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Sep 23 2025

SC Court of Appeals

State of South Carolina
Workers' Compensation Commission

APPELLATE PANEL DECISION AND ORDER

COMMISSION PANEL: The Honorable Melody L. James; The Honorable Aisha G. Taylor;
and The Honorable Gene McCaskill.

SCWCC File No.: 2409881

Nevel Brunson,

Claimant,

v.

Cutter Buyer, LLC,

Employer,

and

Property & Casualty Insurance Company of Hartford,

Carrier,

Defendants.

AFFIRMED

Hearing Held in Richland County, South Carolina,
on July 14, 2025

Per notice timely and properly served upon all Parties of Interest.

Appearances: Stephen B. Samuels, Esq., appeared on behalf of
Claimant/Appellant.

Nicolas L. Haigler Esq., appeared on behalf of
Defendants/Respondents.

Court Reporter: Megan Brown, 803-730-3015.

Filed: September 5, 2025

I. STATEMENT OF THE CASE

Single Commissioner

On December 10, 2024, a hearing was held before a Single Commissioner to determine issues set forth on the parties' Forms 50 and 51. Claimant asserted he sustained injuries on July 23, 2024, to his teeth, head, neck, back, hips, pelvis, and legs arising out of and occurring in the course of his employment. Claimant further asserted he was not a maximum medical improvement (MMI) for his injuries. Claimant sought a finding of compensability and additional causally related medical treatment for the same.

Defendants initially admitted injuries to Claimant's back, pelvis and coccyx, while denying all other alleged injuries. Defendants subsequently denied Claimant's claim, in its entirety, and asserted Claimant's work injuries were the result of him violating express safety rules. Defendants sought a finding that Claimant was not entitled to any additional benefits under the Act.

The Single Commissioner determined, *inter alia*:

[C]laimant is not entitled to benefits under the Act because he clearly violated express and specific orders from [Employer] not to ride the machinery in the manner that directly resulted in his injuries. [C]laimant left the course and scope of his employment when he rode on the back of the woodchipper. Therefore, his claim is not compensable.

(Single Commissioner's Decision and Order filed on March 25, 2025, p. 15).

Appellate Panel

This matter is now before the South Carolina Workers' Compensation Commission's Appellate Panel pursuant to issues raised on appeal by Claimant. Within the statutory period, Claimant filed a Form 30, Request for Commission Review. Accordingly, the parties presented before the Appellate Panel on July 14, 2025.

II. SINGLE COMMISSIONER FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINDINGS OF FACT

The [Single Commissioner] has carefully considered all the evidence presented by the parties

in this claim, including the medical records and exhibits properly included by the parties through APA Submissions. From this evidence, **IT IS FOUND AS A FACT THAT:**

