

**RECEIVED**

**Mar 28 2022**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of  
Appeals

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APPEAL FROM THE SOUTH  
CAROLINA WORKERS'  
COMPENSATION COMMISSION

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Case No. 2021-000778

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Vasile Florin Craus, Employee,

Appellant,

v.

NUTRA Manufacturing, Inc.,  
Employer, and Sentry  
Casualty Company, Carrier,

Respondents.

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**RETURN TO MOTION TO  
ALLOW ADDITIONAL EVIDENCE**

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Jeffrey S. Jones  
J. Kevin Couch  
325 Rocky Slope Road, Suite 201  
Greenville, South Carolina 29607  
(864) 527-3280  
Attorneys for Respondents

Respondents request the Court of Appeals deny the Appellant's "Motion to Allo[w] Additional Evidence" filed and served on March 18, 2022. Denial is supported by the following:

Presumably, the Appellant asks this Court to consider evidence other than that considered by the Commission. Appellant asks this Court for relief that is precluded by the Appellate Court Rules. See SCACR 210(c) ("The Record shall not, however, include matter which was not presented to the lower court or tribunal."); see also State v. White, 372 S.C. 364, 387, 642 S.E.2d 607, 619 (Ct. App. 2007) ("[Co-defendant's] statement was not presented to the lower court and cannot be properly included in the Record on Appeal.") The Court of Appeals, as an appellate court and not a factfinder, cannot consider information other than that presented to the Commission. The record was properly closed at the Commission.

By corollary, the Appellant failed to request the Commission consider additional evidence. Therefore, he failed to preserve that issue for review. "Consequently, issues not raised to and ruled on by the agency are not preserved for judicial consideration." Brown v. S.C. Dep't of Health & Envtl. Control, 348 S.C. 507, 519, 560 S.E.2d 410, 416 (2002). The Appellant's appropriate remedy was to request a postponement or adjournment according to Regulation 67-613 in order to develop or admit additional evidence prior to the single commissioner closing the record, or, a motion to admit additional and newly discovered evidence before the Appellate Panel of the Commission pursuant to Regulation 67-707. Appellant failed to make any motion under either of these regulations. Therefore, the record is closed. Respondents request that this Court deny the Appellant's Motion.

[Signature Next Page]

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Jones", written over a horizontal line.

Jeffrey S. Jones (Bar No. 66292)

J. Kevin Couch (Bar No. 75155)

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(864) 527-3280

Attorneys for Respondents

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**PROOF OF SERVICE**

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I hereby certify that I served the Return to Motion to Allow Additional Evidence on Vasile Florin Craus by depositing a copy of it in the United States Mail, Certified, postage prepaid, on March 28, 2022 addressed to 201 Knollwood Drive, Anderson, SC 29625 and via electronic mail to floriano\_craus@yahoo.it.



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J. Kevin Couch  
S.C. Bar No. 75155  
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Greenville, South Carolina 29607  
(864) 527-3280  
Attorney for Respondents



willson jones  
carter & baxley

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**SC Court of Appeals**

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

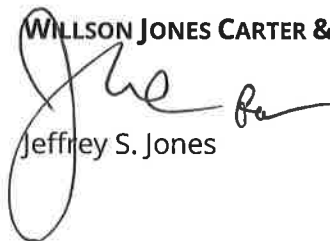
Re: Vasile Florin Craus vs. Nutra Mfg  
WCC File No.: 1708689 DOI: 6/15/2017  
Carrier: Sentry Casualty Company - Claim No.: 55C354191-342  
WJCB File No.: 0570.00351

Dear Ms. Kitchings:

I enclose for filing Respondents' Return to Appellant's Motion to Allow Additional Evidence in the above-referenced matter. By copy of this letter I am also serving a copy of the Response to Motion to Allow Additional Evidence on Vasile Florin Craus, the Appellant.

With kindest regards,

**WILLSON JONES CARTER & BAXLEY, P.A.**



Jeffrey S. Jones

JSJ/jcw  
Enclosure

cc: Mr. Vasile Florin Craus  
Ms. Dietra Garland