THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Jason Evans, Respondent,

v.

Dubard, Inc., and Selective Insurance Company, Appellants.

Appeal From Chesterfield County
Paul M. Burch, Circuit Court Judge

Unpublished Opinion No. 2009-UP-260
Submitted May 1, 2009 – Filed June 1, 2009

AFFIRMED

Michael W. Burkett, of Columbia, for Appellants.

William P. Hatfield, of Florence, for Respondent.

PER CURIAM: Jason Evans suffered two injuries to his right knee and was awarded workers' compensation benefits for both injuries. Dubard, Inc., and Selective Insurance Company appeal the award of benefits for the second injury, arguing the circuit court erred in finding the second injury was causally related to the first injury and in finding Evans had not reached maximum medical improvement (MMI) from the first injury when he suffered the second injury. We affirm**[1]** pursuant to Rule 220(b), SCACR, and the following authorities: S.C. Code Ann. § 1-23-380(5) (Supp. 2008) (prohibiting the court from "substitut[ing] its judgment for the judgment of the agency as to the weight of the evidence on questions of fact"); Baxter v. Martin Bros., Inc., 368 S.C. 510, 513, 630 S.E.2d 42, 43 (2006) (limiting appellate review of workers' compensation decisions to ascertaining "whether the circuit court properly determined whether the [A]ppellate [P]anel's findings of fact are supported by substantial evidence in the record and whether the [P]anel's decision is affected by an error of law"); Aristizabal v. I. J. Woodside-Div. of Dan River, Inc., 268 S.C. 366, 370, 234 S.E.2d 21, 23 (1977) (holding a causal relationship can be established if the injury and disability can be reasonably connected by the lay mind); S.C. Second Injury Fund v. Liberty Mut. Ins. Co., 353 S.C. 117, 122, 576 S.E.2d 199, 202 (Ct. App. 2003) ("'Substantial evidence' is evidence which, considering the entire

record, would allow reasonable minds to arrive at the same conclusion reached by the administrative agency."); Etheredge v. Monsanto Co., 349 S.C. 451, 454-55, 562 S.E.2d 679, 681 (Ct. App. 2002) (stating the Appellate Panel is the ultimate fact finder in workers' compensation cases, is not bound by the single commissioner's findings of fact, and makes the final determination of witness credibility and the weight to be accorded evidence); Nettles v. Spartanburg Sch. Dist. No. 7, 341 S.C. 580, 592, 535 S.E.2d 146, 152 (Ct. App. 2000) (holding when there is conflicting medical evidence, the findings of fact of the Appellate Panel are conclusive); Corbin v. Kohler Co., 351 S.C. 613, 618, 571 S.E.2d 92, 95 (Ct. App. 2002) (quoting Muir v. C.R. Bard, Inc., 336 S.C. 266, 282, 519 S.E.2d 583, 591 (Ct. App. 1999)) ("'[T]he possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency's findings from being supported by substantial evidence.'"); Mullinax v. Winn-Dixie Stores, Inc., 318 S.C. 431, 436, 458 S.E.2d 76, 79 (Ct. App. 1995) (citing Whitfield v. Daniel Constr. Co., 226 S.C. 37, 83 S.E.2d 460 (1954)) ("[N]atural consequences flowing from a compensable injury, absent an independent intervening cause, are compensable.").

We need not reach the issue of whether Evans had reached MMI from his first injury at the time of his second injury because Appellants concede MMI is not in dispute if this court affirms the circuit court on the issue of causation.

AFFIRMED.

HUFF, PIEPER, and GEATHERS, JJ., concur.

---

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