

THE STATE OF SOUTH CAROLINA

In the Court of Appeals
[In the Supreme Court]

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

SC Court of Appeals

Case No. 2022-000982

South Carolina Department of Employment
and Workforce and Amazon.com Services, Inc,

Respondents,

v.

Miya S. Freeman,

Appellant

BRIEF OF APPELLANT

The Administrative Law Court
The Honorable S. Phillip Lenski
Kristi Chelsey, Clerk
1205 Pendleton St., Suite 224, Columbia, SC 29201

South Carolina Court of Appeals
Jenny Abbot Kitchings, Clerk
P.O. Box 11629 Columbia, SC 29211

Valerie McMellan
SC Department of Employment and Workforce
PO Box 8597 Columbia, SC 29202
803-737-0395/803-737-0124 fax
legal@dew.sc.gov

Attorney for Respondent SC Department of
Employment and Workforce

Benjamin Thomas Cook, Esquire
Amazon.com Services Inc.
PO Box 16560, Clearwater FL 33766
Attorney for Respondent, Amazon.com Services, Inc

Miya S. Freeman
405 Grand National Lane, Elgin, SC 29045
(803) 862-9424 (C)
freemanmiya129@gmail.com
Pro se Appellant

FORM 15
RECORD ON APPEAL

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

APPEAL FROM RICHLAND COUNTY

S. Phillip Lenski, Administrative Law Judge

Case No. 22-ALJ-22-0098-AP

South Carolina Department of Employment
and Workforce (SCDEW) and
Amazon.com Services Inc

Respondent

v.

Miya S. Freeman

Appellant

RECORD ON APPEAL



Miya S. Freeman
405 Grand National Lane
Elgin, SC 29045
(803) 862-9424 (C)
Pro se Appellant

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2. WHETHER IN ACCORDANCE WITH S.C. CODE ANN.§ I-23-380 (5) THE SUBSTANTIAL RIGHTS OF THE APPELLANT WERE PREJUDICED WHEN, AMONG OTHER THINGS, THE DEPARTMENT’S DECISION, INCLUDING ITS FINDINGS, INFERENCES, AND CONCLUSIONS, WERE CLEARLY ERRONEOUS IN VIEW OF THE RELIABLE, PROBATIVE, AND SUBSTANTIAL EVIDENCE ON THE WHOLE RECORD?	
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Order of May 26, 2022

The Appellant mailed a copy of her brief to the Department, thereby giving the Department proper notice ALC Rule 37 (C) requires that at the time of filing the brief with the court, a copy be served on each party to the appeal. Included with the Department's Motion to Dismiss is a copy of the Appellant's brief. The court must view the evidence in the light most favorable to the non-moving party. *Rovers vs. Norfolk Southern Corp*, 356 S.C. 85, 588 S.E. 2d 87 (2003). Therefore, the court declines to grant the Department's Motion to Dismiss. See *Micronics, Inc v. SC Dep of Rev.*, 345 S.C. 506, 548 S.E. 2d 223 (SC. App. 2001) (holding South Carolina policy favors the disposition of issues on their merits rather than on technicalities).

IT IS THEREFORE, ORDERED that the Department's Motion to Dismiss is **DENIED**.

IT IS FURTHER ORDERED that the Department has twenty (20) days from the date of this Order to file and serve the Respondent's Brief.

AND IT IS SO ORDERED.

(Signed) S. Phillip Lenski
Administrative Law Judge

May 26, 2022
Columbia, South Carolina

Order of June 21, 2022

While the court is sympathetic to the Appellant's situation, substantial evidence in the record support the Panel's determination that the Appellant did not timely appeal the claims

adjudicator's decision to the Tribunal. Consequently, the claims adjudicator's determination that the Appellant is ineligible for the UI benefits because she voluntarily severed the employer/employee relationship without good cause by filing for unemployment benefits while on a leave of absence must stand. See *Atl. Coast Builders and Contractors, LLC v. Lewis*, 398 S.C. 324, 329, 730 S.E. 2d 282, 285 (2012) (“[A]n unappalled ruling, right or wrong, is the law of the case.”). Therefore, based on the foregoing,

IT IS HEREBY ORDERED that the Department's determination is **AFFIRMED**.
AND IT IS SO ORDERED.

(Signed) S. Phillip Lenski
Administrative Law Judge

June 21, 2022
Columbia, South Carolina

STATEMENT OF THE ISSUES ON APPEAL

1. WERE THE APPELLANT'S RIGHTS PREJUDICED IN THE ADMINISTRATIVE LAW COURT JUDGE'S FAILURE TO WEIGH AND CONSIDER THE APPELLANT'S WHOLE RECORD IN ITS DECISION TO AFFIRM THE DEPARTMENT'S PETITION?
2. DID THE ADMINISTRATIVE LAW COURT ERR IN FAILING TO UPHOLD THE APPELLANT'S ENTITLEMENT TO UNEMPLOYMENT BENEFITS?

STATEMENT OF THE CASE

This matter is before the S.C. Circuit Court of Appeals pursuant to the appeal of Miya Freeman (Appellant) filed October 18, 2022. The Appellant seeks review of the Administrative Law Court (ALC) Judge's decision concluding that the Appellant did not timely file her appeal to the Department's Appellate Panel. In accordance with SC Code Ann § 41-35-60 (2021).

§ 41-35-110 (2021) and § 41-35-660 (2021) Appellant is eligible to file claims for unemployment benefits and to appeal an unfavorable determination. The court has jurisdiction over this appeal pursuant to South Carolina Code Section § 41-35-750.

