

THE SOUTH CAROLINA COURT OF APPEALS

Appellant's Initial Brief

CASE # 2022-001718

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SC Court of Appeals

Robert E. Shirley Jr.

Appellant

V

Respondent's

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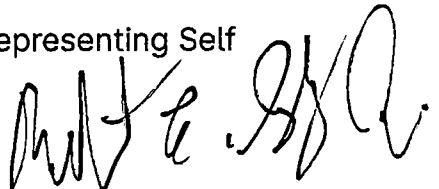
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THE SOUTH CAROLINA COURT OF APPEALS

INITIAL BRIEF

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Robert E. Shirley Jr.

Appellant

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S.C. Department of Employment And Workforce

And The Boeing Co.

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*ASV Gumbert* Table of Authorities

With all due respect to the law. I want to state that I am not an Attorney. I am a layman with no legal experience. After going over Rule 208. I wasn't able to find any cases that were related to my defense. It appears that this is far beyond my capabilities. What I did find could be weeks or even months to complete. If the person doing it had the knowledge to do so. I looked up quite a few cases from the ALC of people representing themselves all were dismissed for Briefs I believe in wrong and right and Justice. My hopes are for an ORAL HEARING. DEW has I would think Authorities and other cases on file that a law clerk could print up in a few hours. Having said this. It puts me at a huge disadvantage. I researched I didn't find any case where a person was lay-off status and then quit the same job later in time. I would like the Court to know that by no means am I trying to insult this Court, DEW, or any other Court. Simply put I talked with some Attorneys and I couldn't afford their fees.

Therefore I can't produce any Authority.

### Statement Of Issues On Appeal

I am being accused of voluntarily quitting my job for monetary reasons.

So I ask why would I quit a job that paid a fair wage for the work I performed, excellent benefits, great 401k plan. paid holidays. not to mention 14 days of paid Christmas vacation. 300 hours of PTO.

Monetary value from W.C. My settlement played no part in

this case. There was no settlement before 06/01/2020. I have asked the court to keep any evidence in a true period 06/01/2020-07/01/2020. There were no legal documents either. When they were available I would have never signed them if I were still working. I know of no one who would agree to any document without reading it before agreeing to the terms. This settlement could have happened whether I was working or not. Mr. Medlock's statement that I was leaving after the paperwork is not true these are his words, not mine. There are quite a few statements that are his interpretation, not mine.

I won't take up the Court's time on this matter. Unless needed.

My question is what would W.C. have to do with anything other than it sounds good? Also, what is the value? In my case, there was no value.

64 years old \$75,000 yearly with excellent benefits. There are no jobs

that I have experience in at my age and physical ability plays an important factor in my ability to get a job that paid what I received.

In February or April 2020. The S.C. Plant. Co.-wide was offered a voluntary lay-off. For myself, it meant approx. \$8,000.00 in pay plus 3 months of health insurance. Cobra was \$ 1,484.00 a month x 4 which is what I would have saved. I decided not to take the offer. My reason was from a good source that the offer would come again closer to the end of 2020. There were going to be layoffs one way or another. According to Boeing the Charleston plant laid off around 22-23% of its employees in 2020-2021.

Attached is a news article that confirms this and all due to COVID and not enough work. My cell at one time around 16 workers in 2020 there were 6. I was constantly asked by the lead and others when are you going to retire to the borderline harassment.

### Application Process

It is my understanding from SCDEW staff that I should not have been able to fill out the application with the 2020 website. Was it outdated?

I filled out the APP. and later I was told ineligible for benefits from June 14th forward. I was ok with that. Why did I keep getting deposits? Then I pulled my APP. up discussed it with a SCEW staff person and was told someone from SCDEW corrected it. Why did someone from SCDEW do this? It has put my wife and myself in financial harm. Yes, it would have been a struggle till we were able to retire with S.S. and Medicare. There was no paycheck till Nov.2020. I am a person that has worked on dangerous jobs where at Boeing and my other jobs it was imperative to follow instructions, diagrams, blueprints, etc. I followed SCDEW'S with the information that I was given.

### SCDEW COMMUNICATION

Phone calls on file with SCDEW. I made over 55 calls to DEW with absolutely no help. Every call I made was to make sure all was ok. My answer was MR. Shirley everything is fine. I read that the state received over TWO MILLION DOLLARS for training and added personnel additions for the overwhelming COVID U.I. APPLICATIONS. Why did it take over a year and a half to determine I was ineligible? After Dec. 2021 with all the calls I made I found 2 people that had proper information. This is why I have asked the Court for an IT person who is knowledgeable of the U.I. program. I have noticed that there are new LOG-IN rules now.

