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Appellant Motion for Clarification

The State of South Carolina
In The Court of Appeals

Appeal from Richland County
S.C. Workers' Compensation Commission

Commissioner(s): A. Taylor, Avery B. Wilkerson, T. Scott Beck

Case No. 2021-000696

S.C. Department of Mental Health,
Employer, and State Accident Fund,
Carrier

Respondent

V.

Dana L. Dixon,
Employee

Appellant

Appellant Motion for Clarification

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SC Court of Appeals

Dana Dixon

181 Stabler farm Rd.

St. Matthew, S.C. 29135

(470) 422-0591

M. Stephen Stublely

1122 Lady St. Suite 1000

Columbia, S.C. 29135

803 748-2919

My name is Dana L. Dixon, I am the Appellant for Case No. 2021-000696. I am writing this motion for clarification on the reason(s) the stamped documents that were before the lower court was allowed to be stricken that's in the signed order of single commissioner James, dated November 03, 2020, and signed order of full commission dated May 26, 2021. (examples)

Or a form 20 (R.p. 201 is to be attached with a form 51 as provided by law) or a single (R.p. 333) from brief page submitted by respondents to the full commission that mentions¹. The form 50 respondents motioned to strike². The form 51. 3. Subpoenas

4. my deposition of 02/22/2019, as well. I applied

¹ Rule 210, and ALL documents were before lower court.

Rule 210(c) States: The Record shall not however include matter which was not presented to the lower Court or tribunal.

I did not read where it states it had to be of the same case. On July 28, 2021, I wrote: I Certify that this Designation Contains no matter which is irrelevant to this Appeal.

Respondents filed a motion with this Court to strike the following documents:

A) R.p. 20-93-07 transcript of my subpoenaed deposition of 02/22/2019. Respondents Exhibit B for hearing of 03/07/2019, with Comm. Wilkerson (R.p. 211-214)

B) R.p. 94-99-56 Department of Mental Health Workers Compensation Package with Employer/Supervisor Notification that Respondents used as their Exhibit A for hearing on 03/07/2019. (R.p. 211-214)

E) R.p. 211-214- Pre-Hearing Brief (filed at lower Court by Respondents) to presiding Commissioner Aveny Wilkerson, for hearing date of 03/07/2019. listing what their (APA's) evidence would be.

By Respondents requesting that their pre-Hearing Brief and APA Submissions dated 02/22/2019, be used as their Designation of matter that was received by THIS COURT ON April 20, 2021 for C.S. NO. 2021-000121, should be sufficient proof

that R.p. 20-93, R.p. 94-99, R.p. 211-214 were used in its entirety at the lower court.

N). R.p. 333, Is Respondents Brief (page 2) to Full Commission for W.C.C. file No. 1712879. And it mentions the form 50 (and in Order of 11-3-20, R.p. 4 Lines 8-9) And in Order of 5-26-21, of Full Commission R.p. 321. Lines 10-11. The Form (F) 50 listed in the Orders are R.p. 231-233, that is stamped by the lower court 09/08/2017
R.p. 333 mentions:

R.p. 301, is Respondents Form 51 to the Commission that is stamped 01/17/19. R.p. 301 is the 51 mentioned on R.p. 333 Line 4.

D). R.p. 190 (providence) R.p. 191 (Baptist) are both stamped. On R.p. 333 Line 9 mentions Respondents not receiving subpoenaed (medical) records (R.p. 213)

R.p. 333 Line 10 mentions my Deposition of 02/22/2019.

* R.p. 302 # 10 is not the listed weekly compensation rate on the filed and stamped (R.p. 201) Form 20 of 2017, but is the listed amounts in both Orders, from 2017 (1-31-17 work injury) Form 20.

G) R.p. 236 - Is stamped by lower court.

3. H. R.p. 275-276 - Subpoena for Deposition hearing was issued by the lower court, and Issuing Officer (Respondent) is Erin Farthing -

Who signed majority of the form 5805 (Ins. Carrier)

- 1) R.P. 201 - Is Stamped. And it's a form 20 of 2017. (Statement of earnings of injured employee) that went with the Respondents form 51 R.P. 302 #10 States: It is Contended that an average weekly wage of \$ 449.34. Applies according to attached Form 20 as provided by Law.

On R.P. 11. - Is Order Instructions of Commissioner James, that does Not list a Compensation Rate.

R.P. 201 - Is the form 20 of listed date of 01/31/17 that has the Compensation rate of \$ 299.57.

On 10/18/2019, Was my hearing before Commissioner Barden who cancelled the hearing (R.P. 12) "due to the fact that Defendants needed to provide a form 20 to the Commission"

* R.P. 202, Is the form 20 Respondents Filed in 01/2020, With a weekly Comp rate of \$ 490.88 for this claim.

