

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC File No. 1711399

Appellate Case No. 2018-002174

RECEIVED

DEC 27 2018

South Carolina Uninsured Employers' Fund, Appellant **SC Court of Appeals**

v.

Placido Solano-Pulido, Employee/Claimant; Esteban Vera Reyes d/b/a Esteban Construction,
Employer and Gerald Builders of Conway, Inc., Employer, Respondents

NOTICE OF APPEAL

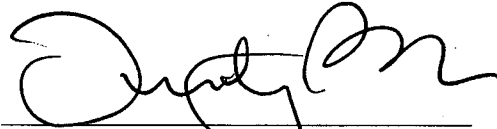
The South Carolina Uninsured Employers' Fund appeals the Administrative Order of Amy A. Bracy dated October 29, 2018 and the subsequent Judicial Conference Decision and Order of T. Scott Beck, Chair for the South Carolina Workers' Compensation Commission dated November 24, 2018. The November 24, 2018 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's 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,



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Attorneys for UEF

December 20, 2018
Mount Pleasant, SC

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PROOF OF SERVICE

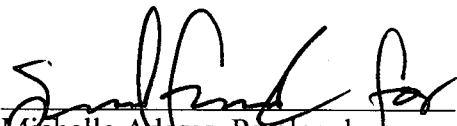
I hereby certify that I have served SC UEF's Notice of Appeal upon the parties below by placing a copy of it in the U.S. Mail, sufficient post pre-paid, on December 21st, 2018, addressed as follows:

Jonathan J. Shanks, Esquire
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Amy Bracy, Judicial Director
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December 21, 2018

The Honorable Jenny Abbott Kitchings
Clerk, The South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

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SC Court of Appeals

RE: Placido Solano-Pulido v. Esteban Vera Reyes
Appellate Case No: 2018-002174
WCC No: 1711399 DOI: 06/05/2017
Carrier: Uninsured Employers' Fund - Claim No: 2017-2480
HPLP File No: 5415.00060

Dear Ms. Kitchings:

Enclosed please find an original and one (1) copy of the Uninsured Employers' Fund's Notice of Appeal and Proof of Service. Please return a clocked copy to us in the enclosed self-addressed, stamped envelope. Also enclosed is a copy of the Order which is being appealed and our check in the amount of \$150.00 for the associated filing fee. By copy of this letter, I am serving Respondents and the South Carolina Workers' Compensation Commission.

Thank you for your assistance. Should you have any questions, please feel free to contact me.

Respectfully,

HOLDER PADGETT LITTLEJOHN + PRICKETT



Timothy B. Killen

TBK/maa
Enclosures

cc: Amy Bracy, Judicial Director SC WCC
Jonathan J. Shanks, Esquire
Gene Connell, Esquire
Natasha Hanna, Esquire
Debra Dozier (via email)

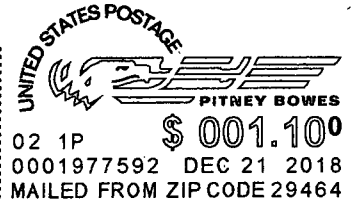
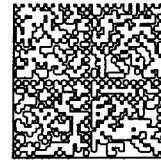
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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
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Columbia, SC 29211



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