

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

Robert L. Reibold, Administrative Law Judge

Docket No. 22-ALJ-22-0062-AP

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Appellate Case No. 2022-000653

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**RECEIVED**

JUL 05 2022

SC Court of Appeals

Jamie Hussett,

Appellant

v.

South Carolina Department of Employment and Workforce,

Respondent

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**MOTION TO DISMISS FOR LACK OF  
APPELLATE JURISDICTION**

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Respondent the South Carolina Department of Employment and Workforce (the Department) hereby respectfully moves this Court to dismiss Appellant's appeal because this Court lacks appellate jurisdiction due to Appellant's failure to timely file her appeal with this Court or to serve her Notice of Appeal on the Department or the Administrative Law Court (ALC) in this case within thirty (30) days of her receipt of the ALC Order of Dismissal. This motion is made on the following grounds.

## **I. Factual Background**

This case originated as an appeal to the Administrative Law Court (ALC) by Appellant from a decision by the Department's Appellate Panel (Panel) holding Appellant ineligible to receive Pandemic Unemployment Assistance (PUA) benefits. (Exhibit A). On March 24, 2022, Appellant contacted the ALC, provided her e-mail ("maidenjojo7@gmail.com") to the ALC, and requested the Court send her copies of all documents previously mailed out by the ALC related to the case. (Exhibit B). On April 4, 2022, the ALC issued an Order of Dismissal in this case, dismissing Appellant's appeal for lack of appellate jurisdiction. (Exhibit C). That same day, April 4, 2022, the ALC sent a copy of the Order of Dismissal to the Department via e-mail and also to Appellant via e-mail at "maidenjojo7@gmail.com." (Exhibit D). The Department received that e-mail the same day it was sent by the ALC. *Id.*

On May 16, 2022, the Department received a copy of a Notice of Appeal to this Court via postal mail from Appellant dated May 8, 2022. (Exhibit E). On May 17, 2022, the Department received a copy of a deficiency letter from this Court stating that Appellant's proof of service indicated an impossible date of service and instructing Appellant to file an amended proof of service. (Exhibit F). On June 2, 2022, the Department received an amended Proof of Service from Appellant which indicated Appellant had served the ALC and the Department with a copy of her Notice of Appeal by postal mail on May 10, 2022. (Exhibit G).

## **II. Deadlines for Filing and Service**

S.C. Code Ann § 1-23-610(A)(1) states:

For judicial review of a final decision of an administrative law judge, a notice of appeal by an aggrieved party must be served and filed with the court of appeals as provided in the South Carolina Appellate Court Rules in civil cases and served on the opposing party and the Administrative Law Court not more than thirty days after the party receives the final decision and order of the administrative law judge.

Similarly, Rule 203(b)(6), SCACR states:

**Appeals From Administrative Tribunals.** When a statute allows a decision of the administrative law court or agency (administrative tribunal) to be appealed directly to the Supreme Court or the Court of Appeals, the notice of appeal shall be served on the agency, the administrative law court (if it has been involved in the case) and all parties of record within thirty (30) days after receipt of the decision. If a timely petition for rehearing is filed with the administrative tribunal, the time to appeal for all parties shall be stayed and shall run from receipt of the decision granting or denying that motion. If a decision indicates that a more full and complete decision is to follow, a party need not appeal until receipt of the more complete decision.

Rule 203(d)(2)(B) states that “[t]he notice of appeal shall be filed with the clerk of the appellate court within the time required to serve the notice of appeal under Rule 203(b)(6)....” Per Rule 263(b), SCACR, the timelines for service may not be extended by the appellate court:

**Extending and Diminishing Time Prescribed by These Rules.** The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rule 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof. The time prescribed by these Rules for performing any act or taking any action may not be extended by agreement of the parties.

SCALC Rule 5 states, in part: “A party who furnishes an e-mail address to the Court consents to the service of documents issued by the Court via e-mail, and the date of the e-mail is the date of service.” S.C. Code Ann. § 26-6-150(B) provides:

(B) Unless otherwise agreed between a sender and the recipient, an electronic record is received when it:

(1) enters an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record; and

(2) is in a form capable of being processed by that system.

S.C. Code Ann. § 26-6-150(E) provides, “An electronic record is received pursuant to subsection (B) **even if an individual is not aware of its receipt.**” (emphasis added).

Appellant provided an e-mail address to the ALC on March 24, 2022. (Exhibit A). By doing so, Appellant consented to the service of documents issued by the ALC via e-mail. *See* SCALC Rule 5. The ALC issued its Order of Dismissal on April 4, 2022, and e-mailed that Order to Appellant on the same day. (Exhibits C and D). As a result, Appellant had thirty (30) days from her receipt of the ALC decision by e-mail on April 4, 2022, to properly file and serve the notice of appeal on the Department and the ALC. *See* § 1-23-610(A)(1); *see also* Rule 203(b)(6), SCACR; *see also* Rule 203(d)(2)(B). Thirty (30) days from April 4, 2022, would have been May 4, 2022. Appellant’s Notice of Appeal is dated May 8, 2022, and Appellant’s Proof of Service attests that Appellant served her Notice of Appeal on the ALC and the Department on May 10, 2022. (Exhibits E and G). Appellant’s Notice of Appeal was both filed and served after the statutory appeal period had ended.

This Court has previously declined to presume that the date an email was sent was the same date that an email was received. See *Lemmons v. Macedonia Water Works, Inc.*, 431 S.C. 186, 847 S.E.2d 471 (Ct. App. 2020). However, *Lemmons* is distinguishable in one critical way. In *Lemmons*, the circuit court issued a summary judgment order by e-mail which was later received by postal mail by the appellant in that case. *Id.* The appellant filed a Rule 59(e) motion within ten days of the order's receipt by postal mail but not within ten days of the court sending the email to appellant. *Id.* Crucially, respondent did not challenge the timeliness of the Rule 59(e) motion at the circuit court and no factual record was developed at the circuit court on that issue. *Id.* at 194, 847 S.E.2d at 476. Respondent then argued to this Court that the appellant's appeal from the court's summary judgment order was untimely because the untimely Rule 59(e) motion did not stay the time for serving the notice of appeal. *Id.* at 192, 847 S.E.2d at 475. This Court ruled:

Because Utility failed to present to the circuit court its argument that Customer's Rule 59(e) motion was late, the parties did not create a record establishing either the date that the circuit court's e-mail notice entered counsel's e-mail server or whether the e-mail notice was "in a form capable of being processed by" counsel's server. Therefore, we reject Utility's argument that Customer did not timely invoke this court's appellate jurisdiction.

*Id.* at 194, 847 S.E.2d at 476. In this case, Appellant's appeal was made directly to this Court without an intervening motion for rehearing or reconsideration. This motion is the first opportunity Respondent has had to argue Appellant received written notice of the ALC's decision on the same day a copy of that decision was sent to Appellant at the e-mail address she provided to the ALC for the receipt of correspondence. Therefore, the primary basis for the Court's ruling in *Lemmons* is not applicable to this case. This Court previously

noted that “[t]he question of whether the e-mail’s time-stamp can be presumed to be the date of a party’s receipt of the notice has not yet been addressed by our appellate courts” before declining to address the issue directly. *Id.* Given the rise in e-mail interactions between and among courts and parties, Respondent urges this Court to adopt such a presumption at this time, at least to the extent that it applies to situations such as this case where no factual record could have been developed prior to a motion to dismiss for lack of jurisdiction. However, even if this Court does not adopt such a presumption, the factual record contains sufficient information for this Court to find that Appellant did not file or serve her Notice of Appeal in a timely manner.

Even if Appellant did not receive the Court’s Order the same day it was sent, April 4, 2022, no reasonable person could believe that Appellant did not receive that e-mail in her “gmail.com” account before April 8, 2022, much less before April 10, 2022, where the Department received the e-mail on April 4, 2022. (Exhibit D). If Appellant received the e-mail either before April 8, 2022, or before April 10, 2022, Appellant’s filing or service or both were untimely and robbed this Court of appellate jurisdiction. It makes no difference if Appellant was aware of that e-mail or even whether she ever, to this day, physically accessed that Order through her e-mail account. *See* § 26-6-150(E) (“An electronic record is received pursuant to subsection (B) even if an individual is not aware of its receipt.”). This Court has sufficient evidence in the factual record on this issue based on the exhibits presented with this motion to find Appellant received the Order from the ALC before April 8, 2022, or, alternatively, before April 10, 2022. No reasonable person, in reviewing the available information, could find that Appellant received written notice of the ALC’s Order

on or after April 10, 2022. As a result, whether through a presumption as to the date of receipt or through a specific finding, this Court should conclude that Appellant's appeal was untimely filed and untimely served.

### **III. Timely Filing and Service as Jurisdictional Requirement**

“The Court of Appeals shall have such jurisdiction as the General Assembly shall prescribe by general law.” S.C. Const. art. V, § 9.

For judicial review of a final decision of an administrative law judge, a notice of appeal by an aggrieved party must be served and filed with the court of appeals as provided in the South Carolina Appellate Court Rules in civil cases and served on the opposing party and the Administrative Law Court not more than thirty (30) days after the party receives the final decision and order of the administrative law judge.

§ 1-23-610(A)(1). “[T]he question of compliance with rules, regulations, and statutes governing an appeal is one of appellate jurisdiction ....” *Allison v. W.L. Gore & Assoc.*, 394 S.C. 185, 188, 714 S.E.2d 547, 549 (2011). “[W]ithout a timely notice of appeal, the court would have no jurisdiction.” *Burnette v. S.C. State Highway Dep’t*, 252 S.C. 568, 571, 167 S.E.2d 571, 572 (1969). “Service of the notice of intent to appeal is a jurisdictional requirement, and this Court has no authority to extend or expand the time in which the notice of intent to appeal must be served.” *Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985); *see also Elam v. S.C. Dept. of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) (“The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to ‘rescue’ the delinquent party by extending or ignoring the deadline for service of the notice.”). “[T]he failure of a party to serve the notice of appeal

within thirty days after receiving written notice of the entry of the order divests this court of jurisdiction and requires the dismissal of the appeal.” *Wells Fargo Bank, N.A. v. Fallon Properties S.C., LLC*, 413 S.C. 642, 647, 776 S.E.2d 575, 578 (Ct.App.2015) (citing *Canal Insurance Co. v. Caldwell*, 338 S.C. 1, 5, 524 S.E.2d 416, 418 (Ct.App.1999)).

Appellant received written notice of the ALC’s Order by e-mail on April 4, 2022. (Exhibit D). Appellant attests she filed her Notice of Appeal from that Order on May 8, 2022. (Exhibit E). Appellant further attests she served the Department and the ALC with her Notice of Appeal in this case on May 10, 2022. (Exhibit G). Both Appellant’s filing and service were untimely. *See* § 1-23-610(A)(1) (“[N]otice of appeal by an aggrieved party must be served and filed with the court of appeals...and served on the opposing party and the Administrative Law Court not more than thirty days after the party receives the final decision and order of the administrative law judge.”). Because Appellant failed to timely file and serve her appeal, this Court lacks jurisdiction in this case and must dismiss. *See Wells Fargo*, 413 S.C. at 647, 776 S.E.2d at 578.