### NEWS ARTICLE OF LAYOFFS

By Live 5 Web Staff

Updated: Aug. 18, 2020, at 4:03 PM EDT

NORTH CHARLESTON, S.C. (WCSC) - Officials with Boeing say the company will be offering a second round of voluntary layoffs due to the COVID-19 pandemic.

Boeing said while they have seen signs of recovery from the pandemic, their industry and their customers continue to face "significant challenges." Company officials said they have taken proactive steps to adjust and position themselves for recovery.

The company said as they continue to assess their workforce and respond to employee feedback, they are offering the second voluntary layoff opportunity (VLO) for employees to leave the company with a pay and benefits package.

Boeing said a previously announced 10% reduction in their workforce will be completed this year and include both U.S. and international employees.

"This VLO offering is not part of the already achieved 10 percent reduction but rather an additional action the company is taking as we continue to assess our headcount," company officials said.

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*In addition, Boeing released approx. 17 % of the SC plant. Approx. 7000 employees.*

#### STATEMENT OF THE CASE

*On June 1st, 2020 at 1:30 p.m. I was released from my job without a reason. I did not quit. On June 15th I filed for unemployment. I wasn't told by SCDEW at any time that Boeing verified the claim. It's my understanding that after U.I. is filed that SCDEW has 10 days to send it to the employer. After the employer receives that information they have 10 days to respond. No later than June 6th or 7th 2020. At this time there was no W.C. settlement and again I stress that not only did I have anything about my W.C. case Boeing S.C. also had nothing or any knowledge of anything about this issue. Mr. Medlock's Hearing date was March 16, 2022. His determination was Voluntary Quit For*

*Monetary Value and ineligible for benefits as was ALC and the Tribunal Appeal Panel. The Tribunal had some doubt (P.G.) 89. I believe that all of this was determined after my separation. My point earlier. I was let go from employment on 06/01/2020 and put on layoff status on 06/02/2020 This paperwork is on file at the Clerk Of Courts office. A termination letter would not be given in a walk-out. My Appeal to the panel was March 25, 2022 these are the facts. I am asking the Court to Dismiss the claim against me by the fact of Lay-off status 06/02/2020 or an amicable settlement.*

### FACTS

1. On 06/01/2020 I was told to gather my belongings and leave the Boeing S.C. plant by Building 88-19s by H.R. for no reason.
2. On 06/02/2020 I was listed by Boeing's World WIDE website as laid-off. The paperwork has been submitted.
3. Per Stewart Wrenn Plant Operations Mgr. I'm sorry Bob but you can blame this on 1 person I won't name this person.
4. On 06/14/2020 after inquiring about my eligibility I was assured by SCDEW that everything was in order.
5. I was found ineligible for U.I. due to ability and available. SCDEW made a correction that I didn't know about until I was charged with an overpayment. SCDEW STAFF told me this. This correction should never have been done.
6. I haven't seen overwhelming evidence. Merely accusations.
7. The tribunal had doubt. but sided with Mr. Medlock and not myself. If there is any shadow of doubt should that not be also a reason to dismiss?

### ON A Personal Note

I have been in the workforce for 51 years. I got married at an early age college was out of the question. I commend those that were able. My wife and I have an 800+ credit score. I have been President of our NEIGHBORHOOD ASSOCIATION and A Board member. We have 2 daughters and 3 grandchildren. In those 51 years, we have worked hard and saved with hopes of being able to retire somewhat comfortably. On 5/24/2020 we sat down with a Retirement Advisor to go over our plans. We were there for 4 hours. Figuring out a date to retire the next V.L.O. We went over everything from the date of our visit to approximate death. But 2020 came along and my plan went

from good to bad which put my date to retire further away. Having said this I now couldn't retire much less quit my job. Boeing S.C. was my vehicle to get where I needed to be not thrown away.


Appellant

Robert E. Shirley JR.

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Representing Self

A handwritten signature in black ink, appearing to read "R. E. Shirley JR.", is written over the printed name and address.

## CONCLUSION

On June 1st, 2020 at 1:30 p.m. I was told to gather my belongings and leave by HR as she walked by me she didn't stop to tell me. I started to approach her she turned around and repeated you need to leave now!

The Plant Operations MGR. Stuart Wrenn walked with me outside we shook hands. He told me he was sorry and you can blame this on 1 person.