PROCEDURAL HISTORY

On August 25, 2021, the Appellant filed a claim for unemployment benefits (UI) with the South Carolina Department of Employment and Workforce (Department). The claims adjudicator's determination mailed on October 4, 2021, held the Appellant indefinitely disqualified from benefits effective August 22, 2021, upon finding she voluntarily severed the employer/employee relationship without good cause by filing for unemployment benefits while on a leave of absence. On October 19, 2021, the Appellant appealed to the Appeal Tribunal.

On January 5, 2022, after an evidentiary hearing on the timeliness of the appeal, the Tribunal found the Appellant's appeal was untimely and dismissed the case. Appellant appealed the Tribunal's decision and on February 22, 2022, 'The Panel' affirmed the Tribunal's decision dismissing Appellant's appeal of the October 4, 2021, determination as untimely.

On March 22, 2022, and April 4, 2022, respectively, the Appellant filed a Notice of Appeal to the Administrative Law Court (ALC) seeking judicial review of the Department's decision affirming the Appeal Tribunal's decision that she filed an untimely appeal, and her Appellant brief. On April 12, 2022, the Department filed the Record on Appeal (ROA). On May 12, 2022, the Department filed a Motion to Dismiss for Failure to File and Serve a Sufficient Brief with the court. The Department argued that the Appellant's April 4, 2022, packet did not comply with the requirements in ALC Rule 37(B) regarding the content of briefs and was subsequently denied on May 26, 2022.

In response to the Appellant's brief of April 4, 2022, on June 21, 2022, the ALC Judge stated "...Consequently, the claims adjudicator's determination that the Appellant is ineligible for UI benefits because she voluntarily severed the employer/employee relationship ***without good cause*** by filing for unemployment benefits while on a leave of absence must stand," and **AFFIRMED** the Department's decision.

The courts have interpreted the phrase "without good cause" to mean without a cause attributable to or connected with employment. *Faile v. S.C. Emp't Sec. Comm'n*, 267 S.C. 536, 541, 230 S.E.2d 219, 222 (1976).

STANDARD OF REVIEW

Section 1-23-380(5) of the South Carolina Code provides the standard of review to be utilized by appellate bodies, including the Administrative Law Court, when reviewing the Department's decisions. The section states:

The court may not substitute its judgment for the judgment of the agency as the weight of the evidence on question of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) *clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or*
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion

STATEMENT OF THE FACTS

Presented is a chronology of the facts in the case. On July 17, 2021, Amazon submitted a request for a medical evaluation to the Appellant's medical service provider to determine whether to approve her request for leave from July 17, 2021, to August 18, 2021. On August 3, 2021, the Appellant sent Amazon, via email, her medical service provider's report on her medical fitness for duty. The report recommended the Appellant be placed on leave from July 17, 2021, to August 18, 2021.

On July 28, 2021, via email with a letter attachment dated July 27, 2021, Amazon discharged the Appellant from her employment and cited *job abandonment* as the reason for its action. On August 12, 2021, Amazon sent another email to the Appellant informing her of its July 26, 2021, decision to deny her Federal Family and Medical Leave [FMLA] from July 27, 2021, to August 17, 2021; and further, of their denial of FMLA from July 17, 2021, to July 26, 2021. In addition, the email also showed that as of August 12, 2021, her request for medical leave from July 27, 2021, to August 17, 2021, **as being in a pending status (in contravention to her notice of termination, dated July 27, 2021)**. Even more, the email also communicated that as of August 12, 2021, Amazon approved her medical leave of absence from July 17, 2021, to July 26, 2021.

The period of medical leave shown in Amazon's letter of August 12, 2021, **is different**

from the period stated in Amazon's Case Number 02298957 (**July 17, 2021, to August 18, 2021**) request for information sent to the Appellant's medical service provider.

The transmission of the email providing the notifications cited above **occurred fifteen (15) days after the Appellant's receipt of the July 27, 2021, notice terminating her employment with Amazon.** That notice served as the basis for the Department's decision and the **differing and confusing reasons** it cited for denying the Appellant payment of unemployment benefits.

Among the assorted reasons for denying the payment of benefits, the Department stated: the Appellant filed for benefits while on a leave of absence; was unable to work due to a health condition; did not provide the specified number of verifiable contacts; did not provide evidence that she was available and actively seeking full time work; was on vacation and not available for work; and, that **she voluntarily severed her employee relationship with Amazon.**

The Department erred in its initial decision to deny the Appellant's claim for unemployment benefits for 20 weeks. **ALL** of the Department's subsequent actions pertaining to the Appellant's late submission of appeals **FLOW** from this initial, erroneous decision.

This is not a new argument and was submitted during the appeal process with both the Department and the Administrative Law Court (ALC). The Appellant's '**whole record**' contains incontrovertible evidence that shows the Appellant **DID NOT** voluntarily sever her employee/employer relationship with Amazon, the rationale the Department used to deny the Appellant's initial claim. **See Amazon's Memorandums dated August 12, 2021, and July 27, 2021, respectively.**

In its June 7, 2022, BRIEF OF RESPONDENT, the Department restated its erroneous rationale (R.p.29) and enumerated instances of the Appellant's late submission of her appeal. See (R.p.37); (R.pp.44); (R.pp.47-91) and (R.pp.1-4; pp.99-102), which served as the basis for the June 21, 2022, Administrative Law Court Judge's decision to AFFIRM the Department's determination that denied payment of unemployment benefits to the Appellant.