[Signature on Following Page]

Respectfully Submitted,



Benjamin T. Cook (Bar # 102216)

SC Department of Employment and Workforce

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July 1, 2022

**Attorney for Respondent**

**SC Dept. of Employment and Workforce**



South Carolina  
Department of Employment and Workforce



01/18/2022

JAMIE HUSSETT  
7749 Edmund Hwy  
Pelion SC 29123-9017

**NOTICE OF MAILING OF APPELLATE PANEL DECISION**

Attached is a copy of the final decision of SCDEW in this case. Any further appeal is to the South Carolina Administrative Law Court. To obtain judicial review of this decision, you must comply with the requirements of S.C. Code Ann. § 41-35-750 and the Rules of Procedure of the Administrative Law Court. The Court may require a filing fee.

The law requires that a Petition for Judicial Review must be filed with the Court and served on all parties and SCDEW within thirty (30) days from the mailing date of SCDEW's final decision (**see the mailing date above**).

The address of the Administrative Law Court is:

**S.C. Administrative Law Court  
Edgar A. Brown Building  
1205 Pendleton St., Ste. 224  
Columbia SC 29201**

Service of the Petition on SCDEW must be addressed and mailed to:

**Office of General Counsel  
S.C. Department of Employment and Workforce  
Post Office Box 8597  
Columbia SC 29202**

SCDEW cannot advise a party on any legal matter. For legal advice or assistance in filing an appeal to the Administrative Law Court, you should consult an attorney licensed to practice law in South Carolina.



South Carolina  
Department of Employment and Workforce

EXHIBIT A



20839434

**Office of Appellate Panel**

JAMIE HUSSETT )  
7749 EDMUND HWY )  
PELION SC 29123 )  
Claimant SSN: XXX-XX-0564  
Claimant ID: 4686883

**APPELLATE PANEL**  
**DECISION**

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Appellant: JAMIE HUSSETT

**Appeal Number:**21-HA-003870

**Appellant:** Claimant

The Claimant filed a claim for pandemic unemployment assistance (PUA) benefits effective May 9, 2021. The claims adjudicator's determination mailed June 7, 2021, held the Claimant ineligible for benefits effective May 9, 2021, upon finding she was not unemployed or partially unemployed as a direct result of the COVID-19 public health emergency. The Claimant appealed to the Appeal Tribunal. After an evidentiary hearing, the Appeal Tribunal affirmed the determination. The Claimant appealed the Appeal Tribunal decision on December 6, 2021 to the Appellate Panel.

The Appellate Panel issued this decision upon review of the record on appeal. We affirm the Appeal Tribunal decision. The Claimant is ineligible for PUA benefits effective May 9, 2021, upon finding she did not meet the eligibility requirements of the PUA program.

**BACKGROUND**

Department records show the Claimant is not monetarily qualified for a claim under the regular unemployment insurance (UI) program. The Claimant maintains she was self-employed cleaning out houses and clearing off debris in rental units and houses for two real estate agents in November and December 2019, and in 2020. She provided documentation of one transaction, where she was paid \$750.00, and she maintains there were two or three other transactions where she was paid in cash. She also sells scrap metal. The Claimant does not pay taxes on her earnings. She maintains she was in the process of obtaining a business license, and she asserts she secured a tax number. The Claimant notes she was hired by a restaurant, but when she went to orientation in February 2020, the manager told her they were closing the restaurant. The Claimant was in school, but she withdrew from school in March 2020, due to her health and personal issues. She was also going to take over a bar, but after the governor closed the bars down, she lost that opportunity. The Claimant did not provide documentation of

South Carolina  
Department of Employment and Workforce

any employment or transactions related to the restaurant or the bar. She contends the COVID-19 pandemic prevented her from working.

**FINDINGS**

Pursuant to the CARES Act Title II, Subtitle A. Section 2102, PUA payments are designed to provide assistance to the individual who is unemployed as a result of the COVID-19 pandemic and is not eligible for unemployment compensation but meets the PUA qualifying requirements.

An unemployed individual must meet one of the following criteria to receive PUA benefits: The individual has been diagnosed with COVID-19 or is experiencing symptoms of COVID-19 and is seeking a medical diagnosis; A member of the individual's household has been diagnosed with COVID-19; The individual is providing care for a family member or a member of the individual's household who has been diagnosed with COVID-19; A child or other person in the household for which the individual has primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID-19 public health emergency and such school or facility care is required for the individual to work; The individual is unable to reach the place of employment because of a quarantine imposed as a direct result of the COVID-19 public health emergency; The individual is unable to reach the place of employment because the individual has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; The individual was scheduled to commence employment and does not have a job or is unable to reach the job as a direct result of the COVID-19 public health emergency; The individual has become the breadwinner or major support for a household because the head of the household has died as a direct result of COVID-19; The individual has to quit his or his job as a direct result of COVID-19; or The individual's place of employment is closed as a direct result of the COVID-19 public health emergency.

The Claimant has described different ways in which she earns money in self-employment; however, she has not provided sufficient credible evidence to show she was unable to perform this work as a direct result of the COVID-19 public health emergency. She also did not provide sufficient credible evidence to show she was scheduled to commence employment and does not have a job because of the pandemic. Therefore, we find the Claimant ineligible for PUA benefits effective May 9, 2021.

In her appeal to the Appellate Panel, the Claimant requested to submit additional evidence pertaining to her eligibility for PUA. As a board of review, the Appellate Panel generally is confined to the record developed by the Appeal Tribunal and does not consider additional information which was not previously presented in the evidentiary hearing before the Tribunal. The Claimant's request is denied.

**DECISION**

The Appeal Tribunal decision mailed November 29, 2021, is affirmed. The Claimant is ineligible for PUA benefits effective May 9, 2021, upon finding she did not meet the eligibility requirements of the PUA program.

**SOUTH CAROLINA DEPARTMENT OF  
EMPLOYMENT AND WORKFORCE  
APPELLATE PANEL**



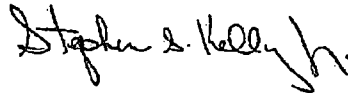
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E.B. AYERS



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TIM DANGERFIELD



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STEPHEN S. KELLY, JR.

Date Mailed: 01/18/2022

**Cook, Ben**

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**From:** James S. Harrison <jharrison@scalc.net>  
**Sent:** Thursday, March 24, 2022 4:54 PM  
**To:** maidenjojo7@gmail.com  
**Cc:** Cook, Ben; Legal  
**Subject:** Hussett v. S.C. Department of Employment and Workforce: 22-AJ-22-0062  
**Attachments:** NOA-220062.pdf

~~CAUTION: This email was sent from outside the agency, clicking on links could open malware websites~~

Good afternoon,

Ms. Jamie W. Hussett contacted the court today via phone, asking for copies of documents *that the Administrative Law Court has previously sent out in this matter*. Ms. Hussett asked that I email those documents to her at "maidenjojo7@gmail.com." Based on my review of the file, the only document that *the Administrative Law Court* has sent out was the Notice of Assignment, which I have attached to this email. I have also cc'ed Mr. Benjamin Thomas Cook, the attorney for DEW, and the legal email for DEW. As a reminder, I cannot provide any legal advice to anyone and am not allowed to have any ex parte communications. If there are any items that I can help with, I am glad to do so.

James Harrison

**James Smith Harrison, III**  
Law Clerk to the Honorable Robert L. Reibold  
The Administrative Law Court  
Edgar A. Brown Building  
1205 Pendelton St., Ste 224, Columbia, SC 29201  
(803) 734-6401  
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STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Jamie Hussett,	)	
	)	Docket No. 22-ALJ-22-0062-AP
Appellant,	)	
	)	
v.	)	
	)	<b>ORDER OF DISMISSAL</b>
South Carolina Department of	)	
Employment and Workforce,	)	
	)	
Respondent.	)	
_____	)	

**BACKGROUND**

This matter is before the South Carolina Administrative Law Court (the ALC or the Court) pursuant to an appeal filed by Jamie Hussett (Appellant), appealing a decision of the Appellate Panel of Respondent South Carolina Department of Employment and Workforce (the Department or DEW). The Department filed a motion to dismiss on March 11, 2022, seeking dismissal of this case because: (1) Appellant failed to timely file and serve the notice of appeal and (2) Appellant failed to serve the notice of the appeal upon the proper party at the Department. As of the date of this order, Appellant has failed to file a response to the Department's motion.

**DISCUSSION**

Generally, proceedings for review of an agency decision before the Administrative Law Court are initiated by "*servicing and filing* [a] notice of appeal as provided in the South Carolina Appellate Court Rules *within thirty days after the final decision of the agency.*" S.C. Code § 1-23-380(1) (Supp. 2021) (emphases added). With respect to appeals from DEW, section 41-35-750 of the South Carolina Code (2021) additionally provides the following:

*Within thirty days from the date of mailing the department's decision, a party to the proceeding whose benefit rights or whose employer account may be affected by the department's decision may initiate an action in the [ALC] against the department for the review of its decision, in which action every other party to the proceeding before the department must be made a defendant. In this action a petition, which need not be verified but which must state the grounds on which a review is sought, must be served on the executive director or on a person designated by the department within the time specified by this section.*



*Id.* (emphases added). Furthermore, SCALC Rule 30 states in relevant part: "In appeals from decisions of [DEW], the notice of appeal must be *filed and served within thirty (30) days of the date of the decision of the [DEW] Appellate Panel.*" *Id.* (emphasis added). In summary, a notice of appeal must be filed and served with the ALC and served on the Department within thirty (30) days of the date of the decision of the DEW Appellate Panel.<sup>1</sup>

The failure to timely serve a notice of appeal is jurisdictional. The South Carolina Supreme Court has explained that a court must dismiss an appeal when the appellant fails to serve a party with the notice of appeal in a timely manner. *See Elam v. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) ("The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice."); *Southbridge Props., Inc. v. Jones*, 292 S.C. 198, 198-99, 355 S.E.2d 535, 535 (1987) (applying the appellate court rules and dismissing case for failure to serve a notice of intent to appeal in a timely manner); *Mears v. Mears*, 287 S.C. 168, 169, 337 S.E. 2d 206, 207 (1985) (applying appellate court rules and finding lack of jurisdiction for failure to serve a notice of intent to appeal in a timely manner). "[A]n appellate body may not extend the time to appeal." *Allison v. W.L. Gore & Assocs.*, 394 S.C. 185, 189, 714 S.E.2d 547, 550 (2011).

Filing and service are defined by the rules of this Court. A document is deemed "filed" with the ALC by delivering the document to the Court or "by depositing the document in the U.S. mail, properly addressed to the Court, with sufficient first-class postage." SCALC Rule 4(B). A document is served when placed in the mail to a party's last known address. SCALC Rule 5. As these rules indicate—when, as here, a person chooses to file and serve by mail—the controlling date for both filing and service is the date on which the document is placed in the mail.

In this case, the Department mailed the appellate panel decision to Appellant on January 18, 2022. Appellant was accordingly required to file and serve the notice of appeal on or before

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<sup>1</sup> Had Appellant filed a motion to extend the time to file a notice of appeal, the Court could have granted Appellant additional time in which to file the appeal. *See generally* SCALC Rule 3(B) ("For good cause shown, the administrative law judge may extend or shorten the time to take any action, except as otherwise provided by rule or law."). No such motion was made, and in any event, such a motion would not have affected the independent deadline for *service* of the notice of appeal, which was not met in this case. As a result, the Court would lack jurisdiction over the appeal even if the filing deadline had been extended.

