOTICE OF APPEAL

CroMed, LLC and Guarantee Ins. Co. (*in liquidation*)/S.C. Property & Casualty Ins. Guaranty Association appeal the Appellant Panel Decision and Order of the South Carolina Workers' Compensation Commission dated September 20, 2021.

October 19, 2021



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Counsel for Appellant/Respondent

**Jeffrey W. McCoy v. CroMed, LLC and Guarantee Ins. Co. (in liquidation)/S.C. Property
& Casualty Ins. Guaranty Association
SCWCC File No.: 1717573**

GROUND FOR APPEAL

1. Whether the Appellant Panel of the Full Commission erred as a matter of law in finding that the Claimant sustained a compensable injury or aggravation of his lumbar spine on October 9, 2017, the error being such finding was unsupported by the evidence and/or clearly erroneous as a matter of law?
2. Whether the Appellant Panel of the Full Commission erred as a matter of law and/or abused their discretion in finding a documented worsening of disc deformities after Claimant's alleged accident and in disregarding or assigning less weight to the opinions of a board certified radiologist, relating to interpretation of various imaging studies, and instead, relying on the opinion of an orthopedist who never saw Claimant and whose opinions lacked sufficient factual foundation and probative value, the error being such findings were unsupported by the evidence and contrary to the most competent, relevant, and probative medical evidence and/or clearly erroneous as a matter of law?
3. Whether the Appellant Panel of the Full Commission erred as a matter of law in finding a causally related injury or aggravation to Claimant's lumbar spine arising out of and in the course of his employment on October 9, 2017, the error being such finding and/or conclusions were unsupported by the evidence and/or clearly erroneous as a matter of law?
4. Whether the Appellant Panel of the Full Commission erred as a matter of law in awarding temporary total disability benefits and in finding the employer had no suitable employment available to Claimant, the error being such findings and/or conclusions were unsupported by the evidence and clearly erroneous in light of the relevant and probative evidence in the record?
5. Whether the Appellant Panel of the Full Commission erred as matter of law in designating Dr. Ivan LaMotta as treating physician, the error being that the Employer/Carrier is entitled to appoint a treating physician pursuant to the Workers' Compensation Act and Regulations?

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PROOF OF SERVICE

I certify that I, Mark D. Cauthen, counsel for Respondent/Appellant, have served the Notice of Appeal upon counsel for Appellant/Respondent and the South Carolina Workers' Compensation Commission by depositing a copy of it in the United States Mail, postage prepaid, on October 19, 2021, addressed as follows:

Stephen B. Samuels, Esquire
Samuels Reynolds Law Firm, LLC
1320 Richland Street
Columbia, SC 29201
stephen@samuelreynolds.com

Amy Bracy, Judicial Director
SC Workers' Compensation Commission
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Columbia, SC 29202-1715
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October 19, 2021


Mark D. Cauthen, Esquire

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SC Court of Appeals

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Mark D. Cauthen
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October 19, 2021

VIA HAND DELIVERY

VIA EMAIL: ctappfilings@sccourts.org

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: Jeffrey W. McCoy v. CroMed, LLC and Guarantee Insurance Company (in liquidation)/S.C. Property and Casualty Insurance Guaranty Association
WCC File No.: 1717573

Dear Ms. Kitchings:

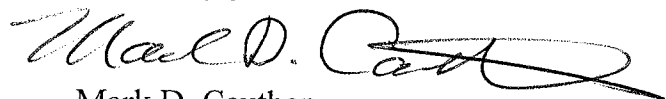
Enclosed for filing is a Notice of Appeal in the above case. Also enclosed are the following:

1. Grounds for Appeal;
2. Proof of service of the Notice of Appeal on the Appellant/Respondent and the S.C. Workers' Compensation Commission;
3. A copy of the Order dated 9/20/21 which is to be challenged on appeal; and
4. A check in the amount of \$250 for the filing fee.

Please return a clocked copy of the Notice of Appeal to our courier.

By Copy of this letter, I am serving counsel for the Appellant/Respondent and the S.C. Workers' Compensation Commission with the Notice of Appeal.

Very truly yours,



Mark D. Cauthen

Enclosures

cc: Stephen B. Samuels, Esquire
Amy Bracy, Judicial director for SCWCC