

**BEFORE THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION  
WCC FILE NO. 1711399**

Placido Solano-Pulido, )  
 Employee, )  
 Claimant, )  
 vs. )  
 Esteban Vera d/b/a Esteban Construction and )  
 Gerald Builders of Conway, Inc., )  
 Employers, )  
 and )  
 South Carolina Workers' Compensation )  
 Uninsured Employers Fund, )  
 Defendants. )

**RECEIVED**  
 FEB 21 2019  
 SC Court of Appeals

**CONSENT ORDER**

This matter was head by Commissioner Gene McCaskill on August 7, 2018. Since that time, all three (3) defendants have filed appeals. However, the parties to this claim reached an agreement to resolve the outstanding issues in controversy and have requested the Commission to issue this Order memorializing the agreement. The parties have agreed as follows:

1. The Claimant suffered an injury by accident arising out of and within the course and scope of his employment on June 5, 2017.
2. The Claimant was the direct employee of Esteban Reyes Vera d/b/a Esteban Construction at the time of the accident and was working for him on June 5, 2017.
3. Esteban Reyes d/b/a Esteban Construction employed more than four employees and was subject to the South Carolina Workers' Compensation Act (the Act).
4. Esteban Reyes d/b/a Esteban Construction did not have workers' compensation insurance at the time of the accident.

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5. At the time of the accident on June 5, 2017, Esteban Reyes d/b/a Esteban Construction was operating as a subcontractor for Gerald Builders of Conway, Inc.

6. As such, the Claimant becomes a statutory employee of Gerald Builders of Conway.

7. Gerald Builders of Conway, Inc. did not have workers' compensation insurance at the time of the accident.

8. Claimant suffered a compensable work-related injury to his right leg on June 5, 2017.

9. Claimant is not entitled to an evaluation of his back, right shoulder, and right arm with a physician(s) of the Defendants' choosing who has or have an expertise to the back and/or to the upper extremity to determine if he suffered any causally-related injuries to those body parts in the work-related accident of June 5, 2017. The back, right shoulder, and right arm are not compensable body parts under the Act.

10. Claimant is entitled to payment for any past causally-related medical bills. If Claimant has made payment to the providers for those bills, Defendants shall issue payment to those providers and Claimant will be entitled to reimbursement from the providers.

11. Claimant is entitled to medical care and treatment to his right leg with a physician of the Defendants' choosing.

12. The Claimant is not at Maximum Medical Improvement (MMI).

13. The Claimant has an average weekly wage of \$950.00 and a corresponding compensation rate of \$633.37.

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14. Claimant is entitled to Temporary Total Disability (TTD) from the date of the accident to the present and continuing. The Defendants are entitled to a credit of \$2,100.00 toward TTD due.

15. Gerald Builders cannot transfer the claim to the UEF under § 42-1-415. Esteban Reyes and Gerald Builders are responsible for the medical care and treatment of the Claimant, as well as any compensation due the Claimant. If Esteban Reyes and Gerald Builders is/are unable or unwilling to pay this Award, the South Carolina Uninsured Employers' Fund is required to pay the same. The Fund will make payment with all rights of indemnification and reimbursement as prescribed by statute or otherwise. It is expressly understood by all parties that nothing contained in this Order, explicit or implied, shall limit any claim the South Carolina Uninsured Employers' Fund has against the Employers pursuant to § 42-7-200.

16. For benefits payable to Claimant, Gerald Builders is entitled to indemnity from Esteban Reyes under § 42-1-440.

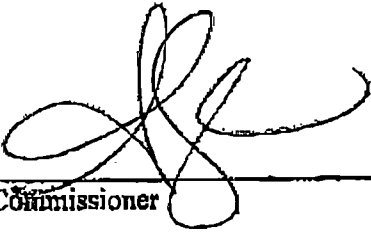
I find the agreement among the parties set forth above to be reasonable.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the above agreement among the parties be approved and adopted as an Order of the South Carolina Workers' Compensation Commission. This file shall be returned to General Files until a hearing request is made by any party through proper pleadings. All other issues will be held in abeyance and are reserved for agreement by the parties or determination by the Commission at a later time.

**AND IT IS SO ORDERED!**

South Carolina Workers'  
Compensation Commission


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By:   
Commissioner


Dated: 2/5/19  
Columbia, South Carolina

WE DO HEREBY CONSENT:


JONATHAN J. SHANKS, P.A.

  
Johnathan J. Shanks, Esquire  
Attorney for Claimant

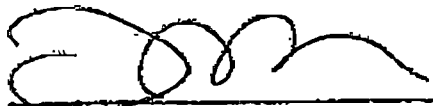
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Timothy B. Killen, Esquire  
Attorneys for UEF

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of this order in the above entitled action upon all parties to this case by sending an electronic copy hereof by electronic mail addressed to the attorneys for said parties; or if there is an unrepresented party(ies), by depositing a copy hereof, postage paid in the United States mail, first class, addressed to the unrepresented party(ies) and to the attorney(s) for the represented party(ies).

By Renee Smith on February 8, 2019