1. Claimant filed a Form 50 seeking a determination of compensability of an accident which occurred on July 23, 2024, when Claimant was sitting on a woodchipper and fell off. He is seeking medical treatment for his low back, pelvis, hip, neck, head, bilateral legs, teeth and fractured coccyx.
2. Defendants originally accepted this case and later denied it, arguing Claimant intentionally violated express safety rules which Employer told Claimant and other employees not to do. They further argue that Claimant is not owed medical treatment nor TTD benefits due to his intentional disobedience.
3. Claimant was transported by Medicare Air 2 on July 23, 2024, to Prisma Health Richland. It was noted Claimant complained of back pain due to a 5-foot fall from a woodchipper onto concrete and landed on his back and hit his head with loss of consciousness. (Claimant APA p. 1-7).
4. Claimant treated with Prisma Health Richland on July 23, 2024, and discharged on August 2, 2024. Claimant reported significant pain to [the] posterior aspect of his head, mid back pain, and right lower extremity pain. It was noted that Claimant was unable to recall the events leading up to the fall and endorsed of [sic] loss of consciousness. Claimant complained of right lower extremity numbness. CT of chest showed boney avulsion injury involving right anterior iliac spine with associated edema and soft tissue swelling, no other acute of [sic] traumatic findings of the chest, abdomen or pelvis. CT of cervical spine showed no active or acute findings. It was noted that Claimant had posterior scalp lacerative with staples repaired in ER MRI of lumbar spine showed transverse sacral ala and extension into the bilateral S3 sacral foramen. X-ray of elbow showed no acute osseous process. X-ray of pelvis showed nondisplaced transverse lower sacral fracture, small avulsion fractures from the right iliac wing anteriorly. No SI joint symphysis pubis widening. No hip dislocation. Diagnosis: 1) Sacral fracture, 2) back pain, 3) occipital scalp laceration, 4) paresthesia of right lower extremity. (Claimant APA p. 8-49).
5. Claimant was evaluated by Dr. Sayan on August 12, 2024. Claimant complained of right hip pain and was using a walker. It was noted that Claimant did not remember the injury. Assessment: Lateral compression type 1 pelvis fracture with fracture through the sacrum on the right posteriorly as well as the anterior pelvis on the right with an ASIS avulsion fracture. Claimant shoulder remain out of work 3 months. (Claimant APA p. 60-66).
6. Claimant attended physical therapy at Marion PT from 08/20/2024 to 11/13/2024. (Claimant APA p. 60-66).
7. Claimant was evaluated by Dr. Sayan on September 16, 2024. Claimant complained of pain in the right hip with fracture. It was noted that Claimant had progressed from the walker to a cane and that he could put full weight on both legs. Claimant complained of soreness and reported his pain level at a 6 out of 10. Assessment: S3-4 nondisplaced fracture. Recommendations: continue with weight bearing as tolerated, remained out of work and medications. (Claimant APA p. 53-56).

8. Claimant was evaluated by Dr. Sayan on October 28, 2024. It was noted that Claimant reported that he did not have a lot of pain but does have some weakness in his legs and some lightheadedness, dizziness and blackouts. Claimant was using a cane. Assessment: Recommended neurology referral for lower extremity weakness. EMG/NCS of lower extremity and neurologist for headaches, and lightheadedness, PT, remain out of work and medications. (Claimant APA p. 57-59).
9. Emails were exchanged between Attorney Coggiola and Attorney Haigler regarding the 30(b)(6) depositions. (Claimant APA p. 67).
10. Claimant sent a subpoena dated November 20, 2024, for personnel file material addressed to Defendants' counsel. (Claimant APA pp. 68-71).
11. Claimant testified that he had read the company handbook and its sections on seatbelts and transportation at the workplace, including the section that prohibits riding on running boards, fenders, or any part of the vehicles except the seats. However, he stated he did not think this rule applied to the woodchipper. (Hearing Transcript pp. 28-30).
12. Claimant further testified that his supervisor, Bryan Norton, did not tell him personally or as part of a group that he was not permitted to ride on the woodchipper, that he could not ride on the fenders, or that he had to wear a seatbelt in the truck. He testified there was never any verbal conversations about safety rules on the job. (Hearing Transcript pp. 31-32, 37).
13. Bryan Norton testified that before the subject accident, he had "several meetings" regarding employees riding on company equipment, and that the manner in which they were riding was improper. He would conduct daily safety meetings to discuss matters of safety at the direction of Employer. Specifically, there had been "quite a few" meetings where it was discussed that employees were not to ride on the woodchipper. (Hearing Transcript pp. 48-50).
14. Norton also testified that the other three individuals riding the equipment improperly that day were written up for safety violations. He had also handed out disciplinary action to employees who were improperly riding on equipment. (Hearing Transcript pp. 50-51).
15. Norton further testified Claimant admitted knowing he was prohibited from riding on the woodchipper and admitted as much when Norton and Anthony Preast visited him in the hospital. (Hearing Transcript pp. 55-56). This testimony was corroborated by Preast during his examination. (Hearing Transcript, pp. 74-75).
16. Anthony Preast testified that Employer has safety policies prohibiting riding on the woodchipper, and that Claimant would have to be familiar with company policies in order to be employed. (Hearing Transcript pp. 71-72).
17. Brandon Conner testified that he was driving the truck at the time of the accident. He knew employees were not to ride on the woodchipper because of the safety meetings run by Norton, where it had been instructed "multiple times" that employees were not to ride on the equipment. He testified that Claimant was present for these meetings. He further confirmed he received a writeup for not wearing a seatbelt while operating the company vehicle at the time of the accident.