February 17, 2022. Appellant did not meet this deadline for filing or serving the notice of appeal. The Court records establish Appellant elected to mail the notice of appeal to the ALC; however, the envelope containing the notice of appeal was postmarked February 19, 2022. Documents submitted by the Department indicate the copy of the notice of appeal mailed to the Department by Appellant was also postmarked February 19, 2022. If the notice of appeal was placed in the mail on February 19, 2022, then it was both filed and served two days after the applicable deadline.

While a postmark is generally indicative of the day an item is placed in the mail, a postmark can sometimes reflect a date different than the date on which an item was placed in the mail. A piece of mail may be deposited into a United States mailbox after hours and not receive a postmark until the following day. Even if the Court were to give Appellant the benefit of the doubt and assume the notice of appeal was placed in a drop box after hours, the filing and service of the notice of appeal was still untimely. A February 19, 2022 postmark indicates Appellant deposited the notice of appeal in the mail no earlier than February 18, 2022. This conclusion is also consistent with other evidence; the notice of appeal itself is dated February 18, 2022, making February 18 the earliest date on which the document could have been placed in the mail.<sup>2</sup>

The Court therefore concludes Appellant served the notice of appeal too late, and as a result, the Court lacks jurisdiction over this appeal. The Court is aware the consequences of this decision appear harsh. However, applicable law compels the Court's decision. The Court cannot make an exception under these circumstances even though Appellant is a pro se litigant. "A pro se litigant who knowingly elects to represent himself [or herself] assumes full responsibility for complying with substantive and procedural requirements of the law." *State v. Policao*, 402 S.C. 547, 558, 741 S.E.2d 774, 779-80 (Ct. App. 2013) (quoting *State v. Burton*, 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9 n.5 (2003)). "Lack of familiarity with legal proceedings is unacceptable[,] and the court will not hold a layman to any lesser standard than is applied to an attorney." *Goodson v. Am. Bankers Ins. Co. of Fla.*, 295 S.C. 400, 403, 368 S.E.2d 687, 689 (Ct. App. 1988); *see also Elam*, 361 S.C. at 14-15, 602 S.E.2d at 775 (2004) ("The requirement of service of the notice of appeal

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<sup>2</sup> The Court notes the certificate of service completed by Appellant indicates the notice of appeal was placed in the mail on January 18, 2022, the same date on which the Department mailed its final decision to Appellant. This date is clearly erroneous. Appellant could not have appealed the Department's decision before she received it. Additionally, the postmark on the notice of appeal directed to the Court as well as the postmark on the copy of the notice served on the Department belies any purported January 18, 2022 date of service.

is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice.").

**IT IS THEREFORE ORDERED** that Respondent's motion to dismiss is **GRANTED** and this matter is **DISMISSED WITH PREJUDICE**.

**AND IT IS SO ORDERED.**<sup>3</sup>



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Robert L. Reibold  
Administrative Law Judge

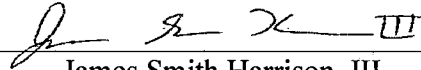
April 4, 2022  
Columbia, South Carolina

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<sup>3</sup> The Department also argues the Appeal should be dismissed because Appellant did not serve a copy of the notice of appeal upon the proper party at the Department. Specifically, the Department argues that the notice of appeal was mailed to the Department generally. I need not reach this argument because disposition of the prior issue is dispositive. *See Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (stating an appellate court need not review remaining issues when its determination of a prior issue is dispositive of the appeal).

CERTIFICATE OF SERVICE

I, James Smith Harrison, III, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).

A handwritten signature in black ink, appearing to read "J S H III", is written over a horizontal line.

James Smith Harrison, III  
Judicial Law Clerk

April 4, 2022  
Columbia, South Carolina

**Cook, Ben**

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**From:** James S. Harrison <jharrison@scalc.net>  
**Sent:** Monday, April 4, 2022 2:37 PM  
**To:** Cook, Ben; Legal; maidenjojo7@gmail.com  
**Subject:** Hussett v. SCDEW (22-ALJ-22-0062-AP): Order  
**Attachments:** 21A0062.Husset.OR.pdf

**CAUTION: This email was sent from outside the agency, clicking on links could open malicious websites.**

Good afternoon,

Please see the attached order for the aforementioned matter. A copy of the attached order will be placed in today's mail. You are hereby served.

Best,

James Harrison

**James Smith Harrison, III**

Law Clerk to the Honorable Robert L. Reibold  
The Administrative Law Court  
Edgar A. Brown Building  
1205 Pendelton St., Ste 224, Columbia, SC 29201  
(803) 734-6401  
[jharrison@scalc.net](mailto:jharrison@scalc.net)

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EXHIBIT E  
Rec'd  
5/11/22  
BC

**FORM 1  
NOTICE OF APPEAL IN A CIVIL CASE**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]**

**APPEAL FROM LEXINGTON COUNTY  
Court Of Appeals**

**George E. Brown, Circuit Court Judge**

**Case No; 22-ALJ-22-0062-AP**

**Honorable Judge Reibold  
S.C. Administrative Law Court  
Edgar A. Brown Building  
1205 Pendelton Street STE 224  
Columbia S.C. 29201**

**Respondent,**

v.

**Jamie W. Hussett**

**Appellant.**

**NOTICE OF APPEAL**

Jamie W. Hussett appeals the order [judgment] of the Honorable Judge Reinbold dated April 4<sup>th</sup> 2022. Appellant received written notice of entry of this order [judgment] on April 12<sup>th</sup> 2022.

~~May 3<sup>rd</sup>~~ 2022  
Jamie w Hussett  
7749 Edmund Hwy  
Pelion SC 29123

**OTHER COUNSEL OF  
RECORD :  
ATTORNEY OF  
RESPONDENT  
Mr. Benjamin T. Cook  
SC Department of  
Employment & workforce  
Office of General council  
P.O. Box 8597  
Columbia SC 29202**

*Jamie W. Hussett*  
May 8<sup>th</sup> 2022

**FORM 7  
PROOF OF SERVICE OF A NOTICE OF APPEAL**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]**

**APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas**

**George E. Brown, Circuit Court Judge**

Case No. 22-ALJ-22-0062

Honorable Judge Riebold  
Administrative Law Court  
1205 Pendelton st. Ste. 224 Columbia, SC 29201  
Respondent,  
&

Mr. Benjamin T. Cook  
SC dept. employment & workforce  
Office Of General Council  
P.O. Box 8597-Columbia, SC 29202  
Respondent,

Jamie W HUSSETT  
7749 Edmund Hwy  
Pelion SC 29123  
VS. Appealant,

**PROOF OF SERVICE**

I certify that I have served the Notice of Appeal on Honorable judge Riebold by depositing a copy of it in the United States Mail, postage prepaid, on April 8, 2022, addressed to, Administrative Law Court 1205 pendelton st. ste 224 Columbia, South Carolina 29201, as well as a copy mailed by us postal service to Mr. Benjamin T. Cook - The office of general council- SC Dept. of Employment & Workforce- PO Box 8597 Columbia, South Carolina 29202

*Jamie W Hussett*  
may 8th, 2022

5/8/2020

LYour Honor  
S,C, Court of Appeals

If I may address to court of a decision I received on may 12 .I ask the court if possible for a motion to stay. Prayfully my claim remanded back to SC Administrative Law Court The Honorable Judge Reinbold. Decided upon for lack of jurisdiction due to my untimely appeal. Your honor I am asking the court to Grant my reasons to my appeal as to show good cause . I ask you take my entire request Your Honor if I get off subject matter or if what I'm saying doesnt make too much sense I want to apologise I assure you it is of no wrong intent I truly am sorry if I do

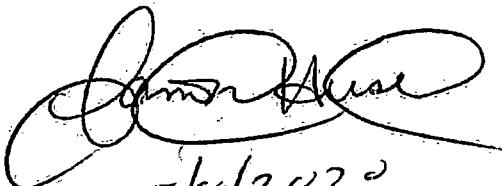
the different factors to the untimely as a whole if I may give detail to my claim my asking this would like to provide these said reasons . my appeal process over the past year have been very unnecessary pain to me the claimant by the sc employment and workforce I feel reverent to my request today. Hindering my claim pua benefits for 2 years now just 2020 I went to an attorney please see exhibit A1 letter of correspondence with attorney upon submission of my claim which was done by attorneys assistant Miss laken had process my application I'm sure was an honest mistake had put the wrong information. And upon becoming aware of this I have so far and sole possession of my unemployment claim and the portal through which I view it. And have indured so much bias us for the past year-and-a-half .for approximately eight months I went and tried to correct the claim and have it remanded and read review Reeve investigative spect binding with unwavering attempts to correct my claim buy multiple phone contacts with a request for supervisors portable produce documentation play facts by email by calls in the legislative offices so many ways I tried to correct the wrong that was done by the attorney I had hired and still isn't done. And even that even now they say my claim is closed I still received by us when calling calling to the employment office. . Buy them telling me each time I call to explain explain to them what happened with my claim the person I spoke with would say I'm approved I should get my all of my money only to get a letter in the mail saying differently. Requesting to speak with a supervisor on numerous occasions never to receive a phone call most recently upon my decision from the tribunal appeal I sent in a uphill request to go and ask to go before the administrative law court . My main point of contact with the employment office trying to keep in close contact with them because of the error in my application and my trying to correct it intended to call to do so in January I was having problems logging into my email to retrieve verification codes from the unemployment office so I called you an employment office and ask them to update or chain and or change my email the first lady I spoke with told me that she would have to put in for a request to change my information and it takes anywhere from 5 to 10 business days for them to do so I called back week later I called back because it wasn't it was still the same I swear I explained to the second person on the phone about my situation with my email and that the lady I had spoke with prior submitting hey email request change the lady says she's never heard of it before but she did look into notes that were put in my claim for when I had called the week before they said yes she seen the lady had so many of the document said I would have to wait for that view through processing wait later I called again the third lady give me a website to go on where I can change my email upon logging into that email she provided the subject matter in the whole conversation through the out the email was pertaining to fraud and the chargers and consequences go committing such fraud. Strong again been treated very

unfairly I refrain from calling back until about 4 weeks ago I called about changing my email again the lady I could hear typing in the background within ten seconds told me she had changed it everything was fine after you login now every attempt that I tried to do to do right by my claim I received by us confusion but yet no response within a week or two of me I'm trying to possession of my portal from the attorney I wasn't able to do weekly certifications which was required by law for a person to be able to sub certified I was locked out of the certification the only option I had was to file a new claim let me getting my email address corrected that was my way of knowing firsthand the status of my claim first handy decisions or any appeal court dates for anything that might be have needed when I wasn't able to login I wasn't able to retrieve anything and I have become very discouraged hopelessness but like I was fighting a losing battle because every attempt to open soon thereafter shut my goal is to be able to log into my portal was my to being prepared and aware of my claim. And not being able to log into my portal and being prepared and aware my claim

