

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM THE S.C. ADMINISTRATIVE LAW COURT

Milton G. Kimpson, Administrative Law  
Court Judge

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Appellate Case No. 2022-001566

Lavisha N. Green,

Appellant.

v.

South Carolina Department of Employment  
and Workforce, and Celco Partnership,

Respondents,

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**MOTION TO STRIKE DESIGNATION OF MATTER, INITIAL BRIEF, AND  
ADDITIONAL DOCUMENTS OUTSIDE THE RECORD**

Respondent South Carolina Department of Employment and Workforce (Department), respectfully moves to strike Appellant Lavisha N. Green’s (Appellant) Initial Appellant’s Brief and Designation of Matter. The Department also requests this Court stay the time for filing its initial brief pending the Court’s ruling on this motion.

**I. Designation of Matter**

Rule 209(b), SCACR states that a party’s Designation of Matter “must clearly identify what the party desires to have included in the Record on Appeal, and the Designation may only propose to include [items] which may be properly included in the Record on Appeal [See Rule 210(c)].” Rule 210(c) states that “[t]he Record shall not, however, include matter which was not presented to the lower court or tribunal.” On February 2, 2023, Appellant submitted a Designation of Matter which proposed to include the following in the Record on Appeal:

1. Proof of an Approved LOA
2. Proof from payroll (Demotion, Pay deduction, No call no show)
3. Brief
4. SC DEW benefits denial letters
5. SC Administrative Law Court benefits denial letter
6. Highlighted sections on 5 pages from transcript

(Exhibit A). Appellant's Designation contains items which are not clearly identified and also includes items which were not presented to the lower court or tribunal. Appellant proposes to include "Proof of an Approved LOA" and "Proof from payroll (Demotion, Pay deduction, No call no show)" in the Record on Appeal. *Id.* These items appear to be more aspirational than extant in the existing record and are not identified with sufficient clarity. Additionally, Appellant proposes to add "Brief" to the Record on Appeal. Respondent is unsure which "Brief" Appellant is referring to as there are several possibilities. Because Appellant's Designation of Matter is both unclear and appears to propose items which are not part of the existing Record, Respondent asks this Court to strike her Designation and require her to create a new Designation of Matter which complies with the Rules.

## II. Initial Brief

Rule 208(b) states:

**(1) Brief of Appellant.** The brief of appellant shall contain under appropriate headings and in the order here indicated:

**(A) Table of Contents and Cases.** A table of contents, with page references, and a table of cases (alphabetically arranged), statutes, and other authorities cited, with references to the pages of the brief where they are cited.

**(B) Statement of Issues on Appeal.** A statement of each of the issues presented for review. The statement shall be concise and direct as to each issue, and may be stated in question form. Broad general statements may be disregarded by the appellate court. Ordinarily, no point will be considered which is not set forth in the statement of the issues on appeal.

**(C) Statement of the Case.** The statement shall contain a concise history of the proceedings, insofar as necessary to an understanding of the appeal. The statement shall not contain contested matters and shall contain, as a minimum, the

following information: the date of the commencement of the action or matter; the nature of the action or matter; the nature of the defense or of the response; the action of the court, jury, master, or administrative tribunal; the date(s) of trial or hearing; the mode of trial; the amount involved on appeal; the date and nature of the order, judgment or decision appealed from; the date of the service of the notice of appeal; the date of and description of such orders, judgments, decisions and proceedings of the lower court or administrative tribunal that may have affected the appeal, or may throw light upon the questions involved in the appeal; and any changes made in the parties by death, substitution, or otherwise. Any matters stated or alleged in appellant's statement shall be binding on appellant.

**(D) Standard of Review.** If all the issues are governed by the same standard of appellate review, the Brief shall contain a section with the heading "Standard of Review," which shall concisely set forth the applicable standard of review with citations to relevant case law establishing the standard. If the same standard of review is not applicable to all of the issues, a separate section with a heading of "Standard of Review" shall be included at the start of the argument on each issue with citations to relevant case law establishing this standard of review.

**(E) Argument.** The brief shall be divided into as many parts as there are issues to be argued. At the head of each part, the particular issue to be addressed shall be set forth in distinctive type, followed by discussion and citations of authority. A party may also include a separate statement of facts relevant to the issues presented for review, with reference to the record on appeal, which may include contested matters and summarize the party's contentions.