In its June 7, 2022, BRIEF OF RESPONDENT, the Department, however, was **SILENT** on the **CONTENTS of the Appellant's appeal submissions dated September 29, 2021, and October 4, 2021, respectively.** Beyond the January 5, 2022, Evidentiary Hearing's inconclusive and confusing exchange between the Hearing Officer and the Appellant; the Department asserted that October 19, 2021, was the Appellant's first attempt to appeal the October 4, 2021, separation determination, without addressing the 'contents' of the Appellant's September 29, 2021, and October 4, 2021, respectively, correspondences submitted via FAX to 803-727-0287, **per lines 12-14, page 061 of Evidentiary Hearing on January 5, 2021.**

The Appellant contends that she did not voluntarily sever her relationship with Amazon and the Appellate Panel's and the Department's decisions were based on Amazon's improper termination of her employment on July 27, 2021, and were, therefore, flawed.

South Carolina policy favors the disposition of issues on the merits rather than on technicalities. To this end, the Appellant enjoins the court to view the evidence of the whole record in the light most favorable to the moving party as a Matter of Law.

ARGUMENTS

1. WHETHER SUBSTANTIAL EVIDENCE EXISTS TO REVERSE THE ADMINISTRATIVE LAW JUDGE'S DECISIONS TO AFFIRM THE DEPARTMENT'S DENIAL OF PAYMENT OF UNEMPLOYMENT INSURANCE (UI) BENEFITS TO THE APPELLANT DUE TO UNTIMELY APPEAL SUBMISSIONS?
2. WHETHER IN ACCORDANCE WITH S.C. CODE ANN. § I-23-380 (5) THE SUBSTANTIAL RIGHTS OF THE APPELLANT WERE PREJUDICED WHEN, AMONG OTHER THINGS, THE DEPARTMENT'S DECISION, INCLUDING ITS FINDINGS, INFERENCES, AND CONCLUSIONS, WERE CLEARLY ERRONEOUS IN VIEW OF THE RELIABLE, PROBATIVE, AND SUBSTANTIAL EVIDENCE ON THE WHOLE RECORD?

Gibson v. Florence Country Club, 282 S.C.384 at 318 S.E.2d 365, 367 (1984) Circuit Court's reversal of The Employment Security Commission's denial of Gibson's unemployment benefits provides precedence for a similar reversal of the ALC's and the Department's denial in this case. The Department should not have denied the Appellant's claim for unemployment benefits for the following reasons:

Amazon's initiation of the letter to the Appellant dated July 27, 2021, (*enclosure 2*) which terminated her employment for job abandonment was in error. Amazon terminated the Appellant's employment before receipt of the response to its own Case Number 02298957,

(*enclosure 3*) request for medical service provider input on the Appellant's fitness for duty, in order to decide whether to approve her for a leave of absence from July 17, 2021, to August 18, 2021. The medical service provider's report submitted his report to Amazon on August 3, 2021.

Fifteen (15) days after its July 27, 2021, Notice of the Termination of the Appellant's employment and after its receipt of the medical service provider's input (Case Number 02298957); on August 12, 2021, Amazon **APPROVED** medical leave for the Appellant from July 17, 2021, to July 26, 2021 (*enclosures 5-7*).

The Department relied on the erroneous statement in Amazon's letter dated July 27, 2021, that the Appellant abandoned her job as the basis for denying her claims for unemployment benefits.

In a letter dated September 27, 2021, (*enclosure 10*) the Appellant filed an appeal to the Denial of her Unemployment Benefits and requested an in-person hearing with the Department to provide evidence to support her claim and respond to the wide variety of conflicting and confusing reasons the Department cited for denying her claims. ***The Department did not respond to the Appellant's letter of September 27, 2021.***

Section 1-23-380 (5) of the South Carolina Code provides the standard of review to be utilized by appellate bodies, including the Administrative Law Court, when reviewing the Department's decisions. The code states, "...Substantial rights of the appellant are prejudiced when, among other things, the agency's decision, including the agency's findings, inferences, and conclusions, are clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record."

Exhibit A

Sent from my iPhone

Begin forwarded message:

From: MyDocs-noreply <MyDocs-noreply@onbaseonline.com>

Date: July 28, 2021 at 20:12:37 EDT

To: freemanmiya129@gmail.com

Subject: Termination Documents are Available for Review

Dear Miya,

Please review your termination letter attached to this email. Your termination and employment documents are available for review on the MyDocs portal for 90 calendar days after the end of your employment. To access the MyDocs portal, navigate to <https://amazon.onbaseonline.com> and input your personal email address and password.

Thank you,

Amazon Human Resources

108871897

Exhibit A



Miya Freeman
405 grand national lane
Elgin, SC 29045

Dear Miya (EEID: [REDACTED])

This letter confirms that the date of your voluntary resignation due to job abandonment with Amazon.com Services LLC is July 27, 2021.

You have executed a Confidentiality and Invention Assignment Agreement with the Company. You are reminded that certain provisions of the agreement survive the termination of your employment with the Company and remain in full force and effect. Your agreement is available for review in the MyDocs portal for 90 calendar days after the end of your employment.

We wish you the best in your future endeavors.

Sincerely,
Amazon Human Resources

ENCL 2

Exhibit A

Sent from my iPhone

Begin forwarded message:

From: Miya Freeman <freemanmiya129@gmail.com>

Date: August 3, 2021 at 17:19:47 EDT

To: amazondls@amazon.com

Subject: Case number 02298957

Denise Thomas Case Manger

Cell phone number: (803)-862-9424

No longer able to log on into my A to Z app at the current moment.

