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SC Court of Appeals
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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKER'S COMPENSATION COMMISSION

WCC No. 1711399

Gerald Builders of Conway, Inc., Employer, Appellant,

v.

Placido Solano-Pulido, Employee/Claimant;
Esteban Vera Reyes d/b/a Esteban Construction, Employer; and
and South Carolina Uninsured Employers' Fund, Carrier..... Respondents.

NOTICE OF APPEAL

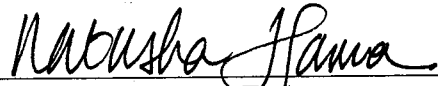
Employer Gerald Builders of Conway, Inc. appeals the Administrative Order of Amy A. Bracy dated October 29, 2018 and the subsequent Judicial Conference Decision and Order of T. Scott Beck, Chair for the South Carolina Workers' Compensation Commission dated November 24, 2018. The November 24, 2018 Order denied the Appellant's Motion to Reinstate Appeal filed on November 7, 2018. Appellant received written notice of the Judicial Conference Decision and Order on November 26, 2018.

The Statement of Issues on Appeal are as follows:

1. Whether the South Carolina Workers Compensation Commission erred in dismissing the Appeal when it postponed the hearing date and failed to serve a new Form 31, per R.67-704, which sets forth the date, place, time, purpose of review and filing date for the appellant's brief.
2. Whether the South Carolina Workers' Compensation Commission erred when it administratively dismissed the Appeal for failure to timely file a brief.
3. Whether the South Carolina Workers Compensation Commission erred when it administratively dismissed the appeal by Amy Bracy, Judicial Department Director, who does not have the authority under South Carolina law to dismiss an appeal.

4. Whether the South Carolina Workers Compensation Commission erred when it failed to make specific findings of fact in dismissing the appeal and denying the Motion to Reinstate.
5. Whether The South Carolina Workers' Compensation Commission decision to prematurely dismiss the appeal violates S.C. Code Ann. Reg. 67-705(H)(1) which requires that "all briefs must be filed at least five days before the scheduled date for the review."
6. Whether 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. 67-705(H)(4).

RESPECTFULLY SUBMITTED,



Natasha M. Hanna, Esq.
The Law Office of Natasha M. Hanna, P.C.
Attorney for Respondent/Employer
4712 Jenn Drive, Suite A
Myrtle Beach, SC 29577
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December 10, 2018
Myrtle Beach, SC

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKER'S COMPENSATION COMMISSION

WCC No. 1711399

Gerald Builders of Conway, Inc., Employer, Appellant,

v.

Placido Solano-Pulido, Employee/Claimant;
Esteban Vera Reyes d/b/a Esteban Construction, Employer; and
and South Carolina Uninsured Employers' Fund, Carrier Respondents.

PROOF OF SERVICE

I certify that I have served the Notice Appeal upon the parties below by depositing a copy of it in the United States Mail, postage prepaid, this 20th day of December, 2018 to the address below:

Jonathan J. Shanks, Esq.
Jonathan J. Shanks, P.A.
P.O. Box 14889
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Timothy B. Killen, Esq.
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Lisa Glover
SC State Accident Fund
P.O. Box 210039
Columbia, SC 29221

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SC Court of Appeals

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

SWORN to before me this 20th day
of December 2018

Jimmy Jordan
Notary Public for South Carolina
My Commission Expires: 2/3/27

Mallory W. Hitchcock
Mallory W. Hitchcock
Law Office of Natasha M. Hanna, P.C.
4712 Jenn Drive, Suite A
Myrtle Beach, SC 29577
(843) 839-8002



NATASHA HANNA
LAW OFFICE

VIA FEDERAL EXPRESS

December 20, 2018

The Honorable Jenny Abbot Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: Placido Salido vs. Gerald Builders of Conway, et. al.
WCC No. 1711399

Dear Ms. Kitchings:

Enclosed please find an original and one (1) copy of a Notice of Appeal and Proof of Service. Please return a clocked copy to us in the self-addressed, stamped envelope provided. Also enclosed is a copy of the Order which is being appealed and our check in the amount of \$250.00 to cover the cost of the filing fee. By copy of this letter, I am serving Respondents and the South Carolina Workers' Compensation Commission.

Thank you for your assistance in this regard. If you have any questions, please do not hesitate to contact me.

With warm regards, I am

Very truly yours,

Natasha M. Hanna

NMH/mwh

Enclosures

cc: Amy Bracy, SCWCC
Jonathan J. Shanks
Gene Connell
Timothy B. Killen
Lisa Glover

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TO HONORABLE JENNY ABBOT KITCHINGS
SOUTH CAROLINA COURT OF APPEALS
1220 SENATE STREET

COLUMBIA SC 29201

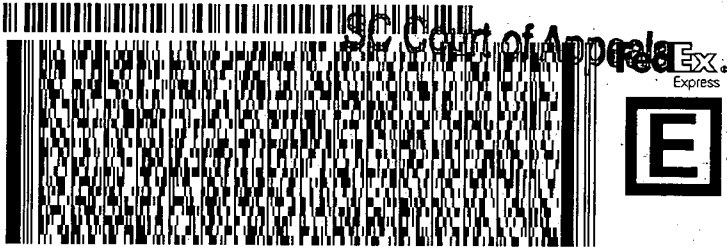
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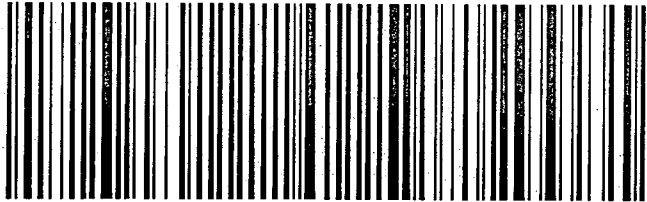


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