when the attorney first filed my claim my address was 7749 Edmund highway which is my deceased mother my childhood home, upon the filing of my claim I was a victim of domestic violence please see exhibit (A2) copy of a incident report Having to relocate would fear of my abuser I kept my physical address private it was a very violent man bama relocating in my address mailing address be in two different addresses it put me back for 27 days and the knowledge of my unemployment claim that was not been able to log into my portal I'm still having problems. I received the decision from the board of reviews appellate panel approximately 7 days after the decision was made. Very discouraged and hopeless thinking I was fighting a losing battle knowing full well in my heart of hearts that I very well qualified for pua benefits I sent the Court's decisions soon attorney hello my disability claim a few years back to see if he could take my unemployment a week after I sent them to mr. Hope Garner Garner holler Corbett law on bull Street in Columbia South Carolina informed me that I do qualify for pua but by it being so late into the appeal process he will need \$1,800 to take the claim I stated before I'm in poverty level with my disability insurance that's why I was on the back to work back to ticket to work program with social security when the pandemic hit I have no funds to pay for an attorney ,my son passed July 1st last year at the young age of 31 Exhibit (A3) which was and as the most aganizing I ever endured in my life. and by why not put the relationship in the past and her resentment I wasn't allowed to see my son in the hospital wasn't allowed to make decision regarding his life support was allowed to make decisions and those two are allowed to tell him bye no funds to lay him to rest his precious soul lay in the funeral home for 6 weeks show informathad no funds to bury my son all the while his precious soul layed in the funeral home for 6 weeks before having to make the decision to cremate him. Exhibit (A4) your honor I like to present to the court for the copy of a CAT scan results of a brain tumor white matter disease as well as TIA mini strokes) as well as a mental illness that results of my disability as well as Exhibit( A5) a positive covid test / Exhibit (A6) proof of past infection all of which I have traumatically impacted and affected my way of life my ability to do day-to-day tasks confusion memory my cognitive thinking is lacking there of I'm suffering from brain falls due to the covid-19 past infection I got last year which is the result of the TIA as well I have the inability to process stress , the brain tumor I have is a spinal tumor which makes it very painful and difficult to walk sometimes impossible I have congestive heart failure and since covid high very high blood pressure on top of those strokes they say they're mini strokes but they cause

me to be confused speech slurs thinking for 48 hours after my brain gets overloaded when I attempt to think plan and put into action anything with my putting together my claim becomes too much I have to walk away from it only to not remember what I need to do or how to prepare remember what I've already done to put it together not a good way for nobody to help that's for sure and it's only been worse since my son passed July and after my covid infection my having to do day to day task most days I can't manage and my doctor's as well as my insurance company are concerned attempting home health services for me I've managed fine for 2 years at the learning of the brain center but by me getting covid and my son passing has been paralyzing to me I cannot function properly I can't make decision planning I really try and I'm surely not proud of it. I don't have any cancel or anyone to help me to intervene with me on this situation your recently I've learned. Of something that I don't feel is very fair I feel like it is wrong and I don't know who to turn to for the situation that I recently discovered like I said it before but my being able to log into my portal I had knowledge and awareness of my claim as soon as it became available by my not having that ability hindered me. Upon my login into my portal I could open documents that was submitted that day and view them the last knowledge of my checking those documents I acknowledged there were 13 letters from the South Carolina department of employment that I have read many many times making sure that I didn't overlook anything in the portal we have a choice of how we would like to correspond with the employment office under my profile from the beginning even to now I requested to receive it in the mail upon my opening my portal this week and noticing that I have 51 unread letters 51 total in our unread I called the unemployment office ask the gentleman about it and he said he didn't understand it either that he was going to send it upstairs and I said I don't know but I believe I have screenshots where I will head over and let him know that was never thought that was not passed 13 and I asked a gentleman I said do you see where I had requested how to correspond with you and he said yes I said what it what was my request at the beginning he said mail I said correct so these 51 letters that were mailed do you have receipt of these 51 letters y'all mailed to me he said no I don't or no we do I said okay so some kind of be hard for me to fight this on this computer but the computer won't lie if it's done right those were not in my portal this whole time and I will said they are now and I believe it's because but not certain that it has to do with my filing a complaint regarding my equal rights were violated with the employment office and me filing a complaint about it with the civil Rights division ,,but someone or somehow has changed my whole portal last week 51 letters submitted and each one of those letters that are listed are marked unread and prior letters are no more also when I looked at the other documents and other activities done it shows that I have multiple weeks where I certified multiple times but I was locked out and wasn't able to certify but now my portal says I did also when I appealed the decision that was first made I appealed the decision based on the decision being made solely on the misinformation that the attorney submitted upon calling the unemployment office they say the determination was made that I didn't make enough work history that was my first response the next day I called they told me because I failed to submit documentation I never received neither one of those letters I didn't know that my claim happens we've submitted a review if that was the case why am I am I still appealing the one appeal which was based solely on the decision that was made on the misinformation that they're trying to submit it why am I still fighting that appeal when it was about that can we decide if we're going back to the same process of the tribunal they're feeling it and so far but I'm not I didn't get

that either if a new decision was made by the adjudicator that means resubmitted which means a new appeal why am I is same claim appeal I'm desperately attempting to seek council . For help in my appeal I don't understand how there's so much bias and confusion. I'm not a lawyer and not very well educated in the law and beat by me not having the mine function 2% requester argue I don't know where to turn but I'm praying that you will remember request back to the judge for him to decide my case and justified me decision repeat appreciate your time in this matter I found you pray I pray you find flavored with me I didn't do anything with bad enchant I did it all with good intent I give you veracity today veracity is my most valued treasure even though I was brought up in a unstable poverty home my mother raised me to always tell the truth my mother stood strong on it she told me once you can ask a person a question one day and then turn around and ask the same person the same question the following week and a liar won't remember what they told you to wait before what does a lie don't know alive but the truth you will never forget it'll always set you free no matter what and I stand strong with that cuz I don't have my word I'm nothing thank you Sean I seek truth and right and everything I do I don't have bad for nothing or nobody and I don't know why the bad has come to me in the motion for dismissal for lack of jurisdiction their employment attorney has stated that I put the wrong address on the envelope I want to apologize to the courts for that as well I do not recall getting a letter explain to me how I was to address the administrative law court or the other council. I didn't know how to file the appeal I had two in fact call them are straight of law courts several times to get instructions or information from Ms Janice shealy at the clerk of courts office had to keep going back multiple times because I kept forgetting and not comprehending which forms I was supposed to submit she then told me that I had to also send a copy of all of this to the employer I had informed Ms Shealy it wasn't an employer it was with the unemployment office she told me that I had to submit a letter with. duplicitous to the unemployment office too. With that knowledge that was where I've submitted the duplicate documents I honestly feel I did not receive the information part of the decision for further appeal I have no bad intent everything I've said and presenting this claim is true and I pray that it sets me free thank you so much for time in this matter your Honor I am so forever grateful. Even me trying to create this request hoping is making sense trying to remember plan it's been very very difficult and very time consuming for me I beome overwhelmed and panic and become with fear because I have no one to intervene for me  
God bless so respectfully yours Jamie Hussett



5/8/2020

June 24, 2021

Good afternoon,

This is a message from Berlie R. Oswald Stimulus Aid regarding your unemployment PUA account. As of last month, Governor Henry McMaster publicly announced that all PUA-related payments will end as of Sunday, June 27th. Because of this news, our PUA office will be permanently closing the following week. For future reference, you may need your unemployment PUA account if you ever need to file for unemployment in the future. To keep your information protected and safe, we ask that you reply to this email or call our office to retrieve your information. If you are still unemployed at this time, you can continue to file for yourself and receive UI benefits, but you will no longer be able to certify your weeks to receive PUA. Thank you for working with us and we appreciate your patience through this process!

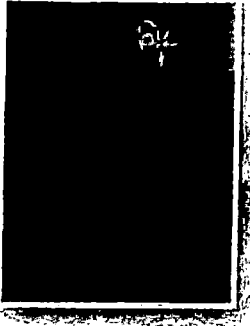
Best Regards,

Berlie R. Oswald Stimulus Team

Our office phone number: 803-796-7260

Our office email: [oswaldstimulusaid@gmail.com](mailto:oswaldstimulusaid@gmail.com)





## James Thomas Pruitt

June 16, 1990 - July 01, 2021

Mr. James Thomas Pruitt, 31, entered into rest on Thursday, July 1, 2021. James is the husband of Shirley Mae Anderson Pruitt. They have been married for ten years. He is the father of James Thomas Pruitt, Jr. and Leslie Karen Pruitt. James is the son of Gerald William Pruitt and Samantha Charlene Douglas. He is the brother of Tiffany Nicole Pruitt. He is the son-in-law of Robin and Ronald Anderson, Sr. James is the Grandson of Elizabeth Douglas and the late Tommy Douglas. He is the brother-in-law of Ronald "Ronnie" Anderson, III, Estella Rose Moss, Mark Harbert, and Donald "Donnie" Anderson and his wife Brittney. James is the uncle of Aiden Adam Thomas Self, Landon Boozer, Clyde Anderson, Donovan Anderson, Anthony Robert Harbert, Shawn Thomas Moss, Jr., and Mary Kate Harbert. His is the nephew of Jerry Douglas, Stephen Douglas, Gregg Douglas, Kim Atkins, and Karen Moss. He has many cousins. James loved his family. He enjoyed walking in the wilderness. A time of visitation is being planned by the family and will be updated when finalized.



Palmetto Imaging  
Downtown | ImageCare | Imo | West Columbia  
Palmetto-Imaging.com

Palmetto Imaging - West Columbia  
2997 Sunset Boulevard  
West Columbia, SC 29169  
p: 803.256.7646 | f: 803.936.9202

**PATIENT NAME:** Hussett, Jamie W.  
**DOB:** 12/15/1968  
**MRN:** 08-1435391  
**PHONE:** 803-394-4402  
**PHYSICIAN:** Chelsie L Ingram, PA  
**EXAM DATE:** 04/26/2022

**EXAM:** CT-Head or Brain with and without contrast

**REASON FOR EXAM:** R51.9 - Headache, unspecified

**ADDITIONAL HISTORY:**

**TECHNIQUE:** Axial scans were performed through the by a prior to and following IV administration of 100 mL of Isovue-370.

CTDIvolume (mGy): 41.1 x 2

Total Exam DLP (mGy-cm): 1480

All CT scans performed at Palmetto Imaging use dose modulation reconstruction and/or weight-based dosing when appropriate to reduce radiation as reasonably achievable.

**COMPARISON:** None.

**FINDINGS:**

The study demonstrates no distinct acute findings of the posterior fossa, brain stem or supratentorial structures and no intracranial hemorrhage, mass effect, hydrocephalus or extra-axial fluid collection.

Just above the right sylvian fissure is a lobulated calcific appearing extra-axial mass measuring 2.3 x 2.5 x 1.2 cm. A variation of a calcified meningioma is favored. This can be this lesion is stable since comparison of 12/01/2020 and does not likely contribute to patient's loss of taste or smell.

The olfactory fossae appear clear with a Keros type 3 cribriform plate suggested on the left.

The deep central and periventricular white matter show mild confluent hypoattenuation. Changes of chronic small vessel ischemia could be present here. There is otherwise no distinct findings to account for loss of taste or smell.

The hippocampi demonstrate normal subjective volume and there is no distinct feature of any particular

Radiology

PAGE 1 of 2

**PATIENT NAME: Hussett, Jamie W.**  
**DOB: 12/15/1968**  
**EXAM: CT-Head or Brain with and without contrast**  
**EXAM DATE: 04/26/2022**

neurodegenerative disorder or strategic infarct.

