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JAN 20 2026

THE STATE OF SOUTH CAROLINA
IN THE SOUTH CAROLINA COURT OF APPEALS SC Court of Appeals

APPEAL FROM THE WORKER COMPENSATION COMMISSION

APPELLATE CASE NO. 2025-001114

SCWCC NO. 2222593

107016

BENJAMIN MOSES, CLAIMANT, APPELLANT, PRO SE

VS.

EVANS DELIVERY CO., INC. et AL, EMPLOYER, TRUIMPHE CASUALTY, CO.

CARRIER, NATIONAL INTERSTATE INSURANCE COMPANY,

DEFENDANTS|RESPONDENTS

MOTION TO DISMISS APPEAL WITH SUPPORTING MEMORANDUM

PURSUANT TO RULE 240 OF (SCACR) CLAIMANT/APPELLANT, PRO SE

HEREBY REQUESTING THIS COURT

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

JAN 20 2026

APPEAL FROM THE WORKER COMPENSATION COMMISSION

SC Court of Appeals

APPELLATE CASE NO: 2025-00114

CLAIMANT CASE NO: 2222593

THE HONORABLE T. SCOTT BECK, HONORABLE. MELODY L. JAMES AND
HONORABLE GENE MCCASKILL

BENJAMIN MOSES.....CLAIMANT/APPELLANT PRO SE

VS.

EVANS DELIVERY CO. INC. EMPLOYER, CARRIER, TRUIMPHE CASUALTY
COMPANY, NATIONAL INTERSTATE INSURANCE COMPANY RESPONDENTS

“MOTION TO REINSTATE” APPELLANT CASE NO: 2025-000114/CLAIMANT CASE
NO: 2222593 WITH SUPPORTING MEMORANDUM OF LAW

PURSUANT TO RULE 240 (SCACR), CLAIMANT/APPELLANT PRO SE. I’M
REQUESTING THE SC COURT OF APPEALS TO REINSTATE CASE NO. 2025-001114,
CASE NO: 2222593, WHICH IS AN APPEAL DECISION AND ORDER OF THE
WORKER COMPENSATION COMMISSION DATED MAY 2ND, 2025

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2. “CORTEZ VS. XPO PORT SERVICES”. CASE NO 2:18-CV-08220-RGK-E DIS. CO. CAL (2022)	5
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ARGUMENT

I'm requesting the court to reinstate this case based on UNFAIR TREATMENT, which is "Documentation in the Transcript of this Hearing". Pursuant to rule 211 of the (SCACR) page 4, line 15 through line 25, and page 5, line 1 through line 3. Which is a violation of my "Fourteenth Amendment Right of the Constitution". This shows "Intentionally Malicious Misconduct by Commissioner Beck" and "Malice intent", by the full commission because Commissioner James and McCaskill "Endorsed this Action." This clearly shows the failure of their "Fiduciary Duties" as officers of the court. This is an intentional action of Bias, Racial, and Bigotry which I've received during this entire process. Which is clear that "Due Process" or a Fair Trial wasn't given to me under the laws of the "Constitution". This case was "Unconstitutional" and "Malicious" brought by the respondents based on "Illegal" theory without a "State of Law" stating a contract is a determining document that would prove the Allegation that I'm an Independent Contractor/Truck Driver, and I'm asking the court to allow me a little "Latitude" regarding procedural errors, as the respondents have received, which outlines good cause. See Exhibits; "JT" Page 10; Exhibit "FY", Page 11, and Exhibit "AK" Page 12; Unfair Action against me by this court. Which proves my point that I want to receive the justice I'm seeking, under the "Constitution."

What's clear in their eyes that they have the right not to follow court procedures but I was threatened of dismissal if I didn't follow the court procedures, I file this motion to dismiss this case based on the ideal that the respondents would show some "Human Decency" based on a theory that I can't wrap my head around is that I've been fighting the insurance and the court for over three in a half years for a policy I paid for through Evans Delivery as a benefit to cover myself for on the job accident, but being denied these benefits. Which

clearly shows the company misled me into a false agreement, subsequently leading to the harm, stress, and mental anguish that I have experienced concerning this issue.

