

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

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SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable Melody L. James;
The Honorable Gene McCaskill; and
The Honorable T. Scott Beck
Workers Compensation Commission

Case No. 2025-CP-00-1114

James Randall Hedlund and Thomas Bacot Pritchard, as Personal
Representatives of the Estate of
Evans Delivery Co., Inc., et, al., Employer,
and Triumph Casualty Co.
et. al., Carrier,

Respondents,

v.

Benjamin Moses,

Claimant, Appellant.

AMENDED BRIEF OF APPELLANT

Benjamin Moses
281 Herbert Wilson Road
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(803) 840-0880
Pro Se Appellant

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Medical Records _____ Submitted

Documents of Evidence _____ 20-47

MERIT OF THE CASE - Employee vs. Independent
Contractor.

I certify that this amended designation contains ~~all~~ matter which is irrelevant to this appeal.

July 11, 2025

s/ Benjamin Moses

Benjamin Moses

281 Herbert Wilson Road

Dalzell, South Carolina 29040

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APPELLANT BRIEF

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MARCH 10, 2025 Full Commission Hearing
This Hearing WAS Based ON Judicial Bias.
AND violated my Fifth AND Fourteen Amendments
Rights "Due Process, AND The Right To
Fair Hearing. Commissioner Beck Didn't
Allowed myself Enough To To Present my
Case. SEE Page 4 of The TRANSCRIPT, which
Shows SC Code ANN 58-3-260 Ex Parte
Communication which There was NO Instruction
Given Before The Record OR After. I WAS
Told I HAD ONLY 10 minutes To Present
my Case AND 3 minute for To Reply.
Very UNFAIR Treatment.

V

Explanation: The Defendant Proclaim That
in The Consent Document which I will
Submit, states I will Receive Benefit
Under One Beacon Insurance Policy which
is violation SC code section 16-9-10 Prejudice
By Both Defendant SEE: Exhibit "AZ"
Exhibit "AH" AND Exhibit "D" This was A
Death Benefit Policy As I stated in The
Hearing AND Pursuant SC code § 38-59-20
There Description of Benefits: SEE Exhibit
"B" Insurance Document Submitted To The
Court By Myself, Also SEE Exhibit "FF"
The Contract under VETERANS EXPRESS,

EXPLANATION: CONTRACT SEE: EXHIBIT "Y2K"
A Death Benefit Policy That I EXPLAIN IN
THE HEARING. THIS IS NOT NEW EVIDENCE ON
DOCUMENT PURSUANT TO SC CODE SECTION
38-59-10 AND SC CODE SECTION 41-8-70 IN
THIS POLICY IT WAS IMMEDIATELY CANCELED WHEN
I WAS TRANSFERRED TO VETERANS EXPRESS
WHICH ALSO A COMPANY OWNED BY EVANS DELIVERY
COMPANY. SEE: "EXHIBIT 204" CONSENT ORDER.
WHICH ALSO VIOLATES THESE SC CODE OF LAW,
SEE: EXHIBIT "FF" THE CONTRACT THAT WAS
VALID THE TIME OF MY ACCIDENT. AND THE
POLICY THAT WAS IN EFFECT, SEE EXHIBIT "B"
AND EXHIBIT "G." THESE DOCUMENTS ARE THE,

Key Foundation To The Defendant Allegation.
Does my Job Classification Relinquish From
Policy I Paid For Through EVAN delivery The
Policy Doesn't states This it's Description.
IN The Consent order it's clear That The SC
Worker Compensation: Pursuant To SC code
Section 16-9-10 SEE Exhibit "MC" AND
Exhibit "AT" The Single Commissioner's order.
It state in The Consent order That SC
Worker Compensation HAS Jurisdiction over
The Parties AND Subject matter of The claim,
But in Both order states Difference. SEE
Commissioner Campbell order Page 10 AND
Commissioner Taylor order Page 7. Exhibit "204

Also in The order Pursuant To S.C. Rule 1.6
SEE Exhibit: "MC" AND "AT" Page 3 of Both
Order which I stated in Both Hearing Concern
Affiliation with Joye Law Firm, I NEVER disclo
Any Information OR gave consent concern
myself Filing This Claim SEE Exhibit "01
Claim was Already A Matter of The Record
Pursuant To SC Code Title 30 Chapter 4, AL
Pursuant To SC Code Section 16-9-10 in The
Decision of This Case. IN The Hearing
Presiding By Commissioner Taylor I observed
That she was Asleep During The testimony
of Attorney McKee which was one of The
Defendant At This Hearing.

