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**Apr 05 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

Deborah Brooks Durden, Administrative Law Judge

Docket No. 21-ALJ-22-0448-AP

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Appellate Case No. 2022-001433

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Wendell D. Cooper

Appellant

v.

South Carolina Department of Employment and Workforce and  
School District of Greenville County,

Respondents

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**RESPONSE IN OPPOSITION  
TO APPELLANT'S MOTION TO REINSTATE,**

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On March 1, 2023, this Court dismissed Appellant Wendell D. Cooper's appeal in this case due to Appellant's repeated failure to abide by the rules, timelines, and orders of this Court. On March 31, 2023, Appellant filed a motion asking this Court for an order reinstating his appeal. *See* Rule 260, SCACR ("A case shall not be reinstated except by leave of the court, upon good cause shown, after notice to all parties.").

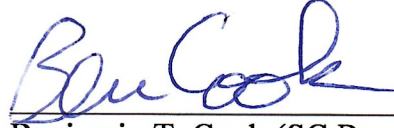
Appellant cites Rule 6(e) of the South Carolina Rules of Civil Procedure as his only justification for the Motion, arguing that he should have been granted five (5) additional

days on all filing deadlines and that with those five (5) additional days, all of his filings would be timely. Appellant's argument is without legal merit. "...Rule 6(e), SCRCR, is not applicable to these rules, and no additional time shall be allowed by reason of service by mail or upon a statutory agent." Rule 263, SCACR. Further, Respondent notes Appellant previously made the Rule 6(e) argument in his February 1, 2023, Motion in Opposition to Respondent's Motion to Dismiss and this Court rejected that argument by granting Respondent's Motion to Dismiss. Because Appellant's sole justification for his request to reinstate his appeal is manifestly without legal merit and has already been raised to and rejected by this Court, Appellant has failed to show good cause why his appeal should be reinstated. As such, under Rule 260, this case "shall not be reinstated."

Appellant argues that he "should not be penalized for being ignorant of the appellant [sic] procedures" because he is "a layperson of the law." 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). "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).

Appellant has failed to state good cause that would permit this Court to reinstate his appeal under Rule 260. Therefore, Respondent respectfully requests this Court deny Appellant's motion and uphold the March 1, 2023, dismissal. Respondent requests that all other timelines and due dates be held in abeyance pending the outcome of this motion.

Respectfully Submitted,



Benjamin T. Cook (SC Bar # 102216)

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

April 5, 2023

**Attorney for Respondent**

**SC Dept. of Employment and Workforce**

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APPEAL FROM THE  
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Deborah Brooks Durden, Administrative Law Judge  
Case No.: 18-ALJ-22-0351-AP

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Appellate Case No. 2022-001433  
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Wendell Cooper,

Appellant,

v.

South Carolina Department of Employment and  
Workforce and South Carolina Department of  
School District of Greenville County,

Respondents.


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PROOF OF SERVICE  
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I certify that I have served the Response in Opposition to Appellant's Motion to Reinstate on the parties in this case by mail on April 5, 2023, addressed to the parties at their addresses of record:

Wendell Cooper  
117 Palm Springs Way  
Simpsonville SC 29681

School District of Greenville  
County  
PO Box 2848  
Greenville SC 29602

April 5, 2023

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