**(F) Conclusion.** A short conclusion stating the precise relief requested.

On February 13, 2023, Appellant filed a document identified as “[INITIAL] BRIEF OF APPELLANT.” (Exhibit B). Appellant’s brief has no headings and is not ordered as the rule requires. *Id.* Further, her brief contains no references to authority of law, no reference to the record or other citations of any kind, no statement of any issues on appeal, no history of the proceedings, no statement of the standard of review, and no clear argument for why the ALC’s decision should be overturned. *Id.* Appellant’s Initial Brief is woefully deficient and Respondent asks this Court to strike that Initial Brief and require Appellant to file a new Initial Brief that complies with this Court’s Rules.

Appellant has an obligation to advance her appeal in accordance with the statutory and procedural requirements of the Court. While Appellant has chosen to represent herself and may

not be well versed in the rules of appellate procedure, she is not relieved of the duty to provide a proper Initial Brief and Designation of Matter that comply with this Court's Rules. *See State v. Burton*, 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9 n.5 (2003). ("A pro se litigant who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law."). Appellant's Initial Brief and Designation of Matter are both inadequate under this Court's Rules and Respondent requests this Court strike them and require Appellant to submit a new Initial Brief and Designation of Matter that do comply with this Court's Rules.

### **CONCLUSION**

For all of the foregoing reasons, Respondent respectfully moves that its motion be granted. Further, the Department requests all time limits and deadlines be held in abeyance pending the resolution of this motion.

Respectfully submitted,



Benjamin T. Cook (S.C. Bar # 102216)  
S.C. Department of Employment and Workforce  
Office of General Counsel  
P.O. Box 8597  
Columbia, SC 29202  
Telephone: (803) 737-0395  
Email: [bcook@dew.sc.gov](mailto:bcook@dew.sc.gov)

***Attorney for Respondent***  
***S.C. Department of Employment and Workforce***

March 6, 2023.

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Feb 02 2023

SC Court of Appeals

FORM 14  
DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

Appellate Case No. 2022-001566

ADMINISTRATIVE LAW COURT

Administrative Law Court Judge

Milton G. Kimpson, Administrative Law Court  
Judge

Case No. 21-ALJ-22-0461-AP

South Carolina Department of  
Employment and Workforce  
Cellco Partnership,

Respondent,

v.

Lavisha Green

Appellant.

DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal:

1. Proof of an Approved LOA
2. Proof from payroll (Demotion, Pay deduction, No call no show)
3. Brief
4. SC DEW benefits denial letters
5. SC Administrative Law Court benefits denial letter
6. Highlighted sections on 5 pages from transcript

I certify that this designation contains no matter which is irrelevant to this appeal.

February 2, 2023

/s/ Lavisha Green  
Lavisha Green  
154 Buchanan Circle  
Goose Creek, South Carolina  
29445(843) 826-7443

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Feb 13 2023

SC Court of Appeals

FORM 13  
BRIEF OF APPELLANT

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
Appellate Case No. 2022-001566

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ADMINISTRATIVE LAW COURT

Administrative Law Court Judge

Milton G. Kimpson, Administrative Law  
Court Judge

Case No. 21-ALJ-22-0461-AP

South Carolina Department of  
Employment and Workforce  
Cellco Partnership,

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Respondent,

v.

Lavisha Green

Appellant.

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[INITIAL] BRIEF OF APPELLANT

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Lavisha Green  
154 Buchanan Circle  
Goose Creek, South Carolina  
29445 (843) 826-7443

**INITIAL BRIEF**

I began my employment with Verizon Wireless DBA Cellco Partnership on August 28,2014. I took an authorized medical leave of absence from July 21, 2020, through November 16, 2020. Upon returning to Verizon Wireless DBA Cellco Partnership on November 16,2020, I was subjected to retaliatory actions that included but was not limited to; not being trained on the new system enhancements, my time not being coded correctly and my managers ignoring my communication.

November 16,2020 through December 10,2020, I was chasing and begging for assistance with returning to work. I was demoted into a lower-level Customer Service position and my pay was decreased. The leadership and on boarding return to work team at Verizon Wireless DBA Cellco Partnership constructively discharged me on January 30, 2021.

SCDEW denied my benefits claiming I took an unauthorized leave of absence. SCDEW scheduled the initial hearing for the unauthorized leave of absence on September 1, 2021. During this call the SCDEW interviewee Dean Freeman asked both McCrea and Tran, did I have any changes to my employment before the termination and they lied and said No, I provided proof from payroll that supports they lied during the SCDEW interview. They fabricated that information and the date I returned to work; Tran and McCrea, reported I returned to Verizon Wireless DBA Cellco Partnership on December 10, 2020. That is untrue, I was chasing down the onboarding team trying to keep my job for nearly a month.