(Hearing Transcript pp. 86-89).

18. I find Claimant knew and admitted he was expressly prohibited from riding on the woodchipper and chose to do so anyway on the date on the accident. This Finding is supported by the greater weight of the evidence in the record, including but not limited to the Hearing testimony of Claimant, Mr. Norton, Mr. Preast and Mr. Connor.
19. Johnson v. Merchants Fertilizer Co., 198 S.C. 373, 17 S.E.2d 695 (1941) - The court found that not every violation of an order remembers [sic] an injured worker from the protection of the Act. The court considered the fact that the instructions were general as opposed to specific and noted that general instructions are not enough for the employer to meet their burden of proving a violation of a positive order. (Claimant's APA submission).
20. Accident report dated July 24, 2024. Claimant set on chipper attached to truck while going down the road and fell off, causing cut to his head and broken pelvis. (Def. APA p. 1-15).
21. Defendants submitted an Employee Handbook, which detailed the company policies. (Def. APA p. 16-67). Of relevance, the Handbook details that "employees shall always wear seat belts while operating or riding in a Company vehicle or while conducting company business." (Def. APA p. 56). It further details that "no one shall be permitted to ride on the running boards, fenders, or any part of a vehicle except the seats. No passenger shall stand in a moving vehicle." (*Id.*). Wearing a seat belt while operating company vehicles or equipment was listed as the second of its "Safety Seven" rules. (Def. APA p. 58). Employees who violate the safety rules are subject to discipline. (Def. APA p. 59).
22. Black v. Town of Springfield, 217 S.C. 413, 60 S.E.2d 854 (1950) - The court held the claim was not compensable because the injuries were brought about through his own act which were not only wholly without the scope of his employment but had been expressly forbidden by his employers. (Def. APA submission).
23. Pratt v. Morris Roofing, Inc., 357 S.C. 619, 594 S.E.2d 272 (2004) - The court held substantial evidence demonstrated Claimant left the scope of his employment by violating the specific order not to drive the company vehicle home. The court further stated that when an employer limits the scope of employment by specific prohibitions, an employee leaves the course and scope of their employment when they violate those prohibitions. (Def APA submissions).
24. Wright v. BiLo, Inc., 422 S.E.2d 186 (1994) - The court held that the facts demonstrated clear and explicit orders repeatedly communicated which were subsequently violated by Claimant in the events leading to his death. The court concluded Claimant engaged in the specifically forbidden act of pursuing a feeling [sic] shoplifter cannot be within the scope of his employment. (Def. APA submissions).
25. Defendants submitted video of the incident. The three-minute video is from an internal facing camera in a company work truck. Visible are the driver and another employee hanging on the outside of the passenger door. Approximately 18 seconds into the video, the vehicle shudders, and the individuals in the video look to the rear. Words are exchanged, and the driver stops the vehicle. Both individuals leave the truck and walk towards the rear. (Def. APA Exhibit D).

26. Memorandum of Law prepared by Attorney Coggiola was submitted on behalf of Claimant per the request of the [Single Commissioner] detailing the legal argument on the above-referenced case law.
27. Memorandum of Law prepared by Attorney Haigler was submitted on behalf of defendants per the request of the [Single Commissioner] detailing the legal argument on the above-referenced case law.
28. Upon review of the record as a whole, specifically the medical evidence and hearing testimony of Claimant and witnesses, and the case law (Johnson, Black, Pratt, and Wright), I find that Claimant is not entitled to benefits under the Workers' Compensation Act because he clearly violated express and specific orders from his employer not to ride the machinery in the manner that directly resulted in his injuries. Claimant left the course and scope of his employment when he rode on the back of the woodchipper. Therefore, his claim is not compensable. This finding of fact is based upon the greater weight of the evidence.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, and as provided by the Code of Laws of South Carolina, § 42-17-40, it is the determination of this Commissioner that:

