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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

SCWCC NO. 1107981

DANIEL HARRIS, Appellant,

v.

OSI INDUSTRIES, LLC, AND LIBERTY INSURANCE CORPORATION,
..... Defendants,

NOTICE OF APPEAL

Daniel Harris appeals the order of the Full Commission dated April 18, 2013, a copy of which is attached hereto. Appellant received written notice of entry of this order by email transmittal on April 18, 2013. Pursuant to the provisions of S.C. Code Section 42-17-60, the Appellant states the following as the grounds for appeal and errors of law by the Full Commission:

1. The Full Commission erred in failing to find this claim compensable.
2. The Full Commission erred in failing to apply the Paid Travel Time Exception to the Going and Coming Rule to find the claim compensable.
3. The Full Commission erred in failing to find the claim compensable in light of its factual finding (F/F No. 1) that on the clock trips to stores and to cash pay checks in personal vehicles was "a regular practice ... and occurred on a daily basis" and "was the general practice by all employees at this location."
4. The Full Commission erred in failing to find the claim compensable when the action of the Claimant was both consistent with his contract of hire and incidental to his employment in light of the fact the Employer authorized the activity in question and paid for the time expended during the activity.

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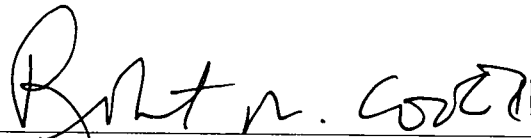
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SC Court of Appeals

5. The Full Commission err in finding/concluding there was no direct benefit to the Employer (F/F No. 6, C/L No. 3 and 4), when such finding/conclusion is contrary to the preponderance of the evidence and improper in light of the Employer's acquiescence to such activity being done on company time and paying for the same.
6. The Full Commission erred holding that the alleged absence of a direct benefit to the Employer was controlling when a direct benefit to the Employer should have been presumed as a result of the Employer's lengthy acquiescence to the activity.
7. The Full Commission erred holding that the alleged absence of a direct benefit to the Employer was controlling when a direct benefit to the Employer was irrelevant to compensability in light of the Employer's lengthy acquiescence to the activity.
8. The Full Commission erred in failing to find the claim compensable under the Personal Comfort Doctrine.
9. The Full Commission erred in failing to find the claim compensable under the Dual Purpose or Special Errand Doctrines.
10. The Full Commission erred in failing to award benefits to the Claimant when it acknowledged this case involved "a novel question of law" (C/L No. 5) and the presumption in such cases should be to award rather than deny benefits.

May 9, 2013



ROBERT M. COOK II
The Robert Cook Law Firm, LLC
128 N. Oak Street
P.O. Box 3575
Batesburg-Leesville, South Carolina 29070
803-317-2171
ATTORNEY FOR THE APPELLANT

Suzanne B. Cole
Collins & Lacy
P.O. Box 5819
Greenville, SC 29606
ATTORNEY FOR THE RESPONDENTS

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

SCWCC NO. 1107981

DANIEL HARRIS,Appellant,

v.

OSI INDUSTRIES, LLC, AND LIBERTY INSURANCE CORPORATION,
.....Defendants,

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the attorney for the Defendants by depositing a copy of it in the United States Mail, postage prepaid, on May 9, 2013, addressed to Suzanne B. Cole, Esquire, Collins & Lacy, P.O. Box 5819, Greenville, SC 29606, and the South Carolina Workers' Compensation Commission, P.O. Box 1715, Columbia, SC 29202-1715.

May 9, 2013


ROBERT M. COOK II
128 North Oak Street
P.O. Box 3575
Batesburg-Leesville, South Carolina 29070
803-317-2171
robcook1965@yahoo.com
ATTORNEY FOR THE APPELLANT

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The Robert Cook Law Firm, LLC

P.O. BOX 3575
BATESBURG-LEESVILLE, SOUTH CAROLINA 29070
Phone: (803) 317-2171
Fax: (803) 317-2175
robcook1965@yahoo.com

May 9, 2013

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

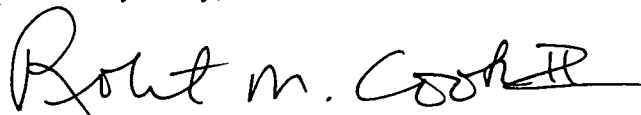
**Re: Daniel Harris v. OSI Industries, LLC, and Liberty Insurance Corporation
SCWCC No. 1107981**

Dear Ms. Kitchings:

Enclosed please find the original and a copy of a Notice of Appeal by the Claimant concerning the matter referenced above, with proof of service attached. By means of a copy of this letter, we are taking the liberty of serving this Notice of Appeal on opposing counsel as well as informing opposing counsel of this communication with the court. Also enclosed is a check in the amount of \$100.00 for the filing fee.

Please call me if you have any questions about this.

Yours Very Truly,



ROBERT M. COOK II
The Robert Cook Law Firm, LLC

RMC/ppd

Enclosure: Original and copy of Notice of Appeal, with proof of service
Check in the amount of \$100.00
Return envelope

cc: Suzanne B. Cole, Esquire (w/enclosures)
S.C. Workers' Compensation Commission (w/enclosures)

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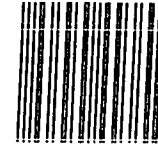
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ATTORNEY AT LAW
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