Which shows That Her decision Was Based
ON Judicial Bias, AND IN That HEARING
PURSUANT TO S.C. CODE ANN § 42-3-170. Which I
Appeal The ORDER, AND A HEARING WAS Schedule
April 8, 2024 which Couldn't Commence Because
A TRANSCRIPT Couldn't Be Produce AND WASN'T
AWARE OF That There WASN'T A TRANSCRIPT But
There WAS A COURT REPORTER Present During
The COURT Proceeding ON August 8, 2023.
But During The waiting FOR This HEARING TO
Commence I Was Mislead By The COURT Concern
OF The COURT date SEE: Exhibit "XL" Which
Attorney McKee CALL ME AND Told Me The
TIME AND LOCATION, AND I Confirmed it By

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By contacting Commissioner Taylor Assistance,
which I have stated in July 30, 2024.
SEE: Exhibit "AT" INCORRECT Document
SEE Exhibit "XX" PURSUANT TO S.C. Code
Section 38-59-10. Subsequently Another
Hearing was Postpone. IN PURSUANT TO R.
67-613 I Didn't Received FORM 33
Notification of Postponement. During The
Hearing By Commissioner Taylor ON August 8, 2023
Attorney Submitted Documents to stating in
This Hearing That He will Be Handling My
Worker Compensation AND giving ME His Personal
Business CARD AND Cell Phone Number SEE:
Submission "D"

Also SEE; Exhibit "JK" Document sent
TO BY ATTORNEY McKEE PARALEGAL, WHICH
INDICATED TO ME IN THE SUBJECT LINE "WG"
THAT THIS WAS A WORK COMPENSATION CLAIM, IN
PURSUANT TO S.C. CODE OF LAW SECTION
16-11-125 AND PURSUANT TO S.C. RULE OF
PROFESSIONAL CONDUCT RULE 33 AND RULE 4.1.
WHICH I SUBMITTING THESE DOCUMENT IN MY
APPEAL BRIEF. A MORE CONCISE DETAILS ABOUT
EXHIBIT "211" WHICH IS A DOCUMENT SENT TO
CONCERNING THE ORDER TO VACATE COMMISSIONER
TAYLOR ORDER, I WAS ONLY NOTIFIED WHEN I
RECEIVED THIS DOCUMENT SIGN BY TWO OF
THE COMMISSIONER, WHO PRESIDE OVER THE,

-9-

MARCH 10, 2025 Full Commission Hearing
Commissioner Beck AND Commissioner James
should HAVE Resuse Themselt From This
Panel Because PURSANT TO Code of Judicial
Conduct CANON 3(C)(1)(A) They Both vote
TO VACATE This ORDER, ON June 17, 24
| AND PURSANT TO S.C Code of Regulations
Chapter 67, Article 2: WAS NOT Followed.
EXPLANATION: OF Document FROM THE
Court: AND Received FROM The Defendants
IN PURSANT TO 18 U.S.C Section 1341
AND PURSANT TO 18 USC Section 1001;
Documents stating Peoplease WAS my Employer
Without Supporting Evidence.

EXPLANATION; UNDER Certificate of Service
Document SEE: Submission "A" Which Also
PURSANT S.C. Code Section 16-9-10 BECAUSE
All Document Are Misleading AND Shows
Misconduct, PURSANT TO Civil Procedures
Title 15 of S.C. Code of LAW, See
Exhibit "XIII" AND Exhibit "XII" Which is
Clear Would Have Allowed MORE Time TO
Present My CASE ON MARCH 10, 2025,
Also Clear Caption/Heading of The Brief,
SEE: Exhibit "58" But is Very Apparent
That Document from The Court AND Defendant
AND The TRANSCRIPT ARE Misleading
PURSANT TO S.C. Code Section 16-9-10

Exhibit "58" was submitted By Attorney McKee AND Exhibit "VR" All Document I Submitted TO The Court AND Defendants AS Evidence in This Case.