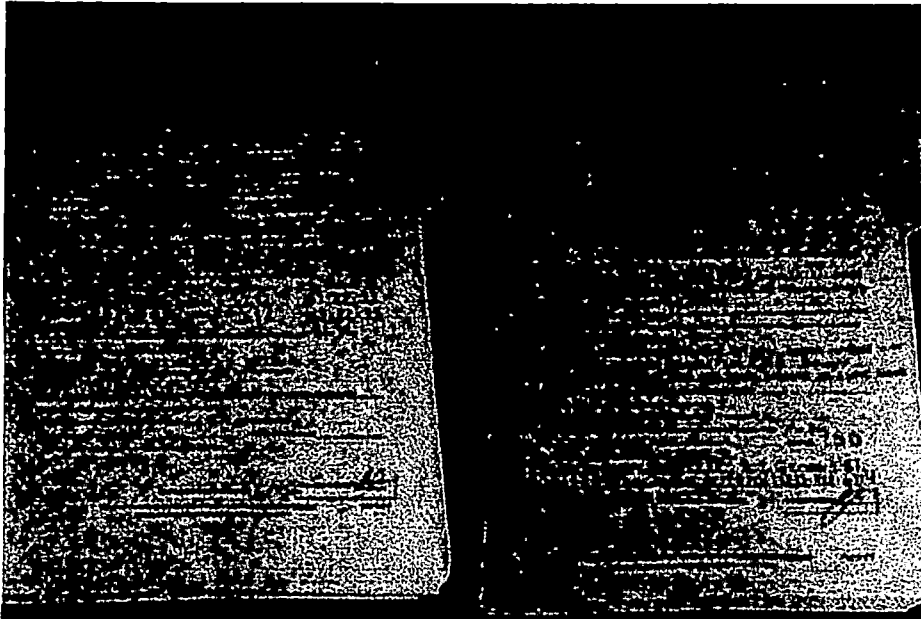
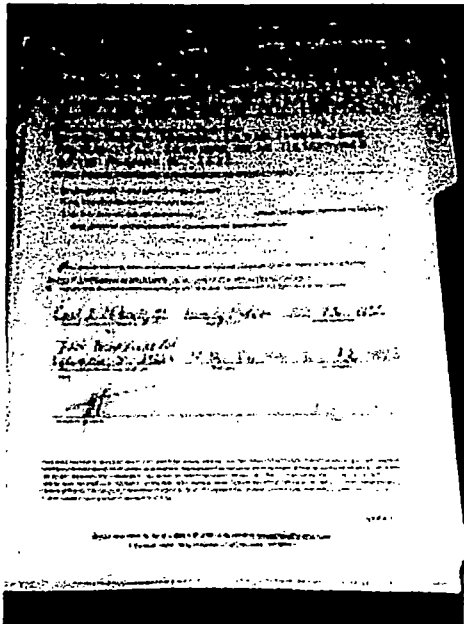


Exhibit A



Sent from my iPhone



Physician Statement - Universal

Return this form by fax to 1-855-579-1799 or by email to amazondls@amazon.com.

- **Instructions for Healthcare Provider:** Your patient requested leave of absence and disability pay due to a medical condition. Complete Sections A-E as applicable to assist us in rendering a claim decision. Please indicate "not applicable" in any section where the question is not relevant to the condition or impairment, or where the information would not be relevant to our evaluation of your patient's need for a job accommodation. In completing this form, we request you:
- Provide information and assessment to the best of your medical knowledge and ability to estimate.
 - Provide information that is complete, specific, and avoids terms such as "unknown" or "unable to determine."

Patient Name: Miya Freeman
 Patient Job Title: Fulfillment Associate
 Requested Leave Start Date: July 17, 2021

Patient Date of Birth: [REDACTED]
 Case Number: 02298957
 Requested Return To Work: August 18, 2021
 September 1st, 21

Section A: Diagnostic Information (to be completed by the Healthcare Provider)

A1. Do you consider the patient unable to work their current job due to their primary disabling condition?

- ☒ Yes, unable to work as of: 07/17/21
☐ No

A2. Disabling Diagnosis information (required only when employee is applying for disability pay):

	Diagnoses	DSM or ICD-10 Codes	Onset Date
Primary	<u>Clinical Depression</u>	<u>F33.0</u>	<u>07-22-21</u>
Secondary	<u>Anxiety</u>	<u>F43.12</u>	<u>07-22-21</u>

A3. Was the primary disabling condition sustained while the patient was performing their job? ☐ Yes ☒ No

A4. Office visits for the primary disabling condition:

04/14/21 / 07/22/21 / 08/26/21
 First visit date Most recent visit date Next visit date

Section B: Hospitalization, Surgery, and/or Pregnancy (to be completed by the Healthcare Provider)

B1. Is this absence from work related to a hospital admission?

☐ Yes, inpatient (overnight stay); admit date: ____/____/____ Discharge date: ____/____/____

If yes, Hospital name: _____ Hospital phone number: _____

☐ Yes, outpatient diagnostic or treatment unit, service date: ____/____/____

☒ No

Form continues on next page.

Provider Initials: [Signature]

Return this form by fax to 1-855-579-1799 or by email to amazondls@amazon.com
 Employee name: Miya Freeman | Case Number: 02298957

Page 1 of 3

Exhibit A

B2. Is this absence from work related to a surgical procedure?

☐ Yes, surgery date: ____/____/____ Surgical procedure: _____ CPT: _____

☐ Open procedure ☐ Laparoscopic procedure ☐ Other (specify): _____

☒ No

B3. Is this absence from work related to the employee's pregnancy, or recovery from childbirth or pregnancy loss?

☐ Yes, with due date ____/____/____ ☐ Vaginal delivery ☐ Cesarean

☐ Yes, pregnancy loss; loss date ____/____/____ at week ____ of gestation

If yes, are there any pregnancy-related complications?

☒ No

Section C: Clinical Assessment (to be completed by the Healthcare Provider)

C1. What prevents the patient from performing their job functions (outline restrictions, limitations, symptoms, and any relevant exam findings, etc.)?

On Edge, withdrawing from being present; Reckless
behavior, changes in sleep patterns, no appetite, Angry,
trouble concentrating, Suicidal.