Explanation of Exhibit “MH, Page 14 and Exhibit “EH”, these documents show Ambiguity and Ambiguous because in the transcript, Page 4, Line 15 through Line 25 and Page 5 Lines 1 through Line 3, are these people have the authority to also dictate how long I have to present my case, is that a violation of my fundamental rights to a fair trial or due process under the law. What’s clearer is that the SC WCC is choosing to makeup they’re on Laws or procedures that cause “Undo” harm and stress to people seeking justice, and it is also clear that this court agency is corrupt by all standards of the law.

Explanation: of cases that are identical to the Allegations, the respondents are basing their entire defense on Employee vs. Independent Contractor/Truck Driver, which is governed by the (FMCSA) “Federal Motor Carrier Safety Administration.” See: Regulation 49 C.F.R. Part 390. 5T. Pointing to the fact of “Alvarez, ET.AL. vs. Xpo Logistics Cartage LLC U.S. Dis. Co. Cal. 2:18-CV-03736-RGK-E (2018) and Cortez vs. Xpo Port Service Case: 2:18-CV-08220-RGK-E Dis. Co. Cal. (2022).” Both held in different courts, but the “objectivity” is the same in my case and “Wilkinson vs. State Transp. Co. 371 S.C. 365, 638 S.E. 2d 109 (CT APP. 2006).” Which the “SCWCC” did not base their decision on “Factual Basis.” Documents: Both orders by Commissioner Taylor and Commissioner Campbell concerning jurisdiction over Case NO 2222593. over Case NO: 2222593 Commissioner Taylor order Page 7 Line 4 and Commissioner Campbel Page 10 Line 11 See; Exhibit “204” Page 35 Pursuant to Rule 211 (SCACR) which this document shows the courts and defendants act pursuant to S.C. code 16-9-10 and this was done “Intentionally” to mislead me to believing that I was receiving a Fair Trial under the Law. But clearly an Act of

“Malicious misconduct and “Malice intention, which are criminal Acts, but will go unnoticed based on the direction this case has gone.

The Respondent inserted the phrase “Statutes of Laws” and intentionally ignored “Federal Statutes of Laws” that I have testified to, which wasn’t considered based on the court decisions. Which I’m inserting 49 C.F.R. Part 390.5T under “Supremacy Clause found in Article VI Clause 2, of The Constitution, why I’m inserting these laws because the court didn’t let me exercise my given rights to do so. First shown in the hearing date August 8th, 2023, S.C. Code 42-3-170 by Commissioner Taylor, which was a “Malicious Misconduct” and a “Malice” intention. How can I fight a system that was determined to mislead me?

SUMMARY

This case wasn't based on what the law described as "Distinction," which was the word Independent Contractor. The SCWCC followed "Stare Decisis," which the first hearing on August 8th, 2023, was "Unconstitutional" based on the (FMCSA); "Federal Motor Carrier Safety Administration" Regulation 49 C.F.R. Part 390.5T. To clarify what I've testified concerning the criteria needed to be an Independent Contractor/Truck Driver under (FMCSA), but what's abundantly clear is that the Respondents of this case fail to prove their case with evidence. For example, can a handyman be considered an independent contractor? Yes, he can; the clear point being made is that when I'm operating a commercial vehicle, "Big Rig", I'm considered an independent contractor. So, I'm asking the court to have the "SCWCC" explain its ruling why, during the one and a half years I was unable to work due to my injury, I didn't "Hire" someone to operate my truck to supplement my income, I wasn't receiving benefits or medical expenses from the policy I paid for through Evans Delivery. Reasons: Because I don't have documents that would allow me to do this. And a clear point that would also not qualify me as an Independent Contractor/Truck Driver is the "Economic Reality Test". That still will not give me legal rights under the (FMCSA) Regulation.

Which the Respondents also based their Allegations on, which I've clearly described so I'm asking the court to reinstate this case NO. 2025-001114 not only for ground I've explain but also to rectify Wilkerson vs. Palmetto State Transp., which was also an unfair decision by the SCWCC and the SC Supreme Court, which my case have been wrongfully judged based on the "Laws" or "Statue" that govern The Trucking Industries, (FMCSA), and also insert "Supremacy Clause found in Article VI; Clause 2", which states Laws was the only

laws that determined this case outcome. Also, I want the court to see what the Respondent's intention was for insurance fraud, S.C. Code 38-55-540 and 18 U.S. Code 1033; See Exhibit "OB" Page 15.