Conclusion OF LAW

Explanation of The Law Under The Employee OR Independent Contractor Classification under The Fair Labor Standard Act? It Adopted AN Economic Reality Test under which a worker is AN Employee of AN Employer if That worker is Economically dependent ON The Employer for work AND is AND Independent Contractor if The worker is in Business for Themselves.

EXPLANATION: OF VALID CONTRACT SEE: Exhibit
'FF" SEE PROVISION Exhibit; 20, 21, 22, 23 AND

24. 2(A) CLEAR Description of The Policy
That WAS VALID AT Time of MY ACCIDENT.

23 (B) All Equipment ARE Assigned By The
COMPANY. All STOP AND DELIVERY ARE MONITOR
By The COMPANY MANDATORY Device, See
Exhibit "D" CONCERNING Equipment RETURN.

Which ALSO Included A CAMERA That MONITORS
A DRIVER PERFORMANCE which is LINK TO THE
COMPANY SATELLITE SERVICE. 19(B) Equipment
MAINTENANCE AND INSPECTION ALL PROVIDED By
COMPANY Which Shows Before ANY REPAIRS
CAN Be MADE I must get Approval From

11(A) TO qualified By The CARRIER, The COMPANY Drive must Go AS Required AS Employee ARE Submit AN Employment Application, 10 year History, 10 year DMV Report, Background Check Credit Reporting information, TRAINING if NOT Experience in which I wasn't SC Port Enter AND Exiting, WAS TRAINED By ANothe Driver. which The CONTRACT Doesn't include These PROVISION.

12 Lease Termination Exhibit "23" IN The Contract These NO PROVISION stating THAT I CAN Be Terminated if I'm hurt ON The Job in which This in Retaliation See Exhibit "JAH" A Claim File without My Consent.

Which WAS ME Hiring This LAW Firm Subsequently,
The COMPANY TERMINATE ME 35 DAY After my
ACCIDENT Which WAS BASE ON Retaliation.

8 Subleases: Exhibit "24" Show The Control
The COMPANY HAS CONCERNING OPERATION OF
OF The Allegation By The Defendants That
I A INDEPENDENT CONTRACT But I'll Need
WRITTEN APPROVAL TO ADVANCE MY ECONOMICS
SITUATION. ALSO Exhibit "EE" ALSO showing
Control, Exhibit "AA" The Day of The
Accident Picture TAKEN By Receiving COMPANY.
EXPLANATION: (FMCSA) Federal Motor Carrier
SAFETY Administration Their Criteria FOR
BECOME AN INDEPENDENT CONTRACTOR

Criteria, own Authority, MC Number, D.O.T Number, Proof of Insurance in my name or company name, vehicle Registration Equipment Register in my name, And Decals on my truck stating Authorization from The (FMCSA) That I Have The Right To Haul and Transport Freight. SEE Exhibit "02" Pay settlement, show Deduction of Benefits Provided By The Company. A. Provision This Contract Also is Missing A clause To Renegotiate Base on Driver Economics or Rates change or Country Economics Changes.

PURSUANT TO S.C. Code section 42-8-70
SEE: Exhibits: "XL" "X3" "XXX1" "007"
AND "XXL" CONTAINS THE CAPTION/HEADING
IS FALSE, SEE: Exhibit "IN" I RECEIVED
THIS DOCUMENT ONLY AFTER I FILE THE
CLAIM WITH SC. WCC AND IT STATE
SUSPENSION OF BENEFIT IN WHICH I WASN'T
RECEIVING ANY BENEFIT UNTIL; SEE EXHIBIT
"O" I ALMOST BEG THIS COMPANY TO HELP
ME BUT WAS IGNORED AND TOLD THAT I WAS
ON MY OWN, SHOWING BAD FAITH PRACTICE.
IMPORTANT: DOCUMENT EXHIBIT "22" REFUND
CHECK I REQUESTED BECAUSE APPEAL HEARING
APRIL 8, 2024 DIDN'T COMMENCE.