C2. If primary or secondary disabling diagnosis is Behavioral Health, provide your formal Mental Status Exam results and detailed behavioral observations (consider appearance, behavior, speech, mood, affect, thought process and content, cognition, insight/judgment):

Appearance: Flushed - Behavior: on Edge, Speech - unable wit
out crying; mood - Low, affect PTSD - Thought
process and content; Did not seem present in time. Nee
psychiatric assistance.

Section D: Treatment Plan (to be completed by the Healthcare Provider)

D1. How often do you plan to see the patient for this condition?

☐ Weekly (or more frequently) ☐ Bi-weekly ☐ Monthly ☐ Other (specify): _____

D2. Has the patient been referred for Physical/Occupational/Behavioral Therapy/other: ☒ Yes ☐ No

If yes, start date: 08/18/21 Frequency per week/month: _____ Duration: TBD

Name and contact information of facility:

Everyday wellness, LLC; 801 Gervais St,
Suite 201 Columbia, SC 29201 (803)-888-6714

Form continues on next page.

Provider Initials: AB

Exhibit A

D3. Has the patient been referred to a specialist: ☒ Yes ☐ No

If yes, provider's specialty: psychiatrist Appointment date with specialist: 08/18th/21

Name and contact information of specialist:

Everyday Wellness, LLC; 801 Gervais St.
Suite 201 Columbia, SC 29201 (803)-888-6714

D4. Describe your treatment plan for the primary disabling condition:

Ativan 0.5mg tablets; celexa tablets 20mg.
psychiatric sessions to be determined
after August 18th, 2021

Section E: Return to Work Planning (to be completed by the Healthcare Provider)

E1. Per your assessment, is your patient fit to return to work?

☐ Yes, fit to return full duty with no restrictions on ____/____/____

☐ Yes, fit to return full duty with restrictions on ____/____/____ (Amazon may request additional information.)

If yes, is there an accommodation that would enable the employee to return:

☒ No, cannot return to work at this time (Amazon will provide a separate form for return to work planning.)

Section F: Certification by the Provider (to be completed by the Healthcare Provider)

► I certify that the information contained on this form and submitted with this form is true and correct.

Carl I. Mitchell, MD.
Provider's Name and Credentials (MD, DO,
etc.)

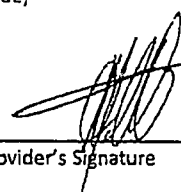
Family Medicine
Type of Practice

803-736-4050
Telephone Number

7201 Brookfield Rd
Columbia, SC 29223
Office Address (Street, City, State, Zip
Code)

M-Thur 8:00-4:00
Office Hours

803-736-4083
Fax Number


Provider's Signature

8/13/2021
Date

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual or an individual's family members' genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Exhibit A

Sent from my iPhone

Begin forwarded message:

From: Amazon Disability and Leave Services <amazondls@dali-leave-disability.services.hr.a2z.com>

Date: August 12, 2021 at 16:24:56 EDT

To: freemanmiya129@gmail.com

Subject: About Leave for - Miya Freeman, Employee ID [REDACTED] Case 02298957

amazon

Disability & Leave Services

August 12, 2021

Miya Freeman
405 grand national lane
Elgin, SC 29045
USA

Dear Miya,

Your leave of absence has been approved. Please review the attached documents related to your leave of absence request.

Thank you,
Melanie Rodriguez | Tier 2 DLS Case Manager
Disability & Leave Services

If you believe you are receiving this email in error, please contact the Disability & Leave Services (DLS) Team at (888) 892-7180.

This message, and any attachments to it, may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are notified that any use, dissemination, distribution, copying, or communication of this message is strictly prohibited. If you have received this message in error, please notify the sender immediately by return e-mail and delete the message and any attachments. Thank you.

Exhibit A



Disability & Leave Services

August 12, 2021

Miya Freeman
405 grand national lane
Elgin, SC 29045
USA

Re: Decision Notification – Miya Freeman, Case 02298957

Dear Miya,

On July 26, 2021 we received your request for a leave of absence. See below for more information about the status of your claim.

**Leave
Decision
Notification**

- The following decisions have been made on your request for leave.

Plan Name	Status	Decision Date	Start Date	End Date
Federal FMLA	Denied	July 26, 2021	July 27, 2021	August 17, 2021
Federal FMLA	Denied	July 26, 2021	July 17, 2021	July 26, 2021
Medical Leave of Absence	Pending	August 12, 2021	July 27, 2021	August 17, 2021
Medical Leave of Absence	Approved	August 12, 2021	July 17, 2021	July 26, 2021

- See below for your estimated leave usage. Please note, this is an estimate and is subject to change if your leave dates change.

Plan Name	Time Used	Estimated Time Remaining
Federal FMLA		12 weeks
Medical Leave of Absence	10 days	172 days

- You are not eligible for leave under the federal Family and Medical Leave Act because:
 - You have not worked 1,250 hours in the previous 12 months. As of the date of this letter you have worked approximately 715.64 hours.
 - You have not worked for Amazon for 12 months. As of the date of this letter you have worked approximately 8.2 months.

**Pay
Decision**

We have received your claim for short-term disability (STD) benefits. The Plan is administered in accordance with the terms of the Employee Retirement Income Security

Exhibit A

Notification Act of 1974 (ERISA), the federal law that governs the Plan. The following decision has been made on your claim for pay benefits:

- The following decisions have been made on your request for benefits.

Benefit Name	Status	Decision Date	Adjusted Start Date	Adjusted End Date
Short Term Disability (STD)	Approved	August 12, 2021	July 24, 2021	July 26, 2021

Pay Available During Leave

- You can request to apply any accrued and available Sick, Personal, Floating Holiday, and/or Vacation pay.
- Review all the enclosed information to learn about pay processes for employees on a leave of absence.