The calvarium is somewhat misshapen. No acute or aggressive bony abnormalities are noted. A mucous retention cyst of the right maxillary sinus is present. Dental caries are noted and a couple of maxillary molars. The paranasal sinuses otherwise clear. Visualized portion of the orbits, face, upper aerodigestive tract and skull base otherwise show no distinct abnormality.

Postcontrast images again show the vertebral basilar dolichoectasia and no other distinct arterial or venous abnormality or abnormal enhancement of the brain parenchymal or meningeal structures.

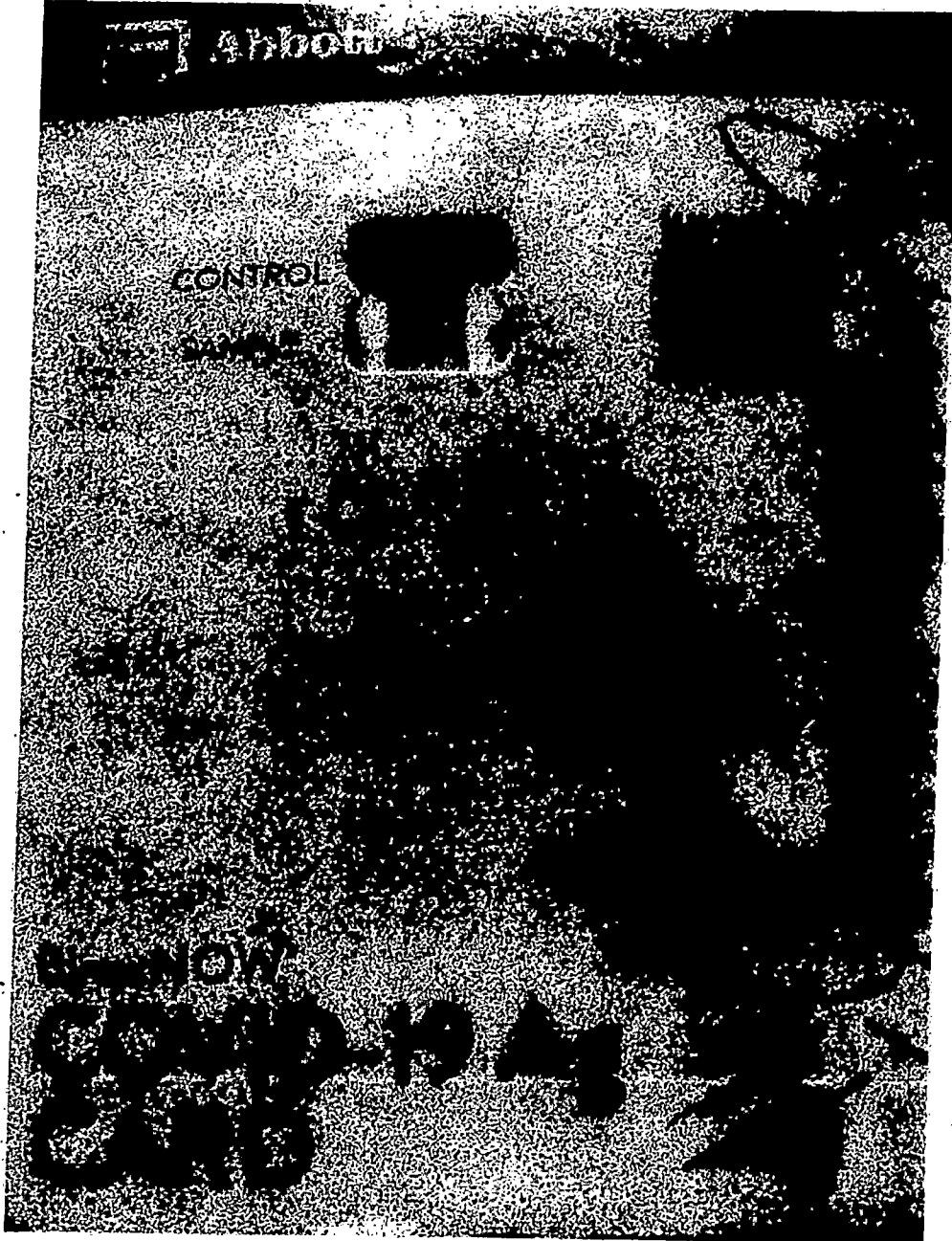
**CONCLUSION:**

1. Right frontal temporal lobe calcified meningioma is again noted.
  2. Otherwise, no distinct findings to account for headache, memory loss or texture smell disturbance.
- This group of symptoms can be a consequence of COVID-19.

*** THIS IS AN ELECTRONICALLY VERIFIED REPORT ***
4/27/2022 10:33 AM: Zachary M Kilpatrick, MD

Zachary M Kilpatrick, MD  
803-727-5450

ZMK/zmk  
DD: 04/27/2022 10:26 am  
DT: 04/27/2022 10:33 am  
Accession #: 08-4435646



## SARS-COV-2 ANTIBODIES (COVID-19), IGG - Details

### Study Result

#### Narrative

This test has been authorized by FDA under an Emergency Use Authorization (EUA) for use by authorized laboratories.

Results from antibody testing should not be used as a sole basis to diagnose or exclude SARS-CoV-2 infection or to inform infection status.

Positive results may take 14 days or more after exposure or vaccination.

Negative results do not rule out SARS-CoV-2 infection, particularly in those who may have been in recent contact with the virus. Follow-up testing with a molecular diagnostic/PCR should be considered to rule out infection in these individuals. Positive results may also be seen post-vaccination. Please correlate with clinical history.

A reactive test does not exclude past or present infection by other coronaviruses such as SARS-CoV-1, MERS-CoV, HKU1, 229E, NL63, or OC43, especially regarding low positive values.

This test is not intended for screening of donated blood.

For additional information, please visit the IDSA website:

<https://www.idsociety.org/globalassets/idsa/public-health/covid-19/idsa-covid-19-antibody-testing-primer.pdf>

For additional information, please visit the IDSA website:

<https://www.idsociety.org/globalassets/idsa/practice-guidelines/covid-19/serology/idsa-covid-19-gl-serology-v1.0.pdf>

As of October 4, 2021, the measuring interval has been updated to an index of 100.

### Component Results

Component	Your Value	Standard Range	Flag
SARS-COV-2 IgG Antibody (COVID-19)	Your Value 7.0 Index	Standard Range Index	

See Narrative

IgG Ranges: <1.0 = Nonreactive

>=1.0 = Reactive

### General Information

Ordered by Dunn, J. Robert, MD

Collected on 12/14/2021 3:06 PM (BLOOD)

Resulted on 12/15/2021 1:38 PM

Result Status: Final result

This test result has been released by an automatic process.

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Jamie Hussett, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 South Carolina Department of )  
 Employment and Workforce, )  
 )  
 Respondent. )

Docket No. 22-ALJ-22-0062-AP

ORDER OF DISMISSAL

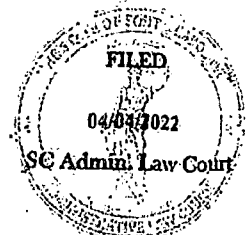
BACKGROUND

This matter is before the South Carolina Administrative Law Court (the ALC or the Court) pursuant to an appeal filed by Jamie Hussett (Appellant), appealing a decision of the Appellate Panel of Respondent South Carolina Department of Employment and Workforce (the Department or DEW). The Department filed a motion to dismiss on March 11, 2022, seeking dismissal of this case because: (1) Appellant failed to timely file and serve the notice of appeal and (2) Appellant failed to serve the notice of the appeal upon the proper party at the Department. As of the date of this order, Appellant has failed to file a response to the Department's motion.

DISCUSSION

Generally, proceedings for review of an agency decision before the Administrative Law Court are initiated by "serving and filing [a] notice of appeal as provided in the South Carolina Appellate Court Rules within thirty days after the final decision of the agency." S.C. Code § 1-23-380(1) (Supp. 2021) (emphases added). With respect to appeals from DEW, section 41-35-750 of the South Carolina Code (2021) additionally provides the following:

*Within thirty days from the date of mailing the department's decision, a party to the proceeding whose benefit rights or whose employer account may be affected by the department's decision may initiate an action in the [ALC] against the department for the review of its decision, in which action every other party to the proceeding before the department must be made a defendant. In this action a petition, which need not be verified but which must state the grounds on which a review is sought, must be served on the executive director or on a person designated by the department within the time specified by this section.*



*Id.* (emphases added). Furthermore, SCALC Rule 30 states in relevant part: "In appeals from decisions of [DEW], the notice of appeal must be filed and served within thirty (30) days of the date of the decision of the [DEW] Appellate Panel." *Id.* (emphasis added). In summary, a notice of appeal must be filed and served with the ALC and served on the Department within thirty (30) days of the date of the decision of the DEW Appellate Panel.<sup>1</sup>

The failure to timely serve a notice of appeal is jurisdictional. The South Carolina Supreme Court has explained that a court must dismiss an appeal when the appellant fails to serve a party with the notice of appeal in a timely manner. See *Elam v. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) ("The requirement of service of the notice of appeal is jurisdictional, i.e., if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice,"); *Southbridge Props., Inc. v. Jones*, 292 S.C. 198, 198-99, 355 S.E.2d 535, 535 (1987) (applying the appellate court rules and dismissing case for failure to serve a notice of intent to appeal in a timely manner); *Mears v. Mears*, 287 S.C. 168, 169, 337 S.E. 2d 206, 207 (1985) (applying appellate court rules and finding lack of jurisdiction for failure to serve a notice of intent to appeal in a timely manner). "[A]n appellate body may not extend the time to appeal." *Allison v. W.L. Gore & Assocs.*, 394 S.C. 185, 189, 714 S.E.2d 547, 550 (2011).

Filing and service are defined by the rules of this Court. A document is deemed "filed" with the ALC by delivering the document to the Court or "by depositing the document in the U.S. mail, properly addressed to the Court, with sufficient first-class postage." SCALC Rule 4(B). A document is served when placed in the mail to a party's last known address. SCALC Rule 5. As these rules indicate—when, as here, a person chooses to file and serve by mail—the controlling date for both filing and service is the date on which the document is placed in the mail.

In this case, the Department mailed the appellate panel decision to Appellant on January 18, 2022. Appellant was accordingly required to file and serve the notice of appeal on or before

<sup>1</sup> Had Appellant filed a motion to extend the time to file a notice of appeal, the Court could have granted Appellant additional time in which to file the appeal. See generally SCALC Rule 3(B) ("For good cause shown, the administrative law judge may extend or shorten the time to take any action, except as otherwise provided by rule or law."). No such motion was made, and in any event, such a motion would not have affected the independent deadline for service of the notice of appeal, which was not met in this case. As a result, the Court would lack jurisdiction over the appeal even if the filing deadline had been extended.

February 17, 2022. Appellant did not meet this deadline for filing or serving the notice of appeal. The Court records establish Appellant elected to mail the notice of appeal to the ALC; however, the envelope containing the notice of appeal was postmarked February 19, 2022. Documents submitted by the Department indicate the copy of the notice of appeal mailed to the Department by Appellant was also postmarked February 19, 2022. If the notice of appeal was placed in the mail on February 19, 2022, then it was both filed and served two days after the applicable deadline.