EXPLANATION OF INJURY: I Sustain Injury TO upper AND Lower Extremities, Which HAVE CAUSE NERVE DAMAGE IN MY Neck AND BACK. The worst issue I suffer from is BURNING IN Both ARM Mostly At Night During Bedtime. AND I HAVE Limited Range of Motion in MY NECK, AND ARMS, But IN ORDER TO Get A somewhat proper Nights Sleep I HAVE Put ARMS TO my side, Until The BURNING AND Tingling Subsides TO Be Comfortable, DR. Boyd stated That I wasn't A good Candidate For Surgery. AND I HAVE TWO Disc in MY Lower Back That ARE Displaced Which CAUSE The Tingling in my feet.

This injury HAS completely change AND Altered my life ON A daily Basics, Especial my Job, I Take PAIN Pill To Help me Through the day. But Advise By PRIMARY Physicizn Not Exceed The Daily Dosage Because They could Kill me. OR I CAN Become Addicted To Them. How it Effect other Aspect of my life, Im A PERON who love's TO workout But Now This injury HAS limit This Activity, This would EmbARRASSED some people TO Disclosed "intimacy" is AND issue, Last Time Engaged WAS August of 2023 Because The PAIN I Experience The Next Day of Lower BACK, PAIN Greater Than I Experience The DAY,

Of The ACCIDENT. So I'm Asking For
Punitive Damage of \$1 Million Dollars, And
For Pain And Suffering From Way I've Been
Treated By The Defendants, \$2 Million
Dollars. SEE. Exhibit "Bm" Document sent
By Defendant, Clarifying Policy Holder.

Benjamin Moses

SUMMARY OF THE CASE -001-

This case was based total on Judicial Bias which paints a clear accurate opinion that that shows that the courts especially SC WCC, under Due Process which is a fundamental right of U.S. Constitution. In this case they were law broken by the court and the defendants, SC Code section 16-9-10. "Prejudice" 18 U.S. Code § 1341 AND U.S.C Code § 1342, 18 U.S.C § 1001 (Mail Fraud), Commissioner Misconduct Title 42 Chapter 3 SC Code of Judicial Conduct section 42-3-250 Rule 501 CANON 3 SC Code of Judicial Conduct, Rule 1.6 (Attorney Client Privilege), Defendants: Court Rule 407, Rule 8.4

SUMMARY OF THE CASE

-002-

I CAN'T SAY THAT MY INFORMATION IS ACCURATE BUT IT'S VERY CLEAR THAT THE SC WCC DOESN'T WORK UNDER INTEGRITY OF THE COURT, IN WHICH FROM ALL THAT I HAVE EXPERIENCE CONCERNING THIS CASE, STRESS, ANXIETY, AND PURE "HELL" THIS IS AN AGENCY THAT REALLY NEEDS TO BE EXPOSED TO THE PUBLIC AND THE DEFENDANTS INCLUDED, AND HISTORY HAS SHOWED ITSELF. MY CHANCES OF RECEIVING JUSTICE LOOKS VERY POOR. AND I DO HAVE FAITH THAT ALL PARTIES RECEIVE THESE JUST PUNISHMENT.

THANKING YOU IN ADVANCE:

Benjamin Mored

CONCLUSION

I'VE BEEN A TRUCK DRIVER FOR MORE THAN 20 PLUS YEAR, WHICH TWELVE OWNING MY OWN TRUCK WHICH IS 34 YEAR OLD. IN ALL THE YEAR I WANT TO BE AN INDEPENDENT CONTRACT BUT THE EXPENSES WAS TOO GREAT. SO TOOK THE A STEP BELOW THE IDEA OF BEING INDEPENDENT LESS HEADACHE, STRESS, ANXIETY. BUT MAY 12, 2022 THE ACCIDENT CHANGE MY DESIRE TO MAY NEVER ACHIEVE THAT DREAM, BECAUSE DOING THIS JOB IS PAINFUL EVERY DAY BECAUSE OF THE INJURY I SUSTAIN FROM THIS ACCIDENT, I CAN'T QUIT BECAUSE I HAVE LIMITED SKILLS.