What Happens Next

- We will notify your HR representative and Manager of your claim decision.
- Your certification releases you to return to work on July 27, 2021. If this date changes, please contact us immediately. We may request additional documentation in certain circumstances (for example, if you request additional time off.)

Questions ? Contact Disability & Leave Services (DLS) via phone at (888) 892-7180 option 1.

Exhibit A

SFDC: 500400000LYbvrAAD E105 vs 10.18 02298957



Physician Statement – Behavioral Health

Return this form by fax to 1-855-579-1799 or by email to amazondls@amazon.com.

- **Instructions for Healthcare Provider:** Your patient requested leave of absence and disability pay due to a medical condition. Complete Sections A-E as applicable to assist us in rendering a claim decision. Please indicate "not applicable" in any section where the question is not relevant to the disabling condition, or where the information would not be relevant to our evaluation of your patient's need for leave. In completing this form, we request you:
- Provide information and assessment to the best of your medical knowledge and ability to estimate.
 - Provide information that is complete, specific and avoids terms such as "unknown", "unable to determine".
 - Include a copy of your latest office visit notes with this form

Patient Name: Miya Freeman
Patient Job Title: Fulfillment Associate
Requested Leave Start Date: July 17, 2021

Patient Date of Birth: June 21, 1997
Case Number: 02298957
Requested Return To Work: July 27, 2021

Section A: Diagnostic Information (to be completed by the Healthcare Provider)

A1. Do you consider your patient to be totally impaired or unable to work due to their primary disabling condition?

- ☐ Yes, as of: ____/____/____
☐ No

A2. Disabling Diagnosis information:

	Diagnoses	DSM or ICD-10 Codes	Onset Date
Primary	_____	_____	_____
Secondary	_____	_____	_____
Relevant	_____	_____	_____
Co-Morbid	_____	_____	_____

A3. Was the primary disabling condition sustained while the patient was performing their job? ☐ Yes ☐ No

Section B: Hospitalization, and/or Pregnancy (to be completed by the Healthcare Provider)

B1. Is this absence from work related to a hospital admission?

- ☐ No
☐ Yes, inpatient (overnight stay); admit date: ____/____/____ Discharge date: ____/____/____
☐ Yes, partial hospitalization; admit date: ____/____/____ Discharge date: ____/____/____
If yes, Hospital name: _____ Hospital phone number: _____

B2. Is this absence from work related to pregnancy or pregnancy related issues?

- ☐ No
☐ Yes, delivery date: ____/____/____ Please explain: _____

Form continues on next page.

Provider Initials: _____

Exhibit A

Section C: Clinical Assessment (to be completed by the Healthcare Provider)

C1. Within the realm of psychological functioning, what prevents the patient from performing their job functions (outline restrictions, limitations, symptoms, and any relevant exam findings, etc.)?

C2. Provide your formal Mental Status Exam findings and detailed behavioral observations:

Content	Within Normal Limits	Impaired	Describe Your Findings
A. General/Behavior Observations			As evidenced by:
1. Appearance	☐	☐	
2. Speech	☐	☐	
3. Behavior	☐	☐	
4. Impulse control	☐	☐	
B. Language/Thought functioning			As evidenced by:
1. Thought Process	☐	☐	
2. Thought Content	☐	☐	
3. Delusion/Hallucination	☐	☐	
C. Emotional functioning			As evidenced by:
1. Mood	☐	☐	
2. Affect	☐	☐	
D. Cognitive functioning			As evidenced by:
1. Orientation/Attention	☐	☐	
2. Memory	☐	☐	
3. Insight	☐	☐	
4. Judgment	☐	☐	
5. Problem Solving/Decision making	☐	☐	
6. Multitasking	☐	☐	

Section D: Treatment Plan (to be completed by the Healthcare Provider)

D1. Office visits for the primary disabling condition:

____/____/____

First visit date

____/____/____

Most recent visit date

____/____/____

Next visit date

D2. How often do you plan to see the patient for this condition?

☐ Weekly (or more frequently) ☐ Bi-weekly ☐ Monthly ☐ Other (specify): _____

Form continues on next page.

Provider Initials: _____

Exhibit A

D3. Is this absence from work related to therapy/counseling or medication management?

☐ No

☐ Yes, intensive outpatient or PHP; admit date: ____/____/____ Discharge date: ____/____/____

Hospital name: _____ Hospital phone number: _____

☐ Yes, psychotherapy/counseling; first visit: ____/____/____ Next scheduled appointment: ____/____/____

Provider name: _____ Provider phone number: _____

Frequency of visits: _____

☐ Yes, medication management; frequency of visits: _____ Next scheduled visit: ____/____/____

Section E: Return to Work Planning (to be completed by the Healthcare Provider)

E1. Per your assessment, is your patient fit to return to work?

☐ Yes, fit to return full duty with no restrictions on ____/____/____

☐ Yes, fit to return full duty with restrictions on ____/____/____ (Amazon may request additional information.)

If yes, is there an accommodation that would enable the employee to return:

☐ No, cannot return to work at this time (Amazon will provide a separate form for return to work planning.)

Section F: Certification by the Provider (to be completed by the Healthcare Provider)

► I certify that the information contained on this form and submitted with this form is true and correct.

Provider's Name and Credentials (MD, DO,
etc.)