While a postmark is generally indicative of the day an item is placed in the mail, a postmark can sometimes reflect a date different than the date on which an item was placed in the mail. A piece of mail may be deposited into a United States mailbox after hours and not receive a postmark until the following day. Even if the Court were to give Appellant the benefit of the doubt and assume the notice of appeal was placed in a drop box after hours, the filing and service of the notice of appeal was still untimely. A February 19, 2022 postmark indicates Appellant deposited the notice of appeal in the mail no earlier than February 18, 2022. This conclusion is also consistent with other evidence; the notice of appeal itself is dated February 18, 2022, making February 18 the earliest date on which the document could have been placed in the mail.<sup>2</sup>

The Court therefore concludes Appellant served the notice of appeal too late, and as a result, the Court lacks jurisdiction over this appeal. The Court is aware the consequences of this decision appear harsh. However, applicable law compels the Court's decision. The Court cannot make an exception under these circumstances even though Appellant is a pro se litigant. "A pro se litigant who knowingly elects to represent himself [or herself] assumes full responsibility for complying with substantive and procedural requirements of the law." *State v. Policao*, 402 S.C. 547, 558, 741 S.E.2d 774, 779-80 (Ct. App. 2013) (quoting *State v. Burton*, 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9 n.5 (2003)). "Lack of familiarity with legal proceedings is unacceptable[-] and the court will not hold a layman to any lesser standard than is applied to an attorney." *Goodson v. Am. Bankers Ins. Co. of Fla.*, 295 S.C. 400, 403, 368 S.E.2d 687, 689 (Ct. App. 1988); see also *Elam*, 361 S.C. at 14-15, 602 S.E.2d at 775 (2004) ("The requirement of service of the notice of appeal

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<sup>2</sup> The Court notes the certificate of service completed by Appellant indicates the notice of appeal was placed in the mail on January 18, 2022, the same date on which the Department mailed its final decision to Appellant. This date is clearly erroneous. Appellant could not have appealed the Department's decision before she received it. Additionally, the postmark on the notice of appeal directed to the Court as well as the postmark on the copy of the notice served on the Department belies any purported January 18, 2022 date of service.

is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice.").

**IT IS THEREFORE ORDERED** that Respondent's motion to dismiss is **GRANTED** and this matter is **DISMISSED WITH PREJUDICE**.

**AND IT IS SO ORDERED.**<sup>3</sup>



---

ROBERT L. REIBOLD  
Administrative Law Judge

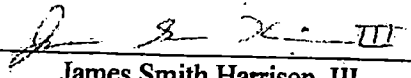
April 4, 2022  
Columbia, South Carolina

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<sup>3</sup> The Department also argues the Appeal should be dismissed because Appellant did not serve a copy of the notice of appeal upon the proper party at the Department. Specifically, the Department argues that the notice of appeal was mailed to the Department's office. I need not reach this argument because disposition of the prior issue is dispositive. See *Pugh v McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 518 S.E.2d 591, 598 (1999) (stating an appellate court need not review remaining issues when its determination of a prior issue is dispositive of the appeal).

CERTIFICATE OF SERVICE

I, James Smith Harrison, III, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).



---

James Smith Harrison, III  
Judicial Law Clerk

April 4, 2022  
Columbia, South Carolina

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Jamie Hussett, )  
Appellant, )  
vs. )  
South Carolina Department of )  
Employment and Workforce, )  
Respondent (s). )

Docket Number: 22-ALJ-22-0062

PROOF OF SERVICE

I hereby certify that I have served the Motion to Dismiss for Lack of Jurisdiction in the above-captioned matter by depositing it in the United States Mail, postage prepaid, on March 11, 2022 to the below named parties at their addresses of record:

Jamie Hussett  
7749 Edmund Hwy  
Pelion SC 29123

March 11, 2022



Kristi Chesley  
Legal Assistant to Benjamin Cook  
SC Department of Employment and Workforce  
Post Office Box 8597  
Columbia, SC 29202  
803.737.0395 (phone)  
803.737.0124 (fax)  
legal@dew.sc.gov

**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

Jamie Hussett, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 South Carolina Department of )  
 Employment and Workforce, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

Docket No. 22-ALJ-22-0062-AP

**MOTION TO DISMISS  
FOR  
LACK OF JURISDICTION**

Respondent, South Carolina Department of Employment and Workforce (the Department), through its undersigned attorney, respectfully moves this Court to dismiss Appellant Jamie Hussett's appeal, which seeks judicial review of a final decision of the Department, for lack of jurisdiction. This Motion is made on the following grounds:

**LACK OF JURISDICTION**  
***Appellant Failed to Timely File and  
Failed to Timely and Properly Serve Appeal on Respondent***

This is an action seeking judicial review by the Administrative Law Court (ALC) of a final Department decision on a claim for unemployment insurance (UI) benefits, and is governed by S.C. Code Ann. § 41-35-750 and S.C. Code Ann. § 1-23-380. For the Court to review this appeal, its appellate jurisdiction must be properly invoked.

S. C. Code Ann. § 41-35-750 requires that an appeal requesting judicial review must be filed in the ALC and must be served on the Department within thirty (30) days of the date of mailing of the final decision of the Department and such a petition for judicial review must be served on "the executive director or on a person designated by the

department.” S.C. Code Ann. § 1-23-380 permits a party to institute proceedings for review before the ALC by “serving and filing notice of appeal as provided in the South Carolina Appellate Court Rules within thirty days after the final decision of the agency....” Rule 262(c), SCACR states, “Whenever under these Rules service is required or permitted to be made upon a party represented by an attorney the service shall be made upon the attorney unless service upon the party is ordered by the appellate court.” Rule 262(c) further states that service shall be made by personal delivery, electronic means authorized by the Supreme Court, or by “[d]epositing a copy in the U.S. mail, properly addressed to the person at that person’s last known address...” Further, SCALC Rule 33 also requires that a notice of appeal must be filed with the Court and served on the agency whose final decision is the subject of the appeal within thirty (30) days of the date of mailing of the decision of the Department. SCALC Rule 5 states, “Service shall be made upon counsel if the party is represented.... Service shall be made by delivery, by mail to the last known address, or as otherwise approved by the Court through administrative order.”

The Department mailed its final decision in this matter to Appellant on January 18, 2022. (*Exhibit A*). The Panel’s decision included a “Notice of Mailing of Appellate Panel Decision,” which explicitly informed Appellant “the law requires that a Petition for Judicial Review must be filed with the Court and served on all parties and SCDEW within thirty (30) days from the mailing date of SCDEW’s final decision.” *Id.* The “Notice of Mailing of Appellate Panel Decision” solely designated the Department’s attorneys at the Office of General Counsel as the proper recipient of service for any Petition for Judicial Review in

this case at the address:

**Office of General Counsel  
S.C. Department of Employment and Workforce  
Post Office Box 8597  
Columbia SC 29202**

*Id.* (emphasis in original).

Pursuant to S.C. Code Ann. § 41-35-750 and SCALC Rule 33, Appellant's deadline to file an appeal with the Court and to serve the appeal upon the Department was February 17, 2022. The Court's Notice of Assignment for this case, issued on February 24, 2022, does not contain the specific filing date of Appellant's appeal to this Court; however, Appellant's Notice of Appeal is dated February 18, 2022, and therefore, was presumably filed with the Court untimely on or after February 18, 2022. (*Exhibit B*). Additionally, the envelope containing a copy of the Notice of Appeal that was mailed to the Department is postmarked February 19, 2022. (*Exhibit C*). The envelope is addressed to:

SC Employment and Workforce  
1550 Gadsden Street  
Columbia SC 29201

*Id.* The envelope is not addressed to the Department's Office of General Counsel and has not otherwise been properly served upon the Department's attorneys as required by this Court's rules and the South Carolina Appellate Court Rules. *Id.*; *see also* Rule 262(c), SCACR; *see also* SCALC Rule 5. The date listed on the Proof of Service included with Appellant's Notice of Appeal is January 18, 2022, the same day the Panel initially mailed its decision in this case. (*Exhibit D*). That listed date is manifestly inaccurate and cannot support any contention Appellant timely filed or served a Notice of Appeal in this Case;

however, it seems likely, given the handwritten date on Appellant's Notice of Appeal, that Appellant intended to indicate a date of service of February 18, 2022, which, as previously stated, would have been untimely. (*Exhibit B*). Based on the information available to the Department, the Department believes and asserts that Appellant filed a Notice of Appeal with the Court after the mandatory appeal deadline of February 17, 2022, had expired. Further, Appellant manifestly served her Notice of Appeal to the wrong address after the mandatory appeal deadline of February 17, 2022, had expired. (*Exhibit C*).

"The question of compliance with rules, regulations, and statutes governing an appeal is one of appellate jurisdiction." *Allison v. W.L. Gore & Assoc.*, 394 S.C. 185, 188, 714 S.E.2d 547, 549 (2011). Consequently, the timely filing and service of the notice of appeal are jurisdictional requirements under S.C. Code Ann. § 41-35-750, and the Court has no authority to extend the time in which the notice of appeal must be served. *See generally Elam v. Dep't of Trans.*, 361 S.C. 9, 15, 602 S.E.2d 772, 775 (2004) ("The requirement of service of the notice of appeal is jurisdictional, i.e., if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice."); *Southbridge Props., Inc. v. Jones*, 292 S.C. 198, 355 S.E.2d 535 (1987) (finding the court must dismiss an appeal when the appellant fails to file an appeal or serve a party with the notice of appeal in a timely manner); *see also Burnette v. S.C. State Highway Dep't*, 252 S.C. 568, 167 S.E.2d 571 (1969) (holding a court does not have authority to extend the time for filing appeal, or serving notice of appeal).

While the Department recognizes that Appellant is proceeding *pro se*, a *pro se*

litigant is responsible “for complying with substantive and procedural requirements of the law.” *State v. Burton*, 356 S.C. 259, 265, 589 S.E.2d 6, 9 (2003); *State v. Policao*, 402 S.C. 547, 558, 741 S.E.2d 774, 779-80 (Ct. App. 2013). Further, ALC Rule 8(A) states that “[a] party proceeding without legal representation shall remain fully responsible for compliance with these Rules and the Administrative Procedures Act.”

Absent the timely filing and timely service of the notice of appeal by Appellant to a proper recipient of service for the Department, this Court lacks jurisdiction to consider the appeal, and should dismiss this case. Therefore, the Department respectfully moves this Court to dismiss Appellant’s appeal with prejudice for lack of jurisdiction. The Department also requests the Court to hold all further time requirements in the Notice of Assignment in abeyance pending resolution of this Motion.

Respectfully Submitted,



Benjamin T. Cook (SC Bar No. 102216)  
SC Department of Employment & Workforce  
Office of General Counsel  
Post Office Box 8597  
Columbia, South Carolina 29202  
(803) 737-0395 (phone)  
(803) 737-0124 (fax)  
legal@dew.sc.gov

*Attorney for Respondent*  
*SC Department of Employment and Workforce*

March 11, 2022.

