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July 12, 2023

VIA ELECTRONIC FILING

Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RECEIVED

Jul 12 2023

SC Court of Appeals

RE: Patterson v. SCDEW
App. Case No. 2019-000599

Dear Clerk:

Pursuant to Rule 208(b)(7), SCACR, Appellant South Carolina Department of Employment and Workforce (DEW) submits this notice of supplemental citations.

In preparing for oral argument, some “pertinent and significant authorities [came] to [DEW’s] attention,” *id.*, regarding (1) Respondents’ argument that DEW’s process for enforcing the online work search requirement ran afoul of article I, section 22 of the South Carolina Constitution; and (2) their reliance on the statements of agency employees about the agency’s authority.

As to the first issue, without waiving any argument on whether it is properly before the Court, DEW supplements pages 39–41 of the Final Brief of Appellant and pages 3–7 of the Final Reply Brief of Appellant with the following authorities: S.C. Code Ann. § 41-35-650 (mandating notice of denial of “benefits with respect to any week for which a claim has been filed”); S.C. Code Ann. § 41-35-660 (providing for appeal of a “subsequent determination”); S.C. Code Ann. § 41-35-680 (stating the “appeal tribunal, after affording the parties reasonable opportunity for a fair hearing, after notice of not less than seven days, must make findings and conclusions promptly and on the basis of the findings and conclusions affirm, modify, or reverse”); S.C. Code Ann. § 41-35-690 (explaining the statutory process “is the sole and exclusive appeal procedure”); S.C. Code Ann. § 41-35-700 (describing composition of appeal tribunals); S.C. Code Ann. § 41-35-710 (outlining the power of appellate panel on review); S.C. Code Ann. § 41-35-720 (requiring DEW to promulgate regulations establishing rules for procedure” for conduct of appealed claims); S.C. Code Ann. § 41-35-740 (providing for judicial review of DEW’s decision); S.C. Code Ann. § 41-35-750 (detailing procedure to obtain judicial review); S.C. Code Ann. Regs. 47-51 through -57 (setting forth regulations for DEW’s appellate process as required).

Turning to the second issue, DEW supplements page 21 of the Final Brief of Appellant and pages 8 and 15 of the Final Reply Brief of Appellant with the following authority: *Spectre, LLC v. S.C. Dep’t of Health & Evntl. Control*, 386 S.C. 357, 368,



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688 S.E.2d 844, 850 (2010) (asserting “statements by agency employees alone may not abrogate the authority granted by statute”).

By copy of this letter, I certify that all counsel of record are being served with this communication with the Court. See Rule 262, SCACR. Again, we appreciate the Court’s time and attention to this matter.

With highest regards, I remain

Respectfully yours,

Vordman Carlisle Traywick, III

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