Type of Practice

Telephone Number

Office Address (Street, City, State, Zip
Code)

Office Hours

Fax Number

Provider's Signature

Date

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual or an individual's family members' genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Exhibit A

CO. FILE DEPT. CLOCK VCHR. NO.
AAJ 249426 129900 395 0000364231 1

AMAZON.COM SERVICES LLC
ATTN: AMAZON PAYROLL
202 WESTLAKE AVE N
SEATTLE, WA 98109

Filing Status: Single/Married filing separately
Exemptions/Allowances:
Federal: Standard Withholding Table

Earnings Statement



Period Beginning: 08/01/2021
Period Ending: 08/07/2021
Pay Date: 08/13/2021

MIYA FREEMAN
405 GRAND NATIONAL LANE
ELGIN SC 29045

Earnings	rate	hours	this period	year to date
Shift Pay	0.6002	10.18	6.11	224.32
Vac Cashout	15.5000	10.18	157.79	315.58
Regular				4,357.06
Overtime				400.94
Bereavement				276.68
Holiday Pay				248.00
Personal Time				521.34
Shift Pay @O/T				15.58
Gross Pay			\$163.90	6,359.50

Deductions	Statutory		
Social Security Tax		-10.17	394.40
Medicare Tax		-2.38	92.24
SC State Income Tax		-4.00	336.99
Federal Income Tax			402.52
Other			
401K		-3.28*	78.72
Net Pay		\$144.07	
Checking Dep.		-144.07	
Net Check		\$0.00	

Other Benefits and Information	this period	total to date
GroupTerm Life	0.16	2.00

Important Notes

YOUR COMPANY PHONE NUMBER IS 888-892-7180

BASIS OF PAY: HOURLY

LEGAL ADDR 410 TERRY AVE NORTH SEATTLE WA 98109

@ THE SHIFT PAY RATE MAY NOT DISPLAY CONSISTENTLY
DUE TO CALCULATION METHOD AND ROUNDING.

Additional Tax Withholding Information

Taxable Marital Status:
SC: Single
Exemptions/Allowances:
SC: 0

* Excluded from federal taxable wages
Your federal taxable wages this period are \$160.62

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AMAZON.COM SERVICES LLC
ATTN: AMAZON PAYROLL
202 WESTLAKE AVE N
SEATTLE, WA 98109

Advice number: 0000364231
Pay date: 08/13/2021

Deposited to the account of	account number	transit ABA	amount
MIYA FREEMAN		XXXX XXXX	\$144.07

THIS IS NOT A CHECK

NON-NEGOTIABLE

Exhibit A

CO. FILE DEPT. CLOCK VCHR. NO.
AAJ 249425 129900 395 0000382244 2

AMAZON.COM SERVICES LLC
ATTN: AMAZON PAYROLL
202 WESTLAKE AVE N
SEATTLE, WA 98109

Filing Status: Single/Married filing separately
Exemptions/Allowances:
Federal: Standard Withholding Table

Earnings Statement



Period Beginning: 08/08/2021
Period Ending: 08/14/2021
Pay Date: 08/20/2021

MIYA FREEMAN
405 GRAND NATIONAL LANE
ELGIN SC 29045

Earnings	rate	hours	this period	year to date
Shrt Term Dis			106.29	159.43
Regular				4,357.06
Overtime				400.94
Bereavement				276.68
Holiday Pay				248.00
Personal Time				521.34
Shift Pay @O/T				15.58
Shift Pay				224.32
Vac Cashout				315.58
Gross Pay			\$106.29	6,518.93

Deductions	Statutory		
	Social Security Tax	-6.59	404.30
	Medicare Tax	-1.54	94.55
	SC State Income Tax	-1.84	339.10
	Federal Income Tax		402.52
	Other		
	401K		78.72
	Net Pay	\$96.32	
	Checking Dep.	-96.32	
	Net Check	\$0.00	

Other Benefits and Information	this period	total to date
Group term Life		2.16

Important Notes

YOUR COMPANY PHONE NUMBER IS 888-892-7180

BASIS OF PAY: HOURLY

LEGAL ADDR 410 TERRY AVE NORTH SEATTLE WA 98109

@ THE SHIFT PAY RATE MAY NOT DISPLAY CONSISTENTLY
DUE TO CALCULATION METHOD AND ROUNDING.

Additional Tax Withholding Information

Taxable Marital Status:
SC: Single
Exemptions/Allowances:
SC: 0

Your federal taxable wages this period are \$106.29

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AMAZON.COM SERVICES LLC
ATTN: AMAZON PAYROLL
202 WESTLAKE AVE N
SEATTLE, WA 98109

Advice number: 00000382244
Pay date: 08/20/2021

Deposited to the account of	account number	transit	ABA	amount
MIYA FREEMAN		XXXX	XXXX	\$96.32

THIS IS NOT A CHECK

NON-NEGOTIABLE

Exhibit A

September 27, 2021

Miya Shay Freeman
405 Grand National Lane
Elgin, SC 29045

Telephone: (803) 862-9424
Email: freemanmiya129@gmail.com

CLAIMANT ID: [REDACTED]
REFERENCE: Confirmation Number 20477206

SUBJECT: Appeal to Denial of Unemployment Benefits

Request that I be scheduled for an in-person hearing at the earliest opportunity with the Unemployment Center of Columbia, SC to enable me to layout and provide evidence in support of my appeal to overturn the denial of my unemployment benefits.

From November 26, 2020, to July 26, 2021, I was employed as a Blue Badge, permanent employee by Amazon Distribution Center, 4400 12th Street Extension, West Columbia, SC 29172. On July 27, 2021, I received an email from Amazon indicating that I was terminated due to 'Job Abandonment.' This characterization, however, was inaccurate as I was on approved medical leave at the time of my discharge.