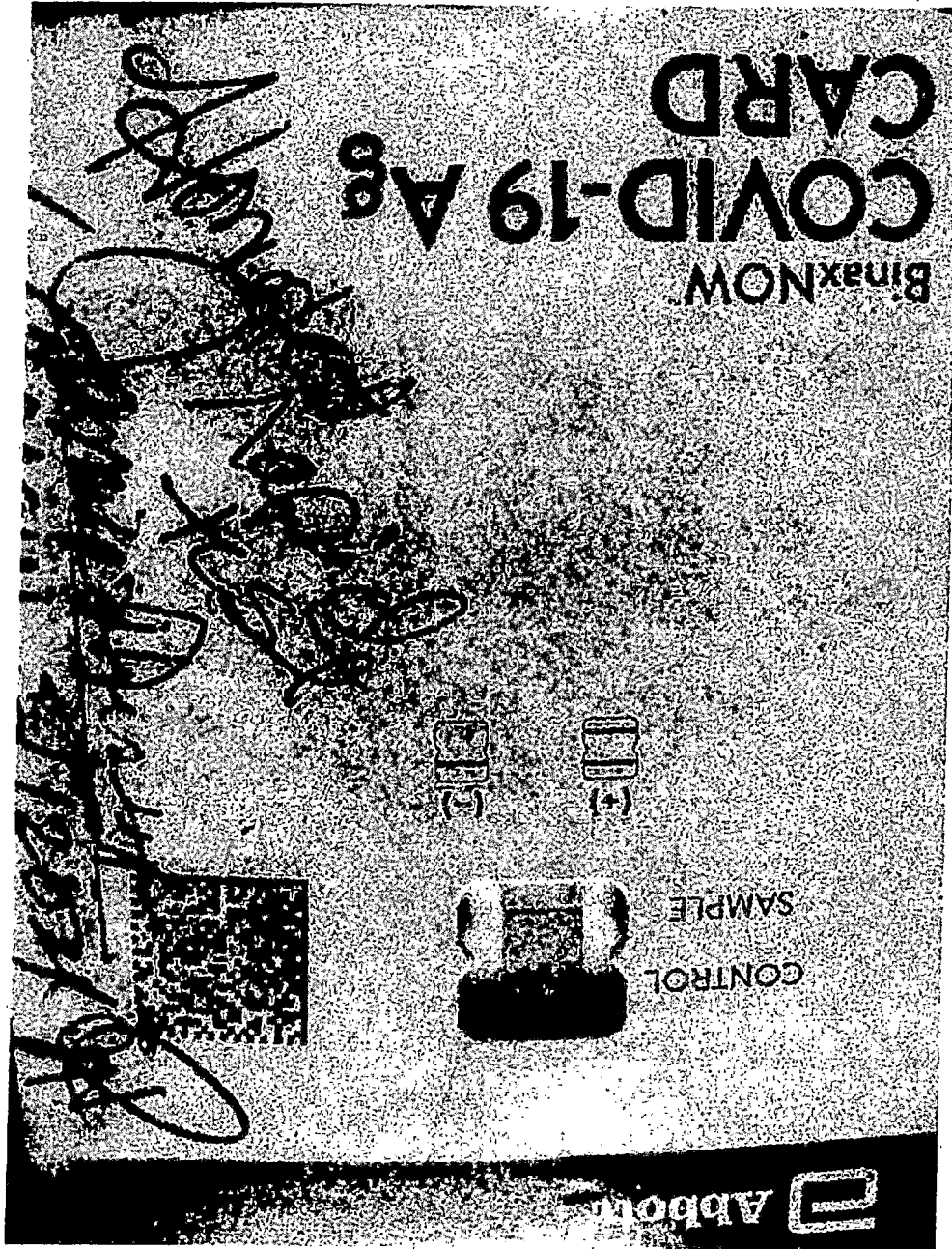


EXHIBIT E  
EXHIBIT C

From: Jamie W Husselt  
7749 Edmund Hwy  
Pelton SC 29123  
10880 Gadsden



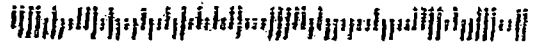
US POSTAGE PAID  
PERMIT NO. 3  
PELTON SC  
POSTAGE AMOUNT  
**\$0.78**  
R2305K141785-D1

To: St. Employment & Workforce  
1550 Gadsden Street  
Columbia SC  
29201

**ReadyPost.**

Document Mailer

2920182713 0049



STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Jamie w Hussett

Appellant/Petitioner,

VS.

S.C. Department of Employment and Workforce

Respondent.

Docket No. -ALI-

**PROOF OF SERVICE**

I hereby certify that I have served the Appeal request  
(Description of the document) in the above-captioned matter by depositing it in the  
United State Mail, postage prepaid, on 18th, January 2022 (Month/Day/Year) to the  
below named parties at their address of record:

S.C Department of Employment and Workforce

Name  
1550 Gadsden Street  
Address  
Columbia SC 29201  
City/State/Zip

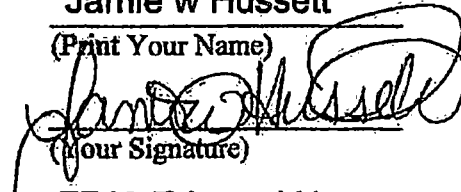
Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City/State/Zip

Name  
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Address  
\_\_\_\_\_  
City/State/Zip

Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City/State/Zip

Jamie w Hussett

(Print Your Name)



(Your Signature)

7749 Edmund Hwy

(Street)

Pelion SC 29123

(City, State, Zip Code)

Rec'd  
2/22  
pm  
2/19

Jamie w Hussett  
7748 Edmund highway  
pelion, SC 29123  
(803)317-5192

Administrative law court 1205 Pendleton Street  
Suite 224  
Columbia S.C 29201

Dear Judge,

My name is Jamie Hussett,  
Claimant I.D. 4686883

If I may possibly have a moment of your time please and thank you ma'am/Sir.  
I'm writing today requesting an appeal to a letter I received January 22nd ,2022 of the decision made June,7th 2021 of my unemployment claim.

In May of 2020 I went to an attorney Billy Oswald for assistance with filing my unemployment claim. I filled out the form at the lawyer's office and spoke with Billy Oswald briefly he, informed me that I needed a copy of my social security card and he could file the claim 7 weeks later's I went to MrOswalds office to take the social security card everyone was out to lunch so I left a copy with the secretary. Billy Oswald's assistants her name was Laken. Laken was whom filed the claim upon speaking with Mr. Oswald I had told him of my trying to build my new business trying to seek employment trying to go back to school trying to receive training and I went to vocational rehabilitation center to see if they could help me get back into school to do computer programming , I wanted to start a business as well building websites . I never spoke with no one only Mr Oswald , when his assistant filed my claim she put in the system on my claim that I had worked for voc rehab as a computer programmer.when in fact I asked voc rehab for helping my returning to school for a trade computer programming didn't become aware of how she filed the claim "a total error "of no fault of my own .until I received a denial letter from the unemployment office , I became aware of the incorrect information in my claim and the decision was made based on the misinformation. I made numerous phone calls at least 50 phone calls to unemployment office trying to correct the information asking that they redo my claim rereview/ reprocess my claim .I've called requesting to speak with a supervisor not once did I get a return phone call my whole fight my whole battle has been to correct the information on the claim

"All are equal  
Not all are treated equal"

To determine what was needed ,when Ms Laken initially put in my claim approx 2 weeks later Ms Laken needed proof of wages, I gave to her three different proof of wages forms a copy of a positive covid test as well as a copy of a police report as my being a victim of domestic violence

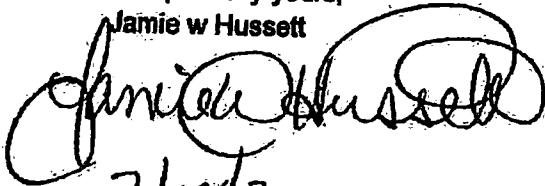
EXHIBIT E  
EXHIBIT B

I informed Ms. Laken that I would have additional documents the following day she told me what I gave her was plenty. With that being said I did not know what she actually submitted if not all of the forms I gave her ...when I became aware of the incorrect filing of my claim I continued to call to try to find out what was needed what was turned in could somebody please hear my plea, could they give me that equal opportunity to be decided I fought with unwavering attempts to speak to someone to find out what was submitted what was needed have to correct it. I wasn't given that equal right I couldn't get no answers couldn't get my claim corrected couldn't get it reheard remanded I was asking to challenge the court and with not knowing what was already submitted what needed to be submitted I submitted additional documents I thought would help my claim I was never asked for any additional documentation yet all the while I am submitting wage proof and statements asking if anything was needed I would submit additional documents I was never given that opportunity to prayerfully have my claim reprocessed but I was never given that opportunity I never got that equal right my whole initial decision for the for my appeal was that the decision was made based on the misinformation presented by my attorney, they never made a rereview and /or decision based on the information that I presented to be correct I was denied any opportunity, never corrected the information in the system it's still the same so when I went to my appeal that was what my fight was if they'd correct and possibly vacate and remand it but I never got that opportunity that equal rights. I wrote several statements and turned in multiple pieces of information and in each of one of my statements that I wrote to them I stated in all statement that if there was any information needed whatsoever to please let me know that I would be more than willing to submit it that I was not aware of what I needed to submit but if they needed any information or any documents to please let me know. When I went to my appeal the appellate panel asked me why I didn't turn in the letter stating that I was hired at IHOP I was not aware my attorney failed to submit it as well as it was never requested I said I could provide it it but she said no it's too late what I'm trying to understand is they never corrected the claim never rereviewed and reddecided which in turn never requested any information yet it's too late I don't understand how it was too late when it was never corrected to the right way I feel so wrongly done sir I wouldn't be writing you this if I felt like it was done right rightfully I could accept a denial based on the correct information but it's hard to take a denial based on the misinformation knowing very well that I was and I am eligible for my unemployment sir. We were all affected by covid I was attempting to start a business before covid pandemic hit I was seeking ways to build it and make it more better and more stronger more stable I was seeking training with vocational rehabilitation trying to get go to school Midlands tech I went and got a job from IHOP as a rehire but they shut the doors down permanently due to covid no I was attempting to take over a business to a friend of mine's but it was shut down due to covid ordered by Gov. Henry McMaster all non-essential businesses close due to covid which in turn forced the business to permanently closed I as well contracted the covid delta variant. I sent in proof (please note that the statements I submitted explaining my situation and letting unemployment aware that if any further documents was needed to please let me know and submitted into my unemployment portal starting shortly after the initial denial decision I was fully willing and prepared to present any requested documents) they asked of me I was never asked to present anything sir was just trying to correct the wrong information and get a right and fair hearing on my case to have it vacated and remanded that's what I've asked to be treated equal as well as I stated in each of the

EXHIBIT E  
EXHIBIT B

statements that I sent to the unemployment office that if they needed anything any document anything they never requested nothing sir I've pleaded with them to correct my information in the in the computer and they never did so I didn't know what I was going up against when I went to the appeal to knowledge by them the correct information. And make a right and just decision based on the correct information sir I'm asking you today to review my whole case and to please give me that opportunity it's very hard to accept the denial based on the misinformation presented by the attorney. I was asking to challenge the panel vacate and or remand if you could do that for me sir give me that opportunity I would be so grateful and if a decision of denied is made based on that information I would respectfully accept it sir . Sir I have pleaded and begged for the unemployment office to correct it and reevaluate my claim and I can not get any one to give me that opportunity Sir I pray you will today sir thank you for your time in this matter God bless!