1. Pursuant to § 42-1-130, Claimant was a covered employee at the time in question; and under § 42-1-140, Defendant-Employer was a covered employer.
2. Based on Black v. Town of Springfield, 217 S.C. 413, 60 S.E.2d 854 (1950), Pratt v. Morris Roofing, Inc., 357 S.C. 619, 594 S.E.2d 272 (2004), and Wright v. BiLo, Inc., 422 S.E.2d 186 (1994), and pursuant to § 42-1-160, Claimant did not sustain a compensable injury because he left the course and scope of his employment when he clearly and knowingly violated express and specific orders from Employer not to ride the machinery in the manner which directly resulted in his injuries. This finding is based upon the above-referenced hearing testimony of Claimant and Employer representatives.
3. Because the claim is found not compensable for the aforementioned reasons, Claimant is not entitled to any benefits under §§ 42-9-10, 42-9-20, 42-9-30, 42-9-260, 42-15-60 or any other statute.

III. ISSUE ON APPEAL

1. Did the Single Commissioner err in finding and concluding "Claimant did not sustain a compensable injury because he clearly and knowingly violated express orders from [Employer] not to ride the machinery in the manner which directly resulted in his injuries"?
2. Did the Single Commissioner err in failing to find the proximate cause of the accident was Employer's failures to provide safe transportation and properly hitch the machine to the truck?

3. Did the Single Commissioner err in finding Claimant was given "express and specific orders from [Employer]" when the undisputed evidence shows that the onsite supervisor did not wear a seatbelt himself, and allowed two employees to ride on the running boards of the truck and two employees to ride on the chipper, all of which was necessitated due to the fact that there was nowhere else for these employees to ride?
4. Did the Single Commissioner err in misapplying case law as even if Claimant violated a safety rule, a mere violation of a safety rule does not take an employee outside the scope of his employment as safety rules inherently govern the "conduct of the workman within the sphere of his employment"?
5. Did the Single Commissioner err by injecting a fault-based analysis into the no-fault workers' compensation system?

IV. DECISION OF THE APPELLATE PANEL

Pursuant to S.C. Code Ann. §42-17-50, we, the Appellate Panel, have reviewed the Decision and Order of the Single Commissioner and weighed the evidence as presented at the initial hearing. We have also considered all issues raised in the respective Appellant and Respondent briefs of the parties, as well as those issues raised at the Full Commission Review Hearing.

After careful review, the Appellate Panel of the South Carolina Workers' Compensation Commission, by unanimous vote, does hereby fully **AFFIRM** the Decision and Order of the Single Commissioner filed on March 25, 2025.

Below are set out the Findings of Fact and Conclusions of Law of the Appellate Panel as to this claim.

FINDINGS OF FACT

1. Claimant filed a Form 50 seeking a determination of compensability of an accident which occurred on July 23, 2024, when Claimant was sitting on a woodchipper and fell off. He is seeking medical treatment for his low back, pelvis, hip, neck, head, bilateral legs, teeth and fractured coccyx.
2. Defendants originally accepted this case and later denied it, arguing Claimant intentionally violated express safety rules which Employer told Claimant and other employees not to do. They further argue that Claimant is not owed medical treatment nor TTD benefits due to his intentional disobedience.
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and landed on his back and hit his head with loss of consciousness. (Claimant APA p. 1-7).

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fenders, or any part of the vehicles except the seats. However, he stated he did not think this rule applied to the woodchipper. (Hearing Transcript pp. 28-30).