As evidence of this Action Attorney Pritchard mentioned, "One Beacon" several times in the "Transcript", Page 14, Line 11, and Page 15, Line 24, Attorney Hedlund, Page 17, Line 10, and it was mentioned in the final brief, Page 5, last line, Page 6, first line. I'm pointing this out to the court because in my evidence and statement to the court, this policy had expired and was clearly a death policy. See Submitted Exhibit; "B1", Document submitted with brief of notice of appeal. To point out and intentional "Error of Law", the caption of the case has change many times, but a "Motion" have never been file by the Respondents for this action, and in those caption, see; "See The Final Brief as Evidence", but to point out my "Allegation" of fraud all the insurance company that are listed pursuant to this Case NO: 2025-00114, The Description of the Policy, were never submitted by the Defendants/Respondents of this case. List: "One Beacon, Triumphed Casualty", National Interstate Company. Which the only policy that was valid was see Exhibit "BM" Page 24 and Exhibit "B" submitted with the brief of notice of appeal. And to point out how deceitful the "SCWCC" which is a clear "Hand of one is a the Hands of all", as I asked the court to see: Page 5 Line 19 of the Respondents brief July 30th, 2024, which was appeal hearing requested by myself, because the first hearing a transcript couldn't be produce which as you can see in the brief that hearing was show as a de novo hearing, which my fear is that this court will also show a blind eye to the unfair, mistreatment, misleading and "Inhumane" way I've been treated based on facts that I came to this court SCWCC seeking Justice but only received injustice.

CONCLUSION

I, **Benjamin Moses, Claimant and Appellant, proceeding pro se**, respectfully request that the South Carolina Court of Appeals reinstate Case No. 2222593 and Case No. 2025-001114 based upon the constitutional violations, procedural irregularities, and evidentiary deficiencies outlined in my argument and I'm asking the court to Deny/Grant my Request.

Respectfully submitted,

/s/ Benjamin Moses

Benjamin Moses

_____ Judge

January 17th, 2026



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

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July 16, 2025

Benjamin Moses
281 Herbert Wilson Road
Dalzell SC 29040

Re: Benjamin Moses v. Evans Delivery Co., Inc.
Appellate Case No. 2025-001114

Dear Mr. Moses:

Upon reviewing your attempt to correct the deficiencies outlined in this Court's letter dated July 02, 2025, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or this matter will be dismissed. This is the Court's second request for this correction:

- The caption/title does not comply with Rule 267(a), SCACR. Specifically, the caption must match exactly with the one given below:

Benjamin Moses, Claimant, Appellant,

v.

**Evans Delivery Co., Inc., et. al., Employer, and Triumphe
Casualty Co. et. al., Carrier, Respondents.**

Very truly yours,

Catherine Harrison, deputy
CLERK

cc: Jason Randall Hedlund, Esquire
Thomas Bacot Pritchard, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

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July 21, 2025

Benjamin Moses
281 Herbert Wilson Road
Dalzell SC 29040

Re: Benjamin Moses v. Evans Delivery Co., Inc.
Appellate Case No. 2025-001114

Dear Mr. Moses:

Upon further review, the title in the above matter has been updated to read as follows:

Benjamin Moses, Claimant, Appellant,

v.

**Evans Delivery Co., Inc., Employer, Triumphe Casualty Co., Carrier,
PeopLease, LLC, and National Interstate Insurance Company, Defendants,**

**of which Evans Delivery Company, Inc., and Triumphe Casualty Co. are the
Respondents.**

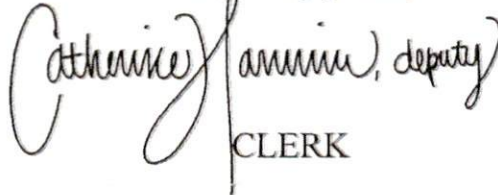
All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Furthermore, we are in receipt of your amended designation of matter and attachments filed on July 14, 2025. Please be advised that the attachments have been filed prematurely and are not needed at this time. These documents may be

included in your record on appeal pursuant to Rule 210, SCACR. Therefore, we are returning them to you without action.

Accordingly, the respondents' initial brief and designation of matter are due within 30 days from the date of this letter.

