

RECEIVED

Jan 04 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS'
COMPENSATION COMMISSION

Appellate Case Number 2021-000633

Rachel J. Turner, Employee, Appellant-Respondent,

v.

Medustrial Healthcare Staffing Service and Condustrual, Inc.; Guarantee Insurance Company; Countrywide Staffing Solutions Group, Inc.; South Carolina Department of Corrections; State Accident Fund; and South Carolina Uninsured Employer's Fund, Respondents

of which Condustrual, Inc. f/k/a Medustrial Healthcare Staffing Service, Employer, is the Respondent-Appellant.

**APPELLANT CONDUSTRUAL'S DESIGNATION OF MATTER TO BE INCLUDED IN
THE RECORD ON APPEAL**

Respondent proposes the following be included in the Record on Appeal:

1. The entire direct testimony of Albert Hyndshaw
2. The entire hearing testimony of Claimant, Rachel J. Turner
3. The entire hearing testimony of Justin Gudvangen.
4. The entire hearing testimony of Tom Sears
5. The entire hearing testimony of Tony Durham
6. Hearing Testimony of Tommy Burgess, p. 6,41, and 48.
7. Hearing Testimony of Jo Ann Whitaker p.16,27 and 29.
8. Hearing Testimony of Albert Hyndshaw p. 137-158, 171, 183, 192, and 227-238.
9. Hearing Testimony of Sara Sidney, p. 25-27, 31,32,40-45, 47 and 50-52.
10. Hearing Testimony of Charles Edward Lee, p. 59 and 60.
11. Testimony of George Kaspar.
12. Testimony of Zachary A. Collier.
13. LPN Job Description
14. Guarantee Ins. Co. Policy for Countrywide Staffing Solutions Group
15. Guarantee Ins. Co. Endorsement to Policy

16. SCDEW Administrative Determination regarding Condustrial Nurses
17. Independent Contractor Agreement (2/8/13)
18. Independent Contractor Agreement (10/9/14)
19. Executed Service Agreement between Countryside and Condustrial
20. Procedural Amendment to Contract Labor Service Agreement
21. Employment Application
22. Form I-9 (2/7/13)
23. FCRA Disclosure and Authorization
24. AMS Staff Leasing Application for Employment
25. Second Injury Fund Knowledge Statement
26. Facility and Client Requirements (2/7/13)
27. Terms of Employment (2/7/13)
28. Form W-4
29. Employee Acknowledgement
30. Attendance Policy
31. Facility and Client Requirements (10/9/14)
32. New Hire Checklist / Terms of Employment (10/9/14)
33. Form I-9 (10/9/14)
34. Application Form Waiver
35. Nurses Code Payments
36. Claimant's Tax Returns - 2013
37. Claimant's Tax Returns - 2014
38. Claimant's Tax Returns - 2014
39. SC Workers' Compensation Class Code
40. IRS Independent Contractor Questionnaire and Instructions
41. Facility Expectations
42. Consent Form as Contractor
43. Guarantee Insurance Co. Audit Information and Summary

Respectfully Submitted,



George D. Gallagher, Esquire
S.C. Bar # 0012149
Speed, Seta, Martin, Trivett & Stublely, LLC
P.O. Box 11669
Columbia, SC 29211
(803) 748-2919
Attorney for Respondents

RECEIVED

Jan 04 2022

SC Court of Appeals

PROOF OF SERVICE

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

Appellate Case No. 2021-000633

Rachel J. Turner, Employee, Appellant-Respondent,

v.

Medustrial Healthcare Staffing Service and Condustrual, Inc.; Guarantee Insurance Company; Countrywide Staffing Solutions Group, Inc.; South Carolina Department of Corrections; State Accident Fund; and South Carolina Uninsured Employer's Fund, Respondents

of which Condustrual, Inc. f/k/a Medustrial Healthcare Staffing Service, Employer, is the Respondent-Appellant.

PROOF OF SERVICE

I certify that I have served the Respondent-Appellant Condustrual, Inc.'s Initial Brief and Designation of Matter by electronic mail and/or by depositing a copy of it in the United States Mail, postage prepaid, on January 4th, 2022, addressed to all attorneys of record at the addresses below:

The Honorable Amy Bracy
Judicial Director
S.C. Workers' Compensation
Commission
Post Office Box 1715
Columbia, SC 29202
judicial@wcc.sc.gov

Erin Farthing, Esq.
State Accident Fund

PO Box 1166
Lexington, SC 29071
EFarthing@saf.sc.gov

Gregory M. Alford, Esq.
Attorney at Law
PO Drawer 8008
HILTON HEAD
ISLAND, SC 29938
gregg@alfordlawsc.com

Lisa C. Glover, Esq.
SC Uninsured Employers' Fund
P:O Box 1815
Lexington, SC 29071
lglover@saf.sc.gov

T. Jeff Goodwyn Jr., Esq.
Attorney at Law
2309 Devine Street
COLUMBIA, SC 29205
jgoodwyn@goodwynlaw.com


Beth Richardson, Esq.
Robinson Gray Stepp & Laffitte,
LLC
PO Box 11449
Columbia, SC 29211
brichardson@sowellgray.com

Grady L. Beard, Esq.
Robinson Gray Stepp & Laffitte,
LLC
PO Box 11449
Columbia, SC 29211
gbeard@robinsongray.com

James P. Newman, Jr., Esq.
Howser, Newman & Besley, LLC
P O Box 12009
Columbia, SC 29211
jnewman@hnblaw.com

Stephen B. Samuels, Esq.
Samuels Reynolds Law Firm
1320 Richland Street
Columbia, SC 29201
stephen@samuelsreynolds.com

January 4, 2022


George D. Gallagher
Speed, Seta, Martin, Trivett & Stublely
Bar No. 12149
Post Office Box 11669
Columbia, South Carolina 29211
Attorney for Appellant-Respondent
Condustrial, Inc.

SPEED, SETA, MARTIN, TRIVETT & STUBLEY, LLC
ATTORNEYS AT LAW

WALLACE SPEED (1940-2020)
LESLI R. SETA (GA & FL)
SETH C. MARTIN (GA & FL)
ERIC L. TRIVETT (GA)
M. STEPHEN STUBLEY (SC)
STEPHANIE A. ROCKWELL (GA & TN)
JAMES E.L. FICKLING (SC & NC)
ANDREA S. OWEN (GA)
HUNTER CHANDLER (GA & TN)

REPLY TO
P.O. BOX 11669
COLUMBIA, SOUTH CAROLINA 29211
PHONE (803) 748-2919
FAX (803) 748-2735
www.Speed-Seta.com

ALEXANDER ADKINS (GA & TN)
ANDYNE B. ANDERSON (GA)
SCOTT H. ANDREWS (GA)
MELISSA CRUZ (GA & TN)
JEREMY T. ENGLAND (AL & MS)
C. BENTON HILBURN (GA)
SARA P. MORRIS (SC & NC)
CALEY A. PITTS (GA)
KELSIE L. QUEEN (SC & NC)
JENNIFER S. RAY (GA)
SARAH V. SNIPES (GA)
LINDSEY R. STEWART (GA)
MATTHEW W. STRUBLE (GA)
MARK M. STUBLEY, JR. (AL, NC & SC)
BRIGGS P. TUCKER (SC)
BRITTANY BELL TURNER (GA & FL)
LILY D. WILKERSON (GA & FL)
GEORGE D. GALLAGHER (SC)
CHARLES A. KINNEY (GA, NC & SC)

January 4, 2022

VIA EMAIL: CTAPPFILINGS@SCCOURTS.ORG

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: *Rachel Turner v. SC Department of Corrections – Kirkland, et al*
Appellate Case No.: 2021-000633
WCC No.: 1514359
DOA: 9/5/2015
Our File No.: 8400-0101

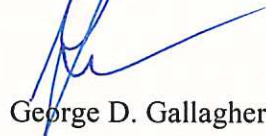
RECEIVED
Jan 04 2022
SC Court of Appeals

Dear Ms. Kitchings:

Please find enclosed Respondent-Appellant Condustrial's Initial Brief and Designation of Matter in the above-referenced matter.

By copy of this letter to all counsel of the involved parties, I am serving them with this Initial Brief and the Designation of Matter.

Sincerely,



George D. Gallagher

GDG/kgj

Enclosures

cc: The Hon. Amy Bracy
Stephen B. Samuels, Esq.
Erin Farthing, Esq.
Gregory M. Alford, Esq.
Lisa C. Glover, Esq.

T. Jeff Goodwyn Jr., Esq.
Beth Richardson, Esq.
Grady L. Beard, Esq.
James P. Newman, Jr., Esq.
Tom Sears, Esq.