Within my case file with Amazon there are several notes of conversations between members of the Amazon's Human Resource staff and me in which they acknowledged that my employment should not have been terminated. If required, I can request and provide a copy of the notes and correspondence log pertaining to my termination. In addition, I can provide copies of the statements I received from my doctor authorizing my absences. These statements were provided to Amazon to explain the reasons for my not reporting to work.

Based on my employment status and numerous conversations with Amazon's HR staff, I was granted 60% of my pay for the period of my medical absences and later, on August 12th and 19th, respectively, after my termination, I received two Electronic Fund Transfer payments. Even more, based on the conversations with Amazon Employment Resource Center (Jessica), I initiated an "Appeal" to have Amazon reinstate my employment. To date I have not received a response from the company.

Amazon's erroneous termination of my employment coupled with my inability to receive unemployment benefits are creating burdensome hardships on my ability to meet my financial obligations. Accordingly, I request an in-person hearing to address what additional paperwork, if any, from Amazon, my doctor, or elsewhere I need to provide to resolve my entitlement to unemployment benefits.

Very Respectfully,

Exhibit A

Miya Shay Freeman

Miya Shay Freeman

Exhibit A



NORTHEAST
8505 TWO NOTCH RD
COLUMBIA, SC 29223-9998
(800)275-8777

03/22/2022

11:18 AM

Product	Qty	Unit Price	Price
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PM Express 1-Day 1
Flat Rate Env
Clearwater, FL 33766
Flat Rate
Signature Requested
Scheduled Delivery Date
Wed 03/23/2022 06:00 PM
Money Back Guarantee
Tracking #: EI243866138US
Insurance
Up to \$100.00 included

Total

PM Express 1-Day 1
Flat Rate Env
Columbia, SC 29202
Flat Rate
Signature Requested
Scheduled Delivery Date
Wed 03/23/2022 06:00 PM
Money Back Guarantee
Tracking #: EI243866124US
Insurance
Up to \$100.00 included

Total

Grand Total:

Debit Card Remitted
Card Name: [REDACTED]
Account #: [REDACTED]
Approval #: 081434
Transaction #: 006
Receipt #: 023458
Debit Card Purchase: \$53.90
AID: A0000000980840
AL: US DEBIT
PIN: Verified

Chip

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no sooner
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an 60 days

None
accor
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add
req
spe
unle
Mar



NORTHEAST
8505 TWO NOTCH RD
COLUMBIA, SC 29223-9998
(800)275-8777

03/22/2022

12:43 PM

Product	Qty	Unit Price	Price
---------	-----	------------	-------

PM Express 1-Day 1
Flat Rate Env
Clearwater, FL 33766
Flat Rate
Signature Requested
Scheduled Delivery Date
Wed 03/23/2022 06:00 PM
Money Back Guarantee
Tracking #: EI243866141US
Insurance
Up to \$100.00 included

Total

PM Express 1-Day 1
Flat Rate Env
Columbia, SC 29202
Flat Rate
Signature Requested
Scheduled Delivery Date
Wed 03/23/2022 06:00 PM
Money Back Guarantee
Tracking #: EI243866155US
Insurance
Up to \$100.00 included

LABEL 11:

Total

Grand Total:

Debit Card Remitted
Card Name: [REDACTED]
Account #: [REDACTED]
Approval #: 088135
Transaction #: 632
Receipt #: 049621
Debit Card Purchase: \$53.90
AID: A0000000980840
AL: US DEBIT
PIN: Verified

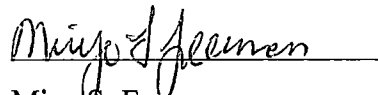
Chip

Miya S. Freeman, Pro se Appellant, on February 1, 2023 certify that the designation contains no matter which is irrelevant to this appeal.

Certificate of *Pro se* Appellant

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

February 1, 2023


Miya S. Freeman
405 Grand National Lane
Elgin, SC 29045
(803) 862-9424
Pro se Appellant

RECEIVED
FEB 01 2023
SC Court of Appeals

FORM 7

PROOF OF SERVICE OF A NOTICE OF APPEAL

In the Court of Appeals

[In the Supreme Court]

RECEIVED

FEB 01 2023

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

Case No. 2022-000982

South Carolina Department of Employment
and Workforce and Amazon.com Services, Inc,

Respondents,

v.

Miya S. Freeman,

Appellant,

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on South Carolina Department of Employment and Workforce and Amazon.com Service, Inc. by depositing a copy of it in the United States Mail, postage prepaid, on February 1, 2023, addressed to their respective attorney of record, Valerie McMellan, Post Office Box 8597, Columbia, South Carolina 29202 and Benjamin Thomas Cook, Amazon.com Service Inc. P.O. Box 16560, Clearwater, FL 33766, on February 1, 2023.

The Administrative Law Court
The Honorable S. Phillip Lenski
Kristi Chelsey, Clerk
1205 Pendleton St., Suite 224, Columbia, SC 29201

South Carolina Court of Appeals
Jenny Abbot Kitchings, Clerk
P.O. Box 11629 Columbia, SC 29211

Valerie McMellan
SC Department of Employment and Workforce
PO Box 8597 Columbia, SC 29202
803-737-0395/803-737-0124 fax
legal@dew.sc.gov

Attorney for Respondent SC Department of
Employment and Workforce

Benjamin Thomas Cook, Esquire
Amazon.com Services Inc.
PO Box 16560, Clearwater FL 33766
Attorney for Respondent, Amazon.com Services,
Inc

Miya S. Freeman
405 Grand National Lane, Elgin, SC 29045
(803) 862-9424 (C)
freemanmiya129@gmail.com
Pro se Appellant

February 1, 2023



Miya S. Freeman
405 Grand National Lane
Elgin, SC 29045
(803) 862-9424 (C)
freemanmiya129@gmail.com
Pro se Appellant