Respectfully yours,  
Jamie w Hussett

  
2/18/22

**Request for Waiver and Affidavit**  
**SC Administrative Law Court**  
**1205 Pendleton St., Suite 224, Columbia, SC 29201**

Jamie w hussett

Name of Requestor

7749 Edmund hwy

Address

803)3175192

Home Phone

Office or Cell Phone

Pelion

City

S C. 29123

State

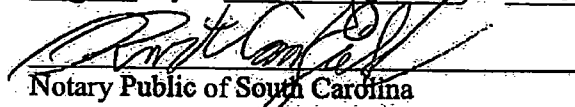
Zip

I, Jamie w Hussett (your name), being duly sworn, state that I am requesting a hearing before the Administrative Law Court and that as shown on the attached **Financial Statement**, I do not have the funds available to pay the costs of filing this action. Therefore, I request that the filing fee associated with this action be waived.

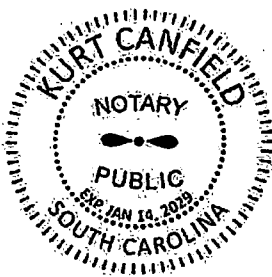
  
Signature of Requestor

Sworn to before me this

10<sup>th</sup> day of May, 20 20

  
Notary Public of South Carolina

My Commissions expires: Jan 14, 2021



*The section below to be completed by the Court*

**ORDER by the Court:**

\_\_\_\_\_ Fee Waived (The action will be processed and assigned to a Judge.)

\_\_\_\_\_ Waiver Denied (The filing fee must be paid within 10 days of the receipt of this order.)

\_\_\_\_\_  
Ralph K. Anderson, III  
Chief Judge

\_\_\_\_\_  
Date

Instructions - If you believe you are financially unable to pay the required filing fee in order to file a case with the Administrative Law Court, you will need to complete the Request for Waiver and Affidavit form and the Financial Statement form. (See ALC Rule 71). These forms must be completed in their entirety and must be signed by you and notarized by a Notary Public of South Carolina. The completed forms should be mailed to the Administrative Law Court at the address on the top of the forms, along with all of your documentation for filing your case. The Chief Judge will review your forms, and at his discretion, will either grant or deny your request to waive the filing fee. You will be notified in writing of his decision. If you have any questions regarding these forms, you may contact the Clerk's Office at (803) 734-0550.

**Social Security Administration**  
**Retirement, Survivors and Disability Insurance**  
Important Information

Office of Central Operations  
1500 Woodlawn Drive  
Baltimore, Maryland 21241-1500  
Date: March 23, 2022  
BNC#: 22T2962K05370-HA



0001097 00043364 1 MB 0.485 0316M1T2R7PN T171 P21



JAMIE W HUSSETT  
7749 EDMUND HWY  
PELION SC 29123-9017

We are writing to you about your Social Security benefits.

**What You Should Know**

As you requested on or about March 16, 2022 we changed your direct deposit information. We will send your Social Security payments to the new financial institution or account you selected.

You should keep the old account open until we send a payment to the new account. It usually takes us 1 to 2 months to change where we send payments.

Please let us know right away if your address changes so we can send any future letters to your new address. Also let us know if you change the bank account where we send your payments.

**What We Will Pay And When**

We pay Social Security benefits for a given month in the next month. For example, Social Security benefits for March are paid in April.

- You will receive \$898.00 for March 2022 around April 1, 2022.
- After that you will receive \$898.00 on or about the third of each month.





## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

May 17, 2022

Jamie Hussett  
7749 Edmund Hwy  
Pelion SC 29123


Re: Jamie Hussett v. SCDEW  
Appellate Case No. 2022-000653

Dear Ms. Hussett:

Upon reviewing your notice of appeal, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The accompanying proof of service indicates the date of service of the notice of appeal was April 3, 2022. The order on appeal was filed April 4, 2022. You will need to file an amended proof of service with the correct date of service.

Very truly yours,

  
CLERK

cc: Benjamin Thomas Cook, Esquire

EXHIBIT G  
Rec'd  
6/2  
BC

**FORM 7**  
**PROOF OF SERVICE OF A NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

George E. Brown, Circuit Court Judge

Case No. 2022-000653

Honorable Judge Riebold  
SC Administrative Law Court  
1205 Pendelton Street  
Columbia, SC 29201

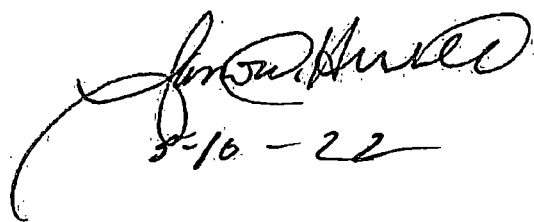
&

SC Employment Workforce

C/O Mr. Benjamin T Cook  
PO Box 8597  
Columbia SC 29202

**PROOF OF SERVICE**

I Jamie W Hussett certify that I have served the Notice of Appeal on The Honorable Judge Riebold /SC Administrative Law Court by depositing a copy of it in the United States Mail, postage prepaid, on May 10, 2022, as well as a copy mailed to SC Employment workforce General Council Mr. Benjamin T. Cook attorney of record, Post Office Box 8597, Columbia, South Carolina 29202 [by personally US MAIL a copy of it to his attorney of record

  
5-10-22

**FORM 1  
NOTICE OF APPEAL IN A CIVIL CASE**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

---

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

George E. Brown, Circuit Court Judge

---

Case No. 2022-000653

---

Honorable Judge Riebold  
SC Administrative Law Court  
1205 Pendelton Street  
Columbia SC 29201

Respondent,

&

SC Employment workforce

Respondant,.

---

**NOTICE OF APPEAL**

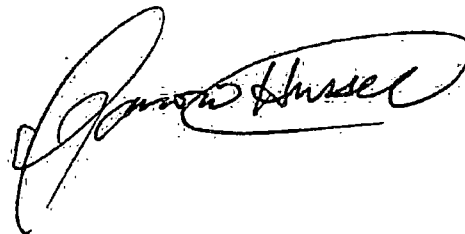
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Jamie W Hussett appeals the order [judgment] of the Honorable Judge Riebold dated April 4, 2022. Appellant received written notice of entry of this order [judgment] on April 12, 2022.

May 10<sup>th</sup> 2022

Jamie W Hussett

Other Counsel of Record:  
Mr. Benjamin T Cook  
PO Box 8597  
Columbia SC 29202  
RESPONDENT



**Request for Waiver and Affidavit  
SC Administrative Law Court  
1205 Pendleton St., Suite 224, Columbia, SC 29201**

<u>Jamie W Hussett</u>		<u>7749 Edmund Hwy</u>	
Name of Requestor		Address	
<u>803-317-5192</u>		<u>Pelion</u>	<u>SC 29123</u>
Home Phone	Office or Cell Phone	City	State Zip

I, Jamie W Hussett (your name), being duly sworn, state that I am requesting a hearing before the Administrative Law Court and that as shown on the **attached Financial Statement**, I do not have the funds available to pay the costs of filing this action. Therefore, I request that the filing fee associated with this action be waived.

\_\_\_\_\_  
Signature of Requestor

Sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Notary Public of South Carolina

My Commissions expires: \_\_\_\_\_

*The section below to be completed by the Court*

ORDER by the Court:

\_\_\_\_\_ Fee Waived (The action will be processed and assigned to a Judge.)

\_\_\_\_\_ Waiver Denied (The filing fee must be paid within 10 days of the receipt of this order.)

\_\_\_\_\_  
Ralph K. Anderson, III  
Chief Judge

\_\_\_\_\_  
Date

Instructions - If you believe you are financially unable to pay the required filing fee in order to file a case with the Administrative Law Court, you will need to complete the Request for Waiver and Affidavit form and the Financial Statement form. (See ALC Rule 71). These forms must be completed in their entirety and must be signed by you and notarized by a Notary Public of South Carolina. The completed forms should be mailed to the Administrative Law Court at the address on the top of the forms, along with all of your documentation for filing your case. The Chief Judge will review your forms, and at his discretion, will either grant or deny your request to waive the filing fee. You will be notified in writing of his decision. If you have any questions regarding these forms, you may contact the Clerk's Office at (803) 734-0550.

**FORM 7  
PROOF OF SERVICE OF A MOTION TO  
STAY AND MOTION TO PROCEED**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

George E. Brown, Circuit Court Judge

Case No. 2022-000653

Honorable Judge Riebold  
SC Administrative Law Court  
1205 Pendelton Street  
Columbia SC 29201

&

SC Employment Workforce  
C/O General Council  
Mr. Benjamin T Cook  
PO Box 8597  
Columbia SC 29202,

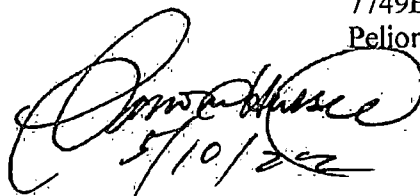
Respondent.

**PROOF OF SERVICE**

I Jamie W Hussett certify that I have served the Notice of request of waiver /Motion to stay and to proceed on Honorable Judge Riebold by depositing a copy of it in the United States Mail, postage prepaid, on May 10, 2022, addressed to the SC Administrative Law Court at 1205 Pendelton Street Columbia SC 29201 AS WELL AS A COPY MAILED TO SC Employment Workforce attorney of record, Mr. Benjamin T Cook Post Office Box 8597, Columbia, South Carolina 29202 [by mailing US MAIL a copy of it to his attorney of record, on May 10, 2022].

May 10, 2022

Jamie W Hussett  
7749 Edmund H  
Pelion SC 29123



THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE  
ADMINISTRATIVE LAW COURT  
Robert L. Reibold Administrative Law Judge  
Case No.: 22-ALJ-22-0062-AP

**RECEIVED**

JUL 05 2022

SC Court of Appeals

Appellate Case No. 2022-000653

Jamie Hussett,

Appellant,

v.

South Carolina Department of Employment and  
Workforce ,

Respondents.

PROOF OF SERVICE

I certify that I have served the Respondents' Motion to Dismiss for Lack of Jurisdiction on the parties in this case by mail on July 1, 2022, addressed to the parties at their addresses of record:

Jamie Hussett  
7749 Edmund Hwy  
Pelion SC 29123

July 1, 2022



Kristi Chesley  
South Carolina Department of Employment and  
Workforce  
Post Office Box 8597  
Columbia, South Carolina 29202  
(803) 737-0395

P.O. Box 8597  
Columbia, SC 29202  
dew.sc.gov



Henry McMaster  
Governor

G. Daniel Ellzey  
Executive Director

Post Office Box 8597  
Columbia, SC 29202  
Telephone: (803) 737-0395  
Fax: (803) 737-0124  
July 1, 2022

**RECEIVED**

JUL 05 2022

SC Court of Appeals

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

RE: Jamie Hussett v. SC Department of Employment and Workforce  
Appellate Case No: 2022-000653

Dear Ms. Kitchings:

Enclosed is the Respondent's Motion to Dismiss for Lack of Jurisdiction in the above referenced case. A proof of service is also included in this mailing.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kristi Chesley". The signature is written in a cursive, flowing style.

Kristi Chesley  
Administrative Legal Assistant for  
Benjamin Cook  
Attorney for Respondent South Carolina  
Department of Employment and Workforce

**SOUTH CAROLINA**  
**DEPARTMENT OF EMPLOYMENT AND WORKFORCE**  
P.O. BOX 8597  
COLUMBIA, S.C., 29202

US POSTAGE  
ZIP 29201 \$ 003.16<sup>0</sup>  
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JUL 05 2022  
SC Court of Appeals

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

**Central 10**