

Motion To Move And Or Dismiss

THE STATE OF SOUTH CAROLINA In The Court of Appeals
Appellant's Motion Request To Move The Case To A Lower Court/
AND OR DISMISS

To The Tribunal Court
Case No. 2022-001718

RECEIVED

OCT 13 2023

SC Court of Appeals

Robert E. Shirley JR.

Appellant

V

Respondents

South Carolina Department of Employment and
Workforce.

he Attorney of record Vallerie McMellan P.O. Box 8597
Columbia, SC 29202. (803) -(737)-(0395)

The Boeing Co.O Box 3707 MC6x5 02 Seattle WA 98124

Employer

S.C. Court Of Appeals

P.O. Box 11629

Columbia S.C. 29211

I certify that I have served the Notice of Appellant's Motion To Move To
TheTribunal Court/ Or dismiss

SEE ATTACHMENT

Robert E Shirley Jr.
16 Stocker Dr.
Charleston SC,29407
1-843-763-3493
Representing Self



Attachment Tor Motion To Lower/ OR Dismiss

I would like to start by saying I greatly appreciate the opportunity to defend myself in this matter. I have found myself at a point where I am no longer able to move past the brief process. I still believe that I am innocent of the charges that have been made against me due to the evidence I have sent to the court. My only hope was to get to the point of oral argument. I only followed what was put before me. I followed those instructions to the letter. In an oral argument, I would get that chance. The Tribunal Court with evidence that I will have and didn't have at my first hearing with the Tribunal Court. I simply was not prepared. If the court would allow me to plead my case. I would

need to use the 3 Judge rule. In my last meeting with The Tribunal, there were only 2 Judges due to 1 recusing due to the 2 of us knowing each other in the past. Before my Initial Brief, I requested by motion to Dismiss this case against me before the Initial Brief was due. It took quite some time for it to be answered. I made a mistake and wrote Final Brief. As far as time my case worker whom I had constant contact assured me I was okay. I was in Abeyance and my extensions would account for the time allowed.

In my opinion. This order to Dismiss due to Rule 208 209. It was not transparent as to what was wrong with the Brief. I also am asking due to Judge Geathers's relationship with the ALC as a past representative and work relations with those who (may) have been involved with my case. To

remove this order. Should he not have as a Professional recused himself?

I am asking the Court of Appeals to use the 3 Judge Rule. Who has not read Read this (ATTACHMENT) and my case or to look at the facts of my evidence with an open mind.

1. I was walked out of my job on 06/01/2020. I did not clock out as Mr. Veith stated to Mr. Medlock under oath. The other 2 witnesses had absolutely nothing of any value. The deposition was nothing more than accusations no facts.

2. My work status was lay-off as of 06/02/2020 Boeings paperwork, not mine. This paperwork is on file at the court.

3. On 06/14/2020 I called SCEW and explained my situation that I was told to leave the premises without cause. I asked am I eligible for U.I. I was told YES. Go online and fill out the application.

4. On 06/16/2020. I was found not eligible. I contacted SCDEW to ask why I was told Due to Able and Available. I hung up and forgot about it.

Weeks later U.I. started being deposited in my checking account. I was told by the SCDEW that it had been cleared up.

5. All of the information above I didn't have until after the overpayment letter.

6. After the letter it took a couple of months to find out that a SCDEW employee corrected my application and did so without my knowledge. or consent.

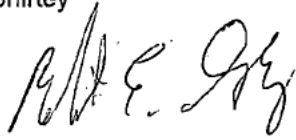
7. SCDEW said that I completed the App. This is not true. I have now found out the employee that did.

8. Contrary to what the court may think after pulling my financial statement which was on C-Track by the way. For anyone to see. Money in that account is from my wife's Retirement fund that was pulled due to losses and put with another co.

My wife and I are senior citizens. We have never broken any laws. We are and have been pillars of our community. All of this was not done by me but by the powers that be. I had no control over. To pay the U.I bill it will come from our Retirement Fund something that someone should never do. It will put a burden on our lives. Neither of us due to our health are not able to work.

We're not looking for pity but I have to say how could an agency like SCDEW do this to someone. \$30,000.00 is un heard of. Law is suppose to be FAIR, EQUAL To find and serve Justice.

Robert E. Shirley

A handwritten signature in black ink, appearing to read "R. E. Shirley". The signature is written in a cursive style with a large initial "R" and "S".

PROOF OF SERVICE OF MOTION FOR DISCOVERY OF EVIDENCE

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I certify that I have served the Notice of Appellant's Motion for
Discovery.

All evidence to include Personal, Financial, and Depositions information
on cost if warranted. Before this is sent. If there is no cost. Send by
Mail.

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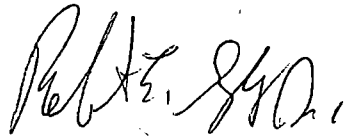
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Char, S.C. 29407

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