

# SC Workers' Compensation Update: Nero v. SCDOT

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## SC Court of Appeals Reverses Commission's Lack of Notice Case

*Nero v. SCDOT*

The SC Court of Appeals reversed the Commission in [Nero v. SCDOT](#), a lack of notice case, because Nero's supervisors were present when he passed out at work and later visited him at the hospital. At the time, Nero was pulling a squeegee to smooth concrete and there was concern he might be overheated. Although Nero was hospitalized for surgery to address a pre-existing cervical spine stenosis, at least one physician opined that the pre-existing spine issue combined with the heat caused Nero to pass out. Explaining that the "notice provision is to be liberally construed in favor of Claimants," the Court held that Nero's excuse for not providing notice was reasonable since two supervisors witnessed him passing out. Further, because his employer knew Nero never returned to work after this incident and visited him in the hospital, it could not establish prejudice.

**For questions, please contact one of MGC's South Carolina [workers' compensation attorneys](#).**

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