Very truly yours,

 (Catherine) Ammin, deputy
CLERK

cc: Jason Randall Hedlund, Esquire
Thomas Bacot Pritchard, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

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October 01, 2025

Benjamin Moses
281 Herbert Wilson Road
Dalzell SC 29040

Re: Benjamin Moses v. Evans Delivery Co., Inc.
Appellate Case No. 2025-001114

Dear Mr. Moses:

The Court received your email dated September 25, 2025. All correspondence to the Court must be directed to this office. At this time, our records reflect the respondent's initial brief and designation of matter are due on October 20, 2025.

Very truly yours,

Catherine Harrison, deputy
CLERK

cc: Thomas Bacot Pritchard, Esquire
Daniel Tyler Hembree, Esquire
Jason Randall Hedlund, Esquire

-12- Exhibit "AK"

Mail body: Fwd: [External] 2222593

----- Forwarded message -----

From: John Davis McKee <jmckee@scarolina-law.com>
Date: Tue, Apr 2, 2024, 6:22 AM
Subject: Re: [External] 2222593
To: Benjamin Moses <bmoses1827@gmail.com>, Deller, Valerie <V.Deller@wcc.sc.gov>
Cc: Hollmon, Eugenia <EHollmon@wcc.sc.gov>, Randy Hedlund <rhedlund@mgclaw.com>

Mr. Moses —

Mr. Hedlund and I will each give our 10 minutes after you start with your 10 minutes and then you will get 3 additional minutes if you choose to take them before the panel will either close the hearing or ask questions to each of us.

Thank you.

John D. McKee
Department Managing Attorney
Vernis & Bowling of South Carolina, LLC
494-A Savannah Highway
Charleston, SC 29407
Tel: 843-242-7506
Fax: 843-242-7509
Direct: 843-801-0188

Image

THIS E-MAIL IS INTENDED ONLY FOR THE ABOVE-NAMED RECIPIENT(S) AND IS CONFIDENTIAL. This e-mail message and attachments, if any, are intended solely for the use of the addressee hereof. In addition, this message and attachments, if any, may contain information that is confidential, privileged and exempt from disclosure under applicable law. If you are not the intended recipient of this message, you are prohibited from reading, disclosing, reproducing, or otherwise using this transmission. Delivery of this message to any person other than the intended recipient is not intended to waive any legal right or privilege. If you have received this message in error, please promptly notify the sender by e-mail and immediately delete this message and attachments, if any, from your system.

From: Benjamin Moses <bmoses1827@gmail.com>
Sent: Tuesday, April 2, 2024 6:20:02 AM
To: Deller, Valerie <V.Deller@wcc.sc.gov>
Cc: Hollmon, Eugenia <EHollmon@wcc.sc.gov>; Randy Hedlund <rhedlund@mgclaw.com>; John Davis McKee <jmckee@scarolina-law.com>
Subject: Re: [External] 2222593

Ok Mrs Deller in your email there is no mention of Mr McKee he also was and attorney at the August 8 2023 hearing

On Mon, Apr 1, 2024, 2:27 PM Deller, Valerie <V.Deller@wcc.sc.gov> wrote:

Mr. Moses, we are in receipt of your email. It is the process for Full Commission hearings that you and Atty. Hedlund will have 10 mins each, with you starting as the Appellant, to share concerns or issues. And then you will have an additional three (3) minutes to respond after Atty. Hedlund. That will be the hearing unless the Panel members of Commissioners have questions.

From: Benjamin Moses <bmoses1827@gmail.com>
Sent: Sunday, March 31, 2024 2:56 PM
To: Hollmon, Eugenia <EHollmon@wcc.sc.gov>
Cc: Deller, Valerie <V.Deller@wcc.sc.gov>; Randy Hedlund <rhedlund@mgclaw.com>; John Davis McKee <jmckee@scarolina-law.com>

-13- Exhibit "MH"

Mail body: Fwd: [External] 2222593

----- Forwarded message -----

From: **Hollmon, Eugenia** <E.Hollmon@wcc.sc.gov>

Date: Fri, Apr 5, 2024, 10:31 AM

Subject: RE: [External] 2222593

To: Benjamin Moses <bmoses1827@gmail.com>

Cc: Deller, Valerie <VDeller@wcc.sc.gov>, Randy Hedlund <rhedlund@mgclaw.com>, John Davis McKee <jmckee@scarolina-law.com>

Appeal hearings are only 30 minutes because no new evidence is presented. The panel is reviewing the evidence and hearing transcript from the original hearing and only addressing issues associated with those items. You will not be allowed to introduce any new evidence or arguments not discussed at the original hearing.

Genia Hollmon

Eugenia Hollmon

Judicial Docketing Director

South Carolina Workers' Compensation Commission

Ph - 803-737-5737

Fax - 803-737-1281

ehollmon@wcc.sc.gov

From: Benjamin Moses <bmoses1827@gmail.com>

Sent: Friday, April 5, 2024 10:23 AM

To: Hollmon, Eugenia <E.Hollmon@wcc.sc.gov>

Cc: Deller, Valerie <VDeller@wcc.sc.gov>; Randy Hedlund <rhedlund@mgclaw.com>; John Davis McKee <jmckee@scarolina-law.com>

Subject: Re: [External] 2222593

So please give me and understanding why this hearing is given only 30 minutes when many issues are before this commission it's my opinion that I want be heard to my entirety basic on my time to present my grievance. It shows that this case is basic solely on the argument from the attorneys and no mention concerning my injury or medical bills benefits that I was denied so please tell is this hearing is schedule to cover all complaints in my form 59 I submitted

On Fri, Apr 5, 2024, 9:04 AM Hollmon, Eugenia <E.Hollmon@wcc.sc.gov> wrote:

Mr. Moses,

That was not a secret meeting, but Mr. McKee explaining how the hearing on April 8th would take place. That is also why I sent out the email that I did, because I did not account for Mr. McKee when I originally explained the process to you. So, I wanted to make sure that everyone was aware that everyone may not get the entire 10 minutes. It will be left up to the Commissioners, as there is only 30 minutes set aside for appeal hearings.

Genia Hollmon

-14-

Exhibit "EH"

9:19

is one beac...

No, **OneBeacon Insurance Company**
(now known as **Bedivere Insurance Company**) is not in business in South Carolina or anywhere else; it was placed into liquidation by the Pennsylvania Insurance Department in March 2021 due to insolvency, meaning it's no longer



Home



Search



Notifications



Activity

is one beac...

writing policies and is being wound down. If you were a policyholder, you would have dealt with the Pennsylvania Insurance Commissioner as the liquidator, not OneBeacon directly. 🌐

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM THE WORKER COMPENSATION COMMISSION

HONORABLE T. SCOTT BECK

HONORABLE MELODY J. JAMES

HONORABLE GENE MCCASKILL

APPELLATE CASE NO. 2025-001114

CLAIMANT CASE NO. 2222593

PROOF OF SERVICE

I certify that I have served the notice of motion to reinstate CASE NO: 2025-00114, CASE NO: 2222593, with supporting Memorandum to all parties by forwarding a copy of it by U.S. Mail.

OTHER COUNSEL ON RECORD
JOHN McKEE
VERNIS & BOWLING OF SOUTH
CAROLINA, LLC 494-A SAVANNAH
HIGHWAY, SUITE A CHARLESTON
SC 29407

THOMAS B. PRITCHARD, ESQUIRE
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SC WORKER COMPENSATION
COMMISSION 1333 MAIN ST.
SUITE 500 COLUMBIA
SC 29201

-AND-
D. TYLER HEMBREE ESQUIRE
J. RANDALL HEDLUND ESQUIRE
McANGUS GOUDELOCK & COURIE
LLC
P.O. BOX 2980 GREENVILLE, SC
TYLER.HEMBREE@MGCLAW.COM
RHEDLUND@MGCLAW.COM

/s/ Benjamin Moses

BENJAMIN MOSES CLAIMANT, APPELLANT, PRO SE

VS.

**EVANS DELIVERY CO., INC. EMPLOYER, CARRIER TRUIMPHE CASUALTY
COMPANY, NATIONAL INTERSTATE INSURANCE COMPANY RESPONDENTS**

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JAN 20 2026

SC Court of Appeals

TO: Clerk of Court:

**Enclosed for filing, please find the Claimant/Appellant, PRO SE. Motion to reinstate
appeal; CASE NO: 2222593 and CASE NO: 2025-001114 with supporting Memorandum
and proof of service concerning this issue. My certified check in the amount of \$50 for filing
this motion; sent via U.S. mail.**

/s/ Benjamin Moses

January 17th, 2026

BENJAMIN Moses
281 Herbert Wilson Rd
Dalzell S.C. 29040

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Attn:
Clerk of Court