



The South Carolina Court of Appeals

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April 25, 2018

The Honorable Amy Bracy
Workers' Compensation Commission
Post Office Box 1715
Columbia SC 29202

REMITTITUR

Re: Jose Jimenez v. Kohler Company
Lower Court Case No. 1122474, 1219561
Appellate Case No. 2015-001336

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Alton Lamar Martin, Jr., Esquire
Grady Larry Beard, Esquire
Nicolas Lee Haigler, Esquire
Robert E. Horner, Esquire

The Supreme Court of South Carolina

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APR 20 2018

SC Court of Appeals

Jose Juan Jimenez, Employee, Petitioner,

v.

Kohler Company, Self-Insured Employer, Respondent.

Appellate Case No. 2017-001932

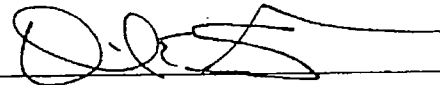
Workers' Compensation File No. 1122474, 1219561

ORDER

Based on the vote of the Court, the petition for a writ of certiorari is denied.

FOR THE COURT

BY



CLERK

Columbia, South Carolina

April 19, 2018

cc:

Alton Lamar Martin, Jr., Esquire

Grady Larry Beard, Esquire

Nicolas Lee Haigler, Esquire

Robert E. Horner, Esquire

The Honorable Amy Bracy

The Honorable Jenny Abbott Kitchings

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Jose Juan Jimenez, Employee, Appellant,

v.

Kohler Company, Self-Insured Employer, Respondent.

Appellate Case No. 2015-001336

Appeal From the Workers' Compensation Commission

Unpublished Opinion No. 2017-UP-279
Submitted May 1, 2017 – Filed July 5, 2017

AFFIRMED

Alton Lamar Martin, Jr., of Martin & Martin, PA, of
Greenville, for Appellant.

Grady Larry Beard, Nicolas Lee Haigler, and Robert E.
Horner, all of Sowell Gray Robinson Stepp & Laffitte,
LLC, of Columbia, for Respondent.

PER CURIAM: Jose Juan Jimenez appeals an order of the Appellate Panel of the Workers' Compensation Commission (Appellate Panel) affirming the order of the single commissioner, which found Jimenez did not sustain an "injury by accident." On appeal, Jimenez argues the Appellate Panel erred in affirming the order of the single commissioner because (1) Jimenez met his burden of proving a compensable

injury and (2) the Appellate Panel's conclusory findings of fact and conclusions of law lacked sufficient specificity for appellate review. We affirm¹ pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to whether the Appellate Panel erred in finding Jimenez did not meet his burden of proving a compensable injury: *Fishburne v. ATI Sys. Int'l*, 384 S.C. 76, 85, 681 S.E.2d 595, 599 (Ct. App. 2009) ("The Appellate Panel's decision must be affirmed if supported by substantial evidence in the record."); *Hutson v. S.C. State Ports Auth.*, 399 S.C. 381, 387, 732 S.E.2d 500, 503 (2012) ("Under this standard, [an appellate court] can reverse or modify the decision only if the claimant's substantial rights have been prejudiced because the decision is affected by an error of law or is clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record."); *Shealy v. Aiken Cty.*, 341 S.C. 448, 455, 535 S.E.2d 438, 442 (2000) ("Substantial evidence is not a mere scintilla of evidence nor evidence viewed from one side, but such evidence, when the whole record is considered, as would allow reasonable minds to reach the conclusion the [Appellate Panel] reached."); *Potter v. Spartanburg Sch. Dist.* 7, 395 S.C. 17, 22, 716 S.E.2d 123, 126 (Ct. App. 2011) ("In workers' compensation cases, the Appellate Panel is the ultimate fact finder."); *Langdale v. Carpets*, 395 S.C. 194, 200, 717 S.E.2d 80, 83 (Ct. App. 2011) ("Where the evidence is conflicting over a factual issue, the findings of the Appellate Panel are conclusive."); *Clade v. Champion Labs.*, 330 S.C. 8, 11, 496 S.E.2d 856, 857 (1998) ("The claimant has the burden of proving facts that will bring the injury within the workers' compensation law, and such award must not be based on surmise, conjecture[,] or speculation.").

2. As to whether the Appellate Panel erred in providing conclusory findings of fact and conclusions of law: *Canteen v. McLeod Reg'l Med. Ctr.*, 400 S.C. 551, 558-59, 735 S.E.2d 246, 250 (Ct. App. 2012) ("The findings of fact made by the Appellate Panel must be sufficiently detailed to enable the reviewing court to determine whether the evidence supports the findings."); *id.* at 559, 735 S.E.2d at 250 (finding the Appellate Panel failed to detail any evidence supporting its decision and remanding to the Appellate Panel to make specific findings).

AFFIRMED.

LOCKEMY, C.J., and HUFF and THOMAS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.