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THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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DEC 12 2018

SC Court of Appeals

APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

WCC NO. 1711399

Esteban Vera Reyes d/b/a Esteban Construction, Employer ..... Appellant

vs.

Placido Solano-Pulido, Employee/Claimant;  
Gerald Builders of Conway, Inc., Employer; and  
South Carolina Uninsured Employers' Fund, Carrier ..... Respondents

NOTICE OF APPEAL

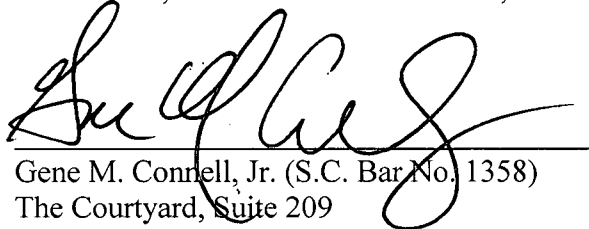
The Appellant, Esteban Vera d/b/a Esteban Construction, appeals the Administrative Order of Amy A. Bracy dated October 29, 2018 and the subsequent Judicial Conference Decision and Order of the Full Commission of the South Carolina Workers' Compensation Commission dated November 24, 2018, filed November 26, 2018 and received by Appellant on November 26, 2018.

The grounds for appeal are as follows:

1. The South Carolina Workers' Compensation Commission administratively dismissed this appeal for failure to timely file a brief. After receiving notice of the Administrative Order, the Appellant moved the Full Commission for an order reinstating the appeal. The error being that Appellant established reasonable cause to reinstate the appeal. The reasonable cause being that Appellant's counsel had previously sought and received a postponement of the hearing date on November 27, 2018 because of a prior commitment in the Horry County Court of Common Pleas. Appellant's counsel reasonably believed that because that postponement was granted, that the brief would not be due until the appeals hearing was reset.

2. The Appellant appeals the Administrative Order of the South Carolina Workers' Compensation Commission signed and/or executed by Amy Bracy dismissing this appeal. The error being that Amy Bracy has no authority under South Carolina law to dismiss an appeal administratively.
3. The South Carolina Workers' Compensation Commission decision to dismiss the appeal violates S.C. Code Ann. Reg. 78-605(a)(1) which requires that "all briefs must be filed at least five days before the scheduled date for the review." In this case, Appellant's counsel had received a postponement and because there was no new time or date set the brief was not yet due.
4. The South Carolina Workers' Compensation Commission erred in affirming a dismissal of this appeal when Appellant had established good cause pursuant to S.C. Code Ann. Reg. 67-605(h)(4). The good cause being Appellant's counsel had sought and received postponement of the hearing because of prior commitments in the Circuit Court.
5. The South Carolina Workers' Compensation Commission erred in administratively dismissing the appeal. The error being there was confusion caused by the postponement of the hearing and because the hearing was never reset there is reasonable cause to request the Commission review be rescheduled and Appellant's appeal be reinstated. The error being the South Carolina Worker's Compensation Commissions' failure to reinstate the appeal in light of all the circumstances surrounding the case.

KELAHER, CONNELL & CONNOR, P.A.



Gene M. Connell, Jr. (S.C. Bar No. 1358)  
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1500 U. S. Highway 17 North  
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**Attorney for Appellant**

December 11, 2018  
Surfside Beach, South Carolina.

Other Counsel of Record:

Jonathan J. Shanks

S.C. Bar No. 11581

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Attorney for Gerald Builders of Conway, Inc., Employer, **Respondent**

Timothy B. Killen

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Holder Padgett Littlejohn & Prickett, LLC

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South Carolina Workers' Compensation Uninsured Employers' Fund, **Respondent**

Lisa C. Glover

S. C. Bar No. 64209

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Columbia, SC 29221-0039

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South Carolina Workers' Compensation Uninsured Employers' Fund, **Respondent**

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

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Esteban Vera Reyes d/b/a Esteban Construction, Employer ..... Appellant

vs.

