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**Sep 20 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

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

Appellate Case No. 2023-001342

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Michael Carwane , Appellant.

v.

South Carolina Department of Juvenile Justice Respondent.

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

1. USPS Certified Mail Receipts, and postal tracking reports for issued Subpoenas and Motion to Compel Orders
2. Email from Erika Easler, ALC Clerk of Court dated April 14, 2023 (non-inclusive of Appellant).
3. SCDJJ employee complaint form dated 04/06/2021 (originally submit 03/30/2023), email to Norberto Perez dated 03/30/2021
4. SCDJJ memorandum dated 04/14/2021 regarding formal Human Resource complaint submitted by Appellant.

5. Response of the State Accident Fund to the Appellant's Motion to Compel, including assertion that Appellant's motion, "can only be meant to harass".
6. News article dated 11/16/2021 reporting on SCDJJ Inspector General investigation and reporting shortcomings during timeframe of Appellant's formal complaints.
7. Emails from Attorney, Nick Haigler, dated 04/10/2023 and 06/20/2023 ignoring Appellant request for full Discovery and attempting to influence responses from lawyers representing other associated organizations.
8. Partial documentation provided by State Accident Fund, without providing actual recorded testimony given by Appellant in two separate recorded interviews. Numerous false statements made by SCDJJ employees within.
9. Defendants' Reply To Motion To Compel before WCC dated 03/24/2023, by Attorney Nick Haigler. Emails dated 02/16/2023, 03/01/2023, 03/06/2023, 03/07/2023, 04/24/2023, 04/25/2023, 04/26/2023 in which Appellant refutes the claims made by Respondent about Discovery documents provided, and continues to request the balance of unmet documents.
10. Privilege Logs provided by Attorney Nick Haigler dated 04/06/2023.
11. Email from Attorney, Nick Haigler dated 11/04/2023 asserting his own client's legal right to full Discovery, though his client had been unresponsive to matching Discovery request from Appellant.
12. Email from Appellant to Respondent, dated 10/06/2022 formally requesting for the third time full Discovery, in accordance with the SCDJJ grievance policy. This was never provided prior to the first two rounds of the Internal Grievance Hearings, as required.
13. Email dated 10/07/2023 from Appellant to Respondent's Human Resource department challenging the unresponsiveness of Respondent to document requests and clarification of the efforts made by Appellant to have his grievance rights honored, as expected by policy.
14. Email response dated 10/12/2023 from SCDJJ employee, DeWarren Register, providing only selective, curated Discovery, rather than requested, full Discovery.
15. Email dated 02/24/2022 regarding Respondent's refusal to give Appellant access to Human Resources Department, as requested for communication about workplace injuries and formal incident reporting from 10/01/2021.

16. Respondent's Grievance Policy No. 223, stating "An employee or their representative may request records, reports, and documents relating to the grievance action with the Department to the ERO".
17. Emails dated from 03/06/2023 to 03/07/2023 in with SC Department of administration in which Attorney Gene Matthews in which he acknowledges receipt of the Subpoena by Respondent by stating, "As to the subpoena, we should be able to provide him relevant documents requested by the close of business today."
18. Administrative Inquiry: Psychological/ Emotional Abuse dated 03/09/2021 for Inspector General "investigation". Conflicting news report of Inspector General treatment for criminality reported by Appellant.
19. Unanswered email dated 04/23/2023 from Appellant to Saluda Chief of Police. Email dated 06/20/2023 from Appellant to Attorney, John Boyd.
20. SCHAC exhibit dated August 10, 2021 documenting office conversation with Respondent Human Resource employee, Norberto Perez noting IG report, video surveillance equipment request, and law enforcement intimidation. Associated, Saluda Police Department receipt signature, and current role for that named Police employee, Nicole Maffett.
21. USPS product tracking and reporting for Respondent refusals of service for subpoenas.
22. Incident Report (Saluda Police Department) dated 09/01/2021.
23. Office of The Saluda County Council letter dated 02/27/2023. Email from associated Attorney, Ginny Bozeman dated 03/07/2023.
24. Unanswered SCDJJ Employee Complaint Form submitted by Appellant 09/09/2021, with unanswered, attached email to Respondent dated 08/26/2023.
25. Emails between Appellant and Respondent's Attorney, Gene Matthews dated 02/28/2023 to 03/01/2023 in which a Good Faith agreement was made to accept service of subpoena digitally, due to original refusal by Respondent.
26. Email from Respondent's Attorney, Gene Matthews dated 06/19/2023 stating Respondent intent to quash subpoena approved by Department of Administration Attorney seeking Discovery materials previously hidden by Respondent.
27. ALC Order Of Dismissal dated 06/19/2023

28. ALC Order Denying Motion For Reconsideration dated 07/19/2023
29. Photos of SCDJJ exterior, and interior SCDJJ video equipment.
30. Documents related to U.S. District Court venue civil action # 3:23-143-CMC-SVH for Appellant.
31. Documents submitted as evidence in the SCHAC and EEOC venue for Appellant.
32. Documents submitted as evidence in the SC Human Resource Administration venue for Appellant.
33. Documents submitted as evidence in the SC Worker's Compensation venue for Appellant.
34. Documents submitted as evidence in the Saluda Police Department Internal Police Investigation venue for Appellant.
35. Additional Discovery and Motion to Compel documents sought by prior Discovery requests, that have not yet been honored by Respondent and other named organizations.
36. Documents on record in SC Administrative Law Court Docket No. 23-ALJ-30-0111-IJ.

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

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Michael Carwane, pro se  
302 The Heights Third Ave  
Saluda, South Carolina 29138  
(828) 301-7106

September 20, 2023

**PROOF OF SERVICE OF DESIGNATION OF MATTER  
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**PROOF OF SERVICE**

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I certify that I have served the Designation Of Matter To Be Included In The Record On Appeal, on South Carolina Department of Juvenile Justice by depositing a copy of it in the United States Mail, postage prepaid, on September 20, 2023 addressed to the attorney on record, Gene Matthews, SC Dept. Of Juv. Justice, 220 Executive Center Dr., Columbia SC 29210.

September 20, 2023

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