On September 1, 2021, Dean Freeman denied my benefits again. The denial was for failing to return to work following my leave of absence, McCrea claimed I failed to complete 22 trainings, I was a no show on January 20<sup>th</sup>, 25<sup>th</sup>, and 26<sup>th</sup>, and after failing to return to work I sent Human

Resource a text message stating I resigned. During the interview I advised the interviewee these were all lies and McCrea and Tran was lying.

SC Administrative Law Court accused me of abandoning my job during this time and ignoring McCrea and not addressing these claims during my hearing on September 1, 2021. I sent the text message under duress. I was stressed and completely drained from chasing and begging them for help and Human Resource only gave me the option to resign. I never received a document to sign or a proper release from my job duties, Jennifer asked me to send her a text message. Never being terminated from an employer, I did not want a termination to go on my employment record which would have hindered me from getting employment with a new employer.

During the hearing on September 1, 2021, Dean Freeman kept cutting me off when I was addressing these concerns that I was not aware of before the hearing. I explained I used Vacation time and also mention I would not quit my job when they offered me \$40,000 for a slip and fall in 2014, I would not wait 7 years and voluntarily quit my job and I told the interviewee they were lying on the call. All the accusations made are false claims and I have supporting documentation that proves it. I submitted these documents after the hearing due to not being aware Tran and McCrea would add new accusations during the hearing, because the initial hearing was for me taking an unauthorized leave of absence.

SCDEW and SC Administrative Law Court received the documentation and stated I can not use the information as evidence, because it was not submitted before the hearing. My authorized Leave of Absence document from Sedgwick with the correct return to work date were uploaded in SCDEW system and on file before the hearing. My letters from payroll that supports someone tampered with my time and I was demoted and my pay was decreased was submitted with the initial appeal to SCDEW. SCDEW and SC Administrative Law Court still denied my benefits

with proof and all parties are fully aware McCrea and Tran did not tell the truth during the hearing on September 1, 2021.

Due to what has transpired, I am requesting the appeal to reverse the decision made to deny my unemployment benefits. My benefits should have not been denied with the supporting evidence that proves Tran and McCrea lied during the hearing on several occasions.

February 13, 2023

Respectfully submitted,

Lavisha Green  
154 Buchanan Circle  
Goose Creek, South Carolina  
29445

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Feb 13 2023

SC Court of Appeals

FORM 7  
PROOF OF SERVICE OF A Initial Brief

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

Appellate Case No. 2022-001566

ADMINISTRATIVE LAW COURT Administrative  
Law Court Judge

Milton G. Kimpson, Administrative Law Court Judge

Case No. 21-ALJ-22-0461-AP

South Carolina Department of  
Employment and Workforce  
Cellco Partnership,

Respondent,

v.

Lavisha Green,

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of initial brief on South Carolina Department of Employment and Workforce and Cellco Partnership by depositing a copy of it in the United States Mail, postage prepaid, on February 13, 2023, addressed to his attorney of record, Steven Jordan and employer. PO Box 8597 Columbia, South Carolina 29202 and PO Box 66744 St. Louis MO 63166 on February 13, 2023.

February 13, 2023

s/ Lavisha Green  
Lavisha Green  
154 Buchanan Circle  
Goose Creek, South Carolina  
29445 (843) 826-7443  
visha.green@yahoo.com

**RECEIVED**

**Mar 06 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE  
ADMINISTRATIVE LAW COURT  
Milton Kimpson, Administrative Law Judge  
Case No.: 21-ALJ-22-0461-AP

Appellate Case No. 2022-001566

Lavisha N. Green,

Appellant,

v.

South Carolina Department of Employment and  
Workforce and Cellco Partnership LLC,

Respondents.

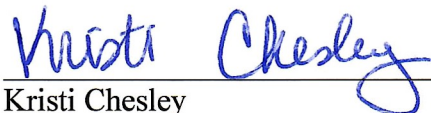
PROOF OF SERVICE

I certify that I have served the Respondent's Motion to Strike Designation of Matter, Initial Brief, and Additional Documents Outside the Record on the parties in this case by mail on March 6, 2023, addressed to the parties at their addresses of record:

Lavisha N. Green  
154 Buchanan Circle  
Goose Creek, SC 29445

Cellco Partnership  
PO Box 66744  
St Louis MO 63166

March 6, 2023



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