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Gerald Builders of Conway, Inc., Employer; and  
South Carolina Uninsured Employers' Fund, Carrier ..... Respondents

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PROOF OF SERVICE

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PERSONALLY appeared before me, Shelia Y. McCumbee, who being duly sworn, deposes and says that she is an employee of Kelaher, Connell & Connor, P.C., and that she has served a **Notice of Appeal** on the Respondents, through counsel of record, and on the South Carolina Workers' Compensation Commission, by depositing a copy of same in the United States Mail, postage prepaid, to:

Jonathan J. Shanks, Esquire  
Jonathan J. Shanks, P.A.  
P.O. Box 14889  
Surfside Beach, SC 29587  
Attorney for Placido Solando-Pulido,  
Employee/Claimant/**Respondent**

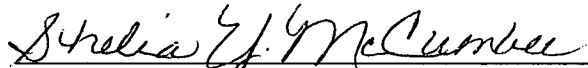
Natasha M. Hanna, Esquire  
Law Office of Natasha M. Hanna, P.C.  
4712 Jenn Drive, Suite A  
Myrtle Beach, SC 29577  
Attorney for Gerald Builders of Conway, Inc.,  
Employer/**Respondent**

Timothy B. Killen, Esquire  
Holder Padgett Littlejohn & Prickett, LLC  
349 West Coleman Blvd., Suite 300  
Mount Pleasant, SC 29464  
South Carolina Workers' Compensation  
Uninsured Employers' Fund, **Respondent**


Lisa C. Glover, Esquire  
P. O. Box 210039  
Columbia, SC 29221  
South Carolina Workers' Compensation  
Uninsured Employers' Fund, **Respondent**

Amy Bracy  
Judicial Director  
South Carolina Workers' Compensation  
Commission  
P. O. Box 1715  
Columbia, SC 29202-1715

DATE OF MAILING: December 11, 2018

  
Shelia Y. McCumber

**SWORN AND SUBSCRIBED** before me,  
this 11<sup>th</sup> day of December, 2018.

  
Notary Public for South Carolina  
My Commission Expires: 3-12-24

KELAHER, CONNELL & CONNOR, P.C.

ATTORNEYS AT LAW

SUITE 209

THE COURTYARD

1500 U.S. HIGHWAY 17 NORTH

P.O. DRAWER 14547

SURFSIDE BEACH, SOUTH CAROLINA 29587

EDWARD T. KELAHER\*  
GENE M. CONNELL, JR.  
L. SIDNEY CONNOR, IV  
LISA POE DAVIS

\* OF COUNSEL

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AREA CODE 843

238-5648

FAX: 238-5050

December 11, 2018

DEC 12 2018

SC Court of Appeals

The Honorable Jenny Abbot Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: *Placido Solano-Pulido v. Gerald Builders of Conway, et al.*  
W.C.C. File No. 1711399  
Our File No. 2017-0298C

Dear Ms. Kitchings:

Enclosed for filing is a Notice of Appeal in the above-captioned case. Also enclosed are the following:

1. Proof of Service of the Notice of Appeal on the Respondents.
2. Copy of the Order which is to be challenged on Appeal.
2. Our check for the \$250.00 filing fee.

Please return a clocked copy to us in the self-addressed, stamped envelope provided.

By copy of this letter, I hereby serve the Respondents and the South Carolina Workers' Compensation Commission with the Notice of Appeal.

Thank you for your kind assistance in this matter.

Sincerely yours,



Gene M. Connell, Jr.

GMC,Jr.:sm

Enclosures

cc w/enc.:

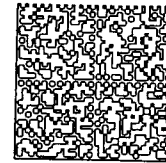
Jonathan J. Shanks, Esquire


Natasha M. Hanna, Esquire

Timothy B. Killen, Esquire

Lisa C. Glover, Esquire

Amy A. Bracy, Judicial Director, S. C. Workers' Compensation Commission



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SC Court of Appeals

*Kelahr, Connell & Connor, PC*

1500 US HIGHWAY 17 NORTH, SUITE 209  
 POST OFFICE DRAWER 14547  
 SURFSIDE BEACH, SC 29587

**To**

The Honorable Jenny Abbot Kitchings  
 Clerk, South Carolina Court of Appeals  
 Post Office Box 11629  
 Columbia, South Carolina 29211