

ORIGINAL

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph K. Anderson III, Administrative Law Judge

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Case No. 13-ALJ-22-0095-AP

Tanya A. Vaughan-Youmans

Appellant,

v.

Respondent.

  
South Carolina Department of  
Employment and Workforce  
and Darby Realty Company,  
Inc.,

RECEIVED

JUL 18 2013

SC Court of Appeals

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NOTICE OF APPEAL

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Tanya A. Vaughan-Youmans appeals the decision of the Honorable Ralph K. Anderson III dated June 18, 2013. Appellant received a copy of this decision on June 19, 2013.  
July 17, 2013

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SOUTH CAROLINA COURT OF APPEALS

TABLE OF CONTENTS

FOR APPEAL CASE NUMBER 13-ALJ-22-0095-AP

- 1) MOTION FORMA PAUPERIS
- 2) NOTICE OF APPEAL TO SC COURTS APPEAL
- 3) AMENDED APPEALANT BRIEF
- 4) ORDER OF DISMISSIAL
- 5) REQUEST MOTION TO DENIAL DISMISS
- 6) (ALL EVIDENCE SUBMITTED TO ALC)
- 7) SUMMARY OF EVIDENCE PAGE
- 8) (NEW EVIDENCE SUBMISSION AS CONTINUEING MAIL DELIVERY)  
JULY 17, 2013 POST MARKED DAMAGED.
- 9) PROOF OF SERVICE

**PER CURIUM** I, Tanya A. Vaughan-Youmans a *pro se* Appellant, respectfully submit the **Motion To Appeal** on the decision given on **June 18, 2013** an **Order of Dismissal** made by the Administrative Law Court signed by Ralph K. Anderson, III, Chief Administrative Law Judge. The docket number issued is **13-ALJ-22-0095-AP**.

### **BACKGROUND**

(1.) I would like the decision of the Administrative Law Court (or ALC) to be reviewed and reversed base on the following grounds and supporting evidence: (a) On **February 28, 2013**, I filed a Notice to Appeal. The next correspondence that I received was on **March 5, 2013** by the ALC which was a memorandum, stating that a certificate of service needed to be complete to all parties (which is in compliance with ALC Rule 33). In return, I sent a **Certificate of Service** to all parties involved. That was the last communication that I received from the ALC.

(b) In **April, the week of the 24<sup>th</sup>**, I received the SCDEW transcript listed as the **Record On Appeal** with the ALC: I noted the mail was **dated as April 4, 2013** (which is twenty days later from the original mailing date) and it also included a docket number. That docket number being **13-ALJ-22-0095-AP**. *This is the first time that I became aware that I had a docket number with the ALC.* Then I received a **Motion To Dismiss** one week later from Darby Realty's Attorney Office.

(c) Based on the **Order of Dismissal** stating that I did not comply with the **Notice of Assignment** that was mailed on **March 14, 2013** and the **Order of the Procedure** that was mailed on **March 15, 2013**, neither which I received and as the **Order Of Dismissal** states on page 2, line 2 it states "This Notice was returned to the ALC by the United

States Postal Service.”

(d) The concern for me is noted on the envelope that was received by me from my mailbox that the document packet (that included the **Record Of Appeal** transcripts) was received **unsealed and in a damaged condition** because the Post Office stamped the envelope that way. This along with several other vital pieces of personal mail has been an issue for the month of March either with the timely delivery or the misboxed delivery.

(e) On **May 7, 2013**, I received notification of a **Motion To Dismiss** from the respondents to the ALC. In return I filