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APR 30 2013

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS **SC Court of Appeals**

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APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION


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WCC FILE NO: 1106685

David Glenn Jones

Employee/Claimant,  
Appellant

v.

Warder and Smith Concrete,  
and  
Bridgefield Casualty Insurance  
Company,

Employer

Carrier,  
Defendants/Respondents.

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NOTICE OF APPEAL

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David Glenn Jones appeals the order of the Appellate Panel of the Workers' Compensation Commission dated April 4, 2013. Appellant received electronic notice of entry of this order on April 4, 2013.

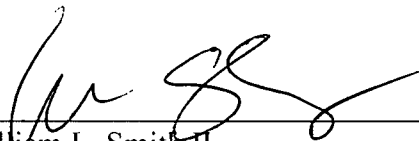
April 30, 2013

Pursuant to SC Code Ann. §42-17-60, Appellant hereby petitions this Court for review based on the following grounds for appeal and errors of law in that the findings of the Appellate Panel are not supported by substantial evidence of record and are clearly erroneous and amount to an abuse of discretion particularly:

- A. That the Appellate Panel erred in determining that Claimant/Appellant's testimony was not credible based on the use of a wheelchair despite the fact that all witnesses testified claimant was not malingering and that there were reasons for the pain and use of a wheelchair.
- B. That the Appellate Panel erred in finding that claimant had reached maximum medical improvement when all of the evidence showed claimant has not reached maximum medical improvement and such finding is not supported by substantial evidence. Further, defendants did not even provide care as required by the prior order.
- C. That the Appellate Panel erred in terminating temporary total compensation and awarding credit for benefits paid after June 26, 2012 when such finding is not supported by substantial evidence as claimant had not reached maximum improvement and remained temporarily totally disabled.
- D. That the Appellate Panel erred in awarding a 7% permanent partial disability to the back when such finding is not supported by substantial evidence as claimant had not reached maximum medical improvement and remained temporarily totally disabled and or had a much greater degree of disability.
- E. That the Appellate Panel erred in failing to consider or give any weight to the expert opinions that claimant was not malingering.
- F. That the Appellate Panel erred in finding that claimant was malingering/ not credible when there is no evidence of record to support such a finding. As such this rises to a matter of law. The decision in this case is based on conjecture and speculation.

WHEREFORE, the Appellant having exhausted all administrative remedies now available, requests that the Court of Appeals review the order of the Appellate Panel pursuant to

§42-17-60 of the South Carolina Code of Laws 1976 (as amended) and the Administrative Procedures Act.



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William L. Smith II  
Post Office Box 12330  
Columbia, South Carolina 29211  
(803) 929-3600  
Attorney for Appellant

Dated: April 30, 2013

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

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David Glenn Jones

Employee/Claimant  
Appellant

SC Court of Appeals

v.

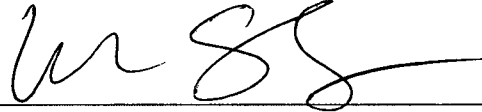
Warder and Smith Concrete,  
and  
Bridgefield Casualty Insurance  
Company,

Employer

Carrier,  
Defendants/Respondents.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Respondents Warder and Smith Concrete, and Bridgefield Casualty Insurance Company by depositing a copy of it in the United States Mail, postage prepaid, on April 30, 2013, addressed to their attorney of record Nicolas L. Haigler, Sowell Gray Stepp & Laffitte, LLC, Post Office Box 11449, Columbia, SC 29211. I have also served the South Carolina Workers' Compensation Commission by depositing the a copy of it in the United States Mail to the Honorable Virginia Crocker, Judicial Director, South Carolina Workers' Compensation Commission, Post Office Box 1715, Columbia, SC 29202-1715.



William L. Smith II  
Post Office Box 12330  
Columbia, South Carolina 29211  
(803) 929-3600  
Attorney for Appellant

Dated: April 30, 2013

Mark D. Chappell\*  
William L. Smith, II  
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C. Daniel Vega  
W. Hugh McAngus, Jr.\*\*  
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\*\*Also licensed in NC  
\*\*\*Also licensed in GA  
\*\*\*\*Also licensed in GA, TN

Of Counsel:  
Solomon, Budman & Stricker\*\*\*\*

April 30, 2013

**RECEIVED**  
APR 30 2013  
SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: David Glenn Jones v. Warden & Smith Concrete and Bridgefield Casualty Insurance  
Company  
WCC File No. 1106685

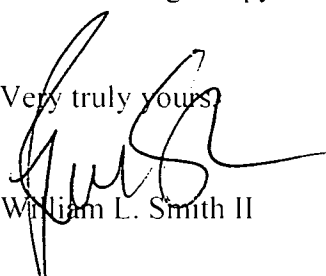
Dear Ms. Kitchings:

Enclosed please find the original and one copy of a Notice of Appeal in the above-referenced matter. Also enclosed are the following:

- (1) Proof of Service of the Notice of Appeal on the Respondent, and the South Carolina Workers' Compensation Commission;
- (2) A copy of the Order being challenged on appeal;
- (3) Filing fee of \$100.00; and
- (4) A copy of the letter requesting the transcript of the Appellate Panel hearing transcript.

By copy of this letter, I am herewith serving a copy of the enclosed on counsel for the defendant/respondents.

Very truly yours,

  
William L. Smith II

WLS:ceb

cc: Nicholas L. Haigler  
Sowell Gray Stepp & Lafitte LLC  
Post Office Box 11449  
Columbia, South Carolina 29211