

**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**

Kimball Robinette, Appellant,

v.

Capita Employer Resources and Key Risk, Respondents.

Appellate Case No. 2011-198987

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Appeal From the Appellate Panel  
South Carolina Workers' Compensation Commission

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Unpublished Opinion No. 2012-UP-461  
Submitted July 2, 2012 – Filed July 25, 2012

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**AFFIRMED**

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David Vance Benson and Garrett B. Johnson, of Elrod  
Pope Law Firm, of Rock Hill, for Appellant.

David A. Wilson and Michael A. Farry, of Horton,  
Drawdy, Ward, Mullinax & Farry, PA, of Greenville, for  
Respondents.

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**PER CURIAM:** Kimball Robinette (Employee) appeals the order of the  
Appellate Panel of the South Carolina Workers' Compensation Commission (the  
Appellate Panel) denying his claim for workers' compensation benefits based on its

finding Employee's intoxication caused his injuries. On appeal, Employee argues the Appellate Panel improperly concluded Respondents established the defense of intoxication. Because we find substantial evidence exists to support the Appellate Panel's finding that Employee's intoxication caused his injuries, we affirm<sup>1</sup> pursuant to Rule 220(b), SCACR, and the following authorities: Lockridge v. Santens of Am., Inc., 344 S.C. 511, 515, 544 S.E.2d 842, 844 (Ct. App. 2001) ("The Administrative Procedures Act establishes the standard of review for decisions by the South Carolina Workers' Compensation Commission. Any review of the [Appellate Panel]'s factual findings is governed by the substantial evidence standard. . . . Substantial evidence is evidence that, in viewing the record as a whole, would allow reasonable minds to reach the same conclusion that the [Appellate Panel] reached." (internal citations omitted)); Hall v. Desert Aire, Inc., 376 S.C. 338, 347, 656 S.E.2d 753, 757 (Ct. App. 2007) ("It is not within the reviewing court's province to reverse findings of the Appellate Panel which are supported by substantial evidence."); id. at 348, 656 S.E.2d at 758 ("The possibility of drawing two inconsistent conclusions from the evidence does not prevent [the Appellate Panel]'s findings from being supported by substantial evidence."); id. ("Where there are conflicts in the evidence over a factual issue, the findings of the Appellate Panel are conclusive.").

**AFFIRMED.**

**FEW, C.J., and HUFF and SHORT, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.