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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  
JAN 07 2019  
SC Court of Appeals

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

v.

Esteban Vera Reyes d/b/a Esteban Construction, Employer, Appellant/Respondent,  
Of which Placido Solano-Pulido, Employee, is the Respondent and Gerald Builders of Conway,  
Inc., Employer, and South Carolina Uninsured Employers' Fund, Carrier, are the Respondents/  
Appellants.

**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,



Timothy B. Killen, Esq., SC Bar 0072501  
Holder Padgett Littlejohn + Prickett, LLC  
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Attorneys for UEF

January 3, 2019  
Mount Pleasant, SC

**SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION  
JUDICIAL CONFERENCE DECISION AND ORDER**

**Placido Solano-Pulido v Esteban Vera dba Estaban Constructions  
SCWCC: 1711399  
Commissioner: McCaskill**

This matter was heard before the South Carolina Workers' Compensation Full Commission in Judicial Conference on a Motion to Reinstate Appeal (Hanna). The Commissioners considered the matter and ordered the matter handled in the following manner:

**IT IS, THEREFORE, ORDERED** the pending appeal of the Administrative Order of the Commission is hereby;  
 Dismissed as Interlocutory.  Set for Oral Argument.

**IT IS, THEREFORE, ORDERED** the pending motion be, and hereby is;  
 Granted.  Denied.  Dismissed  Preserved for hearing

**BEFORE THE;**  
 Hearing Comm.  Jurisdictional Comm.  Full Commission.

**IT IS, THEREFORE, ORDERED** this matter be, and hereby is; remanded to take such action and enter an Order consistent with the Court's directive.

Remand to Panel as indicated below.  
 Barden  James  Taylor  
 Beck  Campbell  Wilkerson  
 McCaskill

Remand for Order consistent with the Order of the Court.  
 Remand to the Hearing Commissioner.  
 Remand to the Jurisdictional Commissioner.  
 Other: \_\_\_\_\_

Remand:  Panel Oral Argument.  En Banc Oral Argument.

**AND IT IS SO ORDERED.**

  
**T. Scott Beck, Chair  
For the Commission**

Columbia, South Carolina

11/26 2018

<b>CONCURRING:</b>	<b>NOT PARTICIPATING:</b>	<b>DISSENTING:</b>
Commissioner Susan S. Barden	_____	_____
Commissioner Melody James	_____	_____
Commissioner Aisha Taylor	_____	_____
Commissioner Avery Wilkerson	_____	_____
Commissioner Michael Campbell	_____	_____
Commissioner Gene McCaskill	_____x_____	_____

**CERTIFICATE OF SERVICE**

**THIS IS TO CERTIFY THE UNDERSIGNED HAS THIS DATE SERVED THIS ORDER IN THE ABOVE ENTITLED ACTION UPON ALL PARTIES ELECTRONICALLY OR BY DEPOSITING A COPY THEREOF, POSTAGE PAID, IN THE UNITED STATES MAIL**

This 26 day of November 2018.

By: Valerie D. Deller  
 SCWCC Judicial Department

**South Carolina Workers' Compensation Commission**

1333 Main Street, Suite 500  
P.O. BOX 1715  
Columbia, SC 29202-1715  
(803) 737-5723



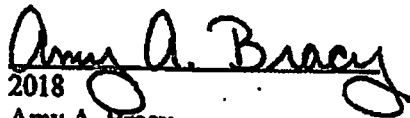
WCC File #: 1711399

Date of Injury: 06/05/2017

**ADMINISTRATIVE  
ORDER**

**PLACIDO SOLANO-PULIDO v. GERALD BUILDERS OF CONWAY et al**  
WCC File No: 1711399

The Request for Commission Reviews in the above captioned case are dismissed. The appellant briefs were not timely filed pursuant to R.67-705 H(3). The order is dismissing all three appeals pending appeals.

  
2018  
Amy A. Bracy  
Judicial Director

Date: October 29,

**CERTIFICATE OF SERVICE**

I hereby certify on October 29, 2018, I served this document on the parties listed below by electronic mail or depositing a copy hereof, postage prepaid, in the United States mail and addressed as follows:

Jonathan J. Shanks  
Jonathan J. Shanks. P.A.  
P O Box 14889  
Surfside Beach, SC 29587

Natasha M Hanna  
Law Office of Natasha M. Hanna, P.C.  
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Lisa C. Glover  
P.O. Box 210039  
COLUMBIA, SC 29221-0039

**By: Eugenia C. Hollmon, Judicial Department**

**Timothy B. Killen**

*Reply to: Charleston Office  
direct: 843.277.0826  
fax: 843.589.9000  
tkillen@hplplaw.com*

January 3, 2019

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

RE: Placido Solano-Publido, Employee, Gerald Builders of Conway, Inc., Employer, and South Carolina Uninsured Employers' Fund, Carrier,  
v.  
Esteban Vera Reyes d/b/a Esteban Construction, Employer, Appellant/Respondent,

Of which Placido Solano-Publido, Employee, is the Respondent and Gerald Builders of Conway, Inc., Employer, and South Carolina Uninsured Employers' Fund, Carrier, are the Respondents/ Appellants.

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

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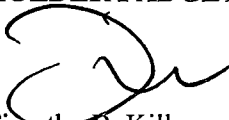
Dear Ms. Kitchings:

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 \$250.00 for the associated filing fee. By copy of this letter, I am serving all parties and the South Carolina Workers' Compensation Commission.

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

Respectfully,

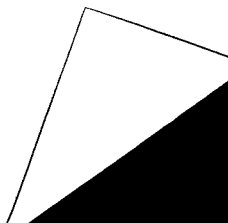
**HOLDER PADGETT LITTLEJOHN + PRICKETT**

  
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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Inc., Employer, and South Carolina Uninsured Employers' Fund, Carrier, are the Respondents/  
Appellants.

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**PROOF OF SERVICE**

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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 January 3, 2019, addressed as follows:

Jonathan J. Shanks, Esquire  
Jonathan J. Shanks, P.A.  
PO Box 14889  
Surfside Beach, SC 29587

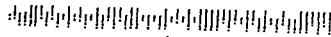
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Amy Bracy, Judicial Director  
SC Workers' Compensation Commission  
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Attorneys for UEF



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