Conclusion

-004-

I ONLY WORK IN MANUFACTURING BEFORE DRIVING A TRUCK BUT CAN'T DO THAT BECAUSE MY BACK BOTHERS ME WHEN STANDING A PERIOD OF TIME. BUT I'M ASKING THE COURT PUT THEMSELVES IN MY PLACE, WHAT WOULD YOU DO. THAT'S A QUESTION I'M ASKING MAYBE YOU CAN GIVE ME AN ANSWER, BECAUSE I'VE HINGED ON THIS THOUGHT AFTER I RETURN BACK TO WORK IN DECEMBER OF 2023 AND REALIZE THAT I CAN CONTINUE TO DO THIS JOB, BECAUSE WHAT IT MAY BE CONTINUE TO DO MY BACK MAY CONTINUE TO GET WORSE. SO THAT WHY I TRY TO SEEK RELIEF FROM THE COURT BUT IN TURN I RECEIVED VERY HARSH REALITY CHECK,

CONCLUSION

- 005 -

MEANING THE COURT SYSTEM WANT BE A PLACE
TO Rely ON Help, WHICH I WAY THOUGHT DIFFERENTLY
AND AS I REALIZE THAT IN THIS COUNTRY, PEOPLE
A PARTICULAR GROUP OF PEOPLE ARE PRIVILEGE
AND THEY KNOW THE COURT SYSTEM WILL
ALWAY OBLIGATED THEM. BE IT'S CLEAR BASED
MY EXPERIENCE THAT IF YOUR NOT IN QUOTE
UNQUOTE A PARTY OF THAT GROUP, YOU CAN
REASSURE THAT JUSTICE PREVAIL IN YOUR
FAVOR. BUT I HAVE FAITH THAT THIS
PANEL WILL SEE THE INJUSTICE AGAINST ME
FOR REASON I HAVE EXPLAINED.

Benjamin Mores

AMENDED NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable Melody L. James;
The Honorable Gene McCaskill; and
The Honorable T. Scott Beck
Workers Compensation Commission

Case No. 2025-CP-00-1114

James Randall Hedlund and Thomas Bacot Pritchard, as Personal
Representatives of the Estate of
Evans Delivery Co., Inc., et. al., Employer, and Triumphe Casualty Co.
et. al., Carrier, Respondents,

v.

Benjamin Moses, Appellant, Claimant.

AMENDED NOTICE OF APPEAL

Benjamin Moses appeals the order [judgment] of the Honorable Melody L. James, the Honorable Gene McCaskill, and the Honorable T. Scott Beck of the Workers Compensation Commission dated May 2, 2025. Appellant received written notice of entry of this order on May 7, 2025.

July 11, 2025

s/ Benjamin Moses
Benjamin Moses
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Dalzell, South Carolina 29040
(803) 840-0880
Pro Se Appellant

Other Counsel of Record:

John McKee

494 Savannah Highway, Suite A

Charleston, South Carolina 29407

Attorney for Respondent

(843) 242-7506

III

**AMENDED PROOF OF SERVICE OF A
NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable Melody L. James;
The Honorable Gene McCaskill; and
The Honorable T. Scott Beck
Workers Compensation Commission

Case No. 2025-CP-00-1114

James Randall Hedlund and Thomas Bacot Pritchard, as Personal
Representative of the Estate of
Evans Delivery Co., Inc., et, al., Employer, and Triumphe Casualty Co.
et. al., Carrier, Respondents,

v.

Benjamin Moses, Appellant, Claimant.

AMENDED PROOF OF SERVICE

I certify that I have served the Amended Notice of Appeal on Evans Delivery Co. Inc. and Intact Insurance Co. by depositing a copy of it in the United States Mail, postage prepaid, on July 10, 2025, addressed to their attorneys of record, Jason Randall Hedlund, Post Office Box 2980, Greenville, South Carolina 29602-2980, and Thomas Bacot Pritchard, 494 Savannah Highway, Suite A, Charleston, South Carolina 29407.

July 11, 2025
Moses

s/ Benjamin

Benjamin Moses
281 Herbert Wilson Road
Dalzell, SC 29040
(803) 840-0880
Pro Se Appellant

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Other Counsel of
Record:
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Charleston, SC 29407
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IV