As of that date and time, my responsibilities ended. After that Legally I was free to do whatever I wanted. Anything after my separation is Null and Void. On June 2nd I was put on a layoff status. This was done by Boeing. I feel anything after that date and Boeing paperwork which is on file with the Clerk Of Court would be Moot. This is between SCDEW and Boeing.

I did not quit my job for the monetary value. My loss of wages till the end of the year my VLO payout, and my 401 K value for those 6 months far outway Mr. Merlock's determination. I am asking the Court to dismiss this case. SCDEW should produce Voluntary Quit paperwork as of June have2nd, 2020. I have read over and over quit due to a W.C. claim. This is the basic evidence that all of this is about. Mr. Medlock'S hearing and his determination are nothing more than assumptions not fact. The tribunal had some doubts PG 89 paragraph 3 line 1. I had 10 minutes with the Tribunal with 2 Judges 1 Recused himself due to us knowing each other from past employment. I only used a little over 5 minutes. No one with my limited knowledge could plead a case in so short of a time. Their determination was based on Mr. Medlock'S as was The ALC. As I have stated all W.C. claims are settled one way or another. The monetary value is also settled. Good or Bad In my case I had more to lose than gain. But it wasn't about W.C. for me and never played a part in my life. I feel that I have been grouped with those that I have witnessed over and over at Boeing. I had first-hand experience with most of that I for some did assessments. Respondents Brief under F.O.I.A. I request all evidence be included separately from the Brief. I will also use my Client's Attorney

Privilege and 1st Amendment Rights. I feel that if this is going further I would like a Judge to be assigned to my case if at all possible.

## ARGUMENT

On June 1, 2020. I was told to leave my employment without a reason.

I did try to engage with H.R. Contrary to Mr. Medlock's statement for a second time leave and leave now. I for health reasons avoid confrontation.

U.I. wasn't an issue at that time. Our livelihood was the issue. It devastated my wife and me. I have been wrongly accused of VOLUNTARY

QUITTING FOR MONETARY VALUE. This is not true. Before filing U.I. I did my due diligence to make sure I was eligible.

1. I made several calls to SCDEW explaining what had happened. Using their information I filed for U.I. Was SCDEW in ERR giving me the wrong instructions?

2. After asking Boeing for the date and reason for my separation their response layoff June 2, 2020. This paperwork has been submitted. Was Boeig S.C. in ERR for sending me a false statement or is it a true statement? Or was it ignored? I don't have the authority to get answers. Only to go by what I was given. Was SCDEW in ERR for not doing a fact-finding call?

3. There was no settlement before June 2, 2020.

4. Anything that was done after June 1, 2020, has no valid reason for not being eligible for U.I. The validation of layoff should be validated from Boeing or SCDEW.

5. My case deserves merit it is unusual. My thoughts are that SCDEW has not taken my layoff status as a fact. This in itself should make me eligible.

6. My W.C. settlement in no way played any part in any decision I made.

I was injured trying to prevent a plane from being damaged. In August of 2016, I had an operation. I reported to work in September 2017. If it was about MONETARY VALUE which was not discussed until 2020 wouldn't I have wanted to speed up the settlement not delay it? That's a little over 3 years. I did my best to avoid W.C. Hearings but Boeing's attorneys insisted as did my attorney. To settle a claim on their side and a payday for my attorney. For me, it was a wash maybe enough to take a cheap vacation. From the day I started at Boeing all I ever cared about was my work.

7. I worked at Boeing for 8 years and was proud to be a part of the 787 program. I was acknowledged a few times for my work. Never late for work. worked any time I was needed. Rarely took time off When I did it would only be a day or two due to my P.T.O. overage.

8. I went to work at Boeing S.C. through Ready S.C. at the lowest pay in 40 years. Why to get my foot in the door. I was then and now amazed at what was happening there. My long-term goal was

to work there till I couldn't. Not quit. After I had met my long-term goals then and only then would Retirement come into place. Didnt get there though.

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The Boeing Co. South Carolina Department of Employment  
and Workforce, Respondents

SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the Notice of Appellant's Brief on

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by depositing a copy of it in the United States Mail, postage prepaid, on

April 4th,2023

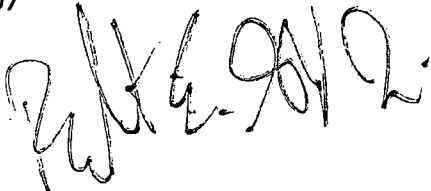
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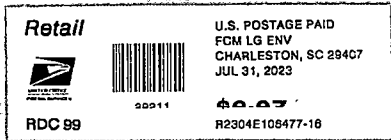
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