



The South Carolina Court of Appeals

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May 06, 2020

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Re: Veronica Rodriguez v. Peggy Evers
Appellate Case No. 2018-001111

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

V. Claire Allen

CLERK

cc: Amy Bracy

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Veronica Rodriguez, Employee, Respondent,

v.

Peggy Evers, Employer, and NorGuard Insurance
Company, Carrier, Appellants.

Appellate Case No. 2018-001111

Appeal From The Workers' Compensation Commission
T. Scott Beck, Commissioner

Unpublished Opinion No. 2020-UP-133
Submitted March 1, 2020 – Filed May 6, 2020

AFFIRMED

George D. Gallagher, of Speed, Seta, Martin, Trivett &
Stubley, LLC; and Kevin Desmond Maroney, of Rogers
Lewis Jackson Mann & Quinn, LLC, both of Columbia,
for Appellants.

Don C. Gibson, of Gibson Law Firm, LLC, of North
Charleston, for Respondent.

PER CURIAM: Peggy Evers and NorGuard Insurance Company appeal the
Worker's Compensation Commission's (the Commission's) dismissal of her appeal

from the single commissioner and denial of the motion to reinstate. On appeal, Appellants argue (1) the Commission's refusal to reinstate the appeal was arbitrary, (2) the Commission lacked the authority to deny the statutory right to an appellate panel review of the single commissioner's ruling, (3) the Commission's refusal to reinstate was an abuse of discretion, and (4) the Commission lacked the subject matter jurisdiction to award benefits to an independent contractor. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to Issues 1, 2, and 3: *Matute v. Palmetto Health Baptist*, 391 S.C. 291, 294, 705 S.E.2d 472, 474 (Ct. App. 2011) ("When reviewing an appeal from the Workers' Compensation Commission, this court may not weigh the evidence or substitute its judgment for that of the appellate panel as to the weight of evidence on questions of fact."); S.C. Code Ann. Regs. 67-704(D) (2012) ("The appellant [in cases in which the Commission has issued a Form 31] must file his or her brief according to . . . R.67-705 on or before the date stated on the Form 31."); S.C. Code Ann. Regs. 67-705(H)(3) (2012) ("If the appellant fails to file a brief within ten days of receipt of the Form 31, the [Commission] may remove the case from the review hearing docket by issuing an administrative order dismissing the appeal."); S.C. Code Ann. Regs. 67-705(H)(4) (2012) ("An appeal administratively dismissed by the [Commission] *may* be reinstated for good cause upon a motion to the Commission." (emphasis added)).

2. As to Issue 4: Because Issues 1, 2, and 3 are dispositive, we need not address the remaining argument. *See Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (declining to "address remaining issues when disposition of [a] prior issue is dispositive").

AFFIRMED.¹

LOCKEMY, C.J., and GEATHERS and HEWITT, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.