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18. We find Claimant knew and admitted he was expressly prohibited from riding on the woodchipper and chose to do so anyway on the date on the accident. This Finding is supported by the greater weight of the evidence in the record, including but not limited to the Hearing testimony of Claimant, Mr. Norton, Mr. Preast and Mr. Connor.
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22. Black v. Town of Springfield, 217 S.C. 413, 60 S.E.2d 854 (1950) - The court held the claim was not compensable because the injuries were brought about through his own act which were not only wholly without the scope of his employment but had been expressly forbidden by his employers. (Def. APA submission).
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25. Defendants submitted video of the incident. The three-minute video is from an internal facing camera in a company work truck. Visible are the driver and another employee hanging on the outside of the passenger door. Approximately 18 seconds into the video, the vehicle shudders, and the individuals in the video look to the rear. Words are exchanged, and the driver stops the vehicle. Both individuals leave the truck and walk towards the rear. (Def. APA Exhibit D).
26. Memorandum of Law prepared by Attorney Coggiola was submitted on behalf of Claimant per the request of the Single Commissioner detailing the legal argument on the above-referenced case law.
27. Memorandum of Law prepared by Attorney Haigler was submitted on behalf of Defendants per the request of the Single Commissioner detailing the legal argument on the above-referenced case law.
28. Upon review of the record as a whole, specifically the medical evidence and hearing testimony of Claimant and witnesses, and the case law (Johnson, Black, Pratt, and Wright), we find that Claimant is not entitled to benefits under the Workers' Compensation Act because he clearly violated express and specific orders from Employer not to ride the machinery in the manner that directly resulted in his injuries. Claimant left the course and scope of his employment when he

rode on the back of the woodchipper. Therefore, his claim is not compensable. This finding of fact is based upon the greater weight of the evidence.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, and as provided by the Code of Laws of South Carolina, § 42-17-40, it is the determination of this Commissioner that:

1. Pursuant to § 42-1-130, Claimant was a covered employee at the time in question; and under § 42-1-140, Defendant-Employer was a covered employer.
2. Based on Black v. Town of Springfield, 217 S.C. 413, 60 S.E.2d 854 (1950), Pratt v. Morris Roofing, Inc, 357 S.C. 619, 594 S.E.2d 272 (2004), and Wright v. BiLo, Inc., 422 S.E.2d 186 (1994), and pursuant to § 42-1-160, Claimant did not sustain a compensable injury because he left the course and scope of his employment when he clearly and knowingly violated express and specific orders from his employer not to ride the machinery in the manner which directly resulted in his injuries. This finding is based upon the above-referenced hearing testimony of Claimant and Employer representatives.
3. Because the claim is found not compensable for the aforementioned reasons, Claimant is not entitled to any benefits under § 42-9-10, 42-9-20, 42-9-30, 42-9-260, 42-15-60 or any other statute.

ORDER

THEREFORE IT IS HEREBY ORDERED that the Decision and Order of the Single Commissioner filed in the above-captioned matter on March 25, 2025, is fully **AFFIRMED**.

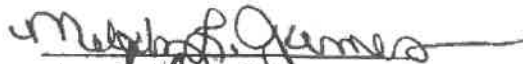
ACCORDINGLY:

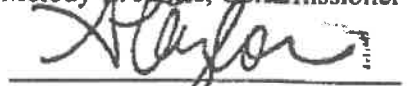
IT IS FURTHER ORDERED that Claimant is not entitled to benefits under the Act because he clearly violated express and specific orders from Employer not to ride the machinery in the manner that directly resulted in his injuries. Claimant left the course and scope of his employment when he rode on the back of the woodchipper. Therefore, his claim is not compensable.

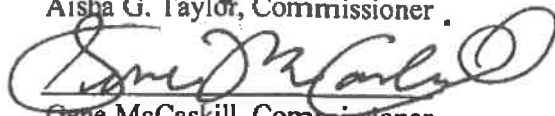
[Signatures appear on the following page.]

AND SO IT IS ORDERED.

_____ (date)
Columbia, SC


Melody L. James, Commissioner


Aisha G. Taylor, Commissioner


Gene McCaskill, Commissioner

Order Served via email:

<p>Nicolas L. Haigler Robinson Gray Stepp & Laffitte, LLC nhaigler@robinsongray.com</p>	<p>Stephen B. Samuels Samuels Reynolds Law Firm stephen@samuelsreynolds.com</p>
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CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of this order in the above entitled action upon all parties to this case by sending an electronic copy hereof by electronic mail addressed to the attorneys for said parties; or if there is an unrepresented party(ies), by depositing a copy hereof, postage paid in the United States mail, first class, addressed to the unrepresented party(ies) and to the attorney(s) for the represented party(ies).

By Eugenia Hollmon on September 5, 2025