Respondent gave R.P. 201 to Commissioner James on 01/12/20. And listed the exact weekly Comp rate in the amount \$ 299.57 in the signed Order of 11/03/2020. (R.P. L. 16-17) And signed Order of May 26, 2021 (R.P. 322-L. 12-13)

* The forms 51, 58, I received from Respondents. I submitted those forms only and not the Certificate of Service as Respondents did with their requested Designation of Matter R.P. 362-375 *

Respondents Pre-Hearing Briefs dated:

Jan 16, 2019 (R.P. 301) Is addressed to Amy Bracy, of S.C. W.C.C. (R.P. 302) States I Certify that I have served the documents pursuant to R. 67-212 by delivering a copy to: Dana Dixon, Judicial Director.

Feb 22, 2019 (R.P. 211-214) Is addressed to Commissioner Avery Wilkerson, Enclosed please find the Pre-Hearing Brief in the above-entitled claim along with the Notice of (R.P. 213) Witnesses and written medical reports/physician or other evidence to be introduced on behalf of Defendants and the Certificate of mailing. (Jan, Feb is for Wee # 1712879)

April 02, 2019 (R.P. 203) is not the entire Pre-Hearing packet (R.P. 204) lists who received copies for W.C.C.# 1623303 (First 51 for this claim)

May 31, 2019 (R.P. 362) States the same as Feb, 22, 2019. Difference is the Commissioner is Mike Campbell On (R.P. 363, Lines 9, 10 reads "please see APA Submissions" and (R.P. 365) is a Certificate of Service and lists who received a copy.

August 26, 2019 (R.P. 206) Respondents form 51 for this claim. This form shows first class postage, certified mail. Those are the 2 ways Respondents sends me documents.

October 8, 2019 (R.P. 372-375) is addressed to Commissioner Barden. On (R.P. 373) at bottom of page it reads: Date of hearing Oct 18, 2019 at 11:00 am. (R.P. 375) is Certificate of Service to who received the pre-hearing packages.

Are All Signed by Respondent Erin Farthing of State Accident Fund (The above mentioned)

February 7, 2020 (R.P. 208) Shows how I received the form 51. By first class postage, Certified Mail
On line 10 TBD is listed even though the form 26 was filed in Jan 2020 (R.P. 12-13) Signed by M Stephen Stublej

March 23, 2020 (R.P. 362-367) is a letter addressed to Commissioner James. "Enclosed please find pre-hearing Brief, Notice of Witness and A p A Submissions on behalf of the Employer and Insurance Carrier in the above reference matter.

By Copy of this letter to pro-se, Claimant Dana Dixon, I am serving her with the pre-hearing brief and Notice of Witnesses and copies of all Medical reports we intend to submit

Pursuant to the Administrative Procedure Act.

Signed by Stephen Stublej, and ALL Submitted to the lower Court by Respondents.

M) R.p. 355 - Employer/Supervisor Notification
Form was admitted to record on 02/22/21, by
full Commission. R.p. 145 Lines 1-25 (transcript)
And Signed Order dated 05/26/21.

I've listed below the documents I have
received from Respondents.

R.p. 301 form 51.

R.p. 201 - form 20

R.p. 211-214 - Pre-Hearing packets

R.p. 190-200 - Subpoena Duces Tecum (Respondents notation top right)

R.p. 275-276 - Subpoena for Deposition of 2/22/2019

R.p. 333 - Respondents page of their final Brief

R.p. 171, R.p. 180, R.p. 294-295 Requested itemized list
Respondents mailed to me.

R.p. 355 - Employee/Supervisor notification, signed 2-3-17
by me.

R.p. 94-99 - S.C. Workers Compensation packet
with Employee/Supervisor notification dated 2-1-17
filed by Respondents, used at hearing on 3/7/19.

- (C) R.P. 171, 180, (I) R.P. 294-295 Was submitted
at lower court. (R.P. 210) is Respondents reply after
I filed form 50 and submitted the listed documents
along with (R.P. 173-179)

I thank this Court in advance
for taking the time to read my Motion
for Clarification, of CS. NO. 2021-000696.

Respectfully,
Dana L. Dixon

Proof of Service of Appellant Motion for Clarification

The State of South Carolina
In The Court Of Appeals

Appeal from Richland County
S.C. Workers' Compensation Commission

Commissioner(s): A. Taylor, A. Wilkerson, T. Scott Beck

Case NO. 2021-000696

S.C. Department of Mental Health,
Employer, and State Accident Fund,
Carrier

Respondent

Dana L. Dixon,
Employee

Appellant

Proof of Service

I Certify that I have served Appellant Motion for Clarification
On M. Stephen Stublej, by depositing a copy of it in
the United States Mail. Postage prepaid on 12/1/2021
addressed to attorney of record M. Stephen Stublej at his
office at 1122 Lady St. Suite 1000 Columbia, S.C. 29201

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12/7/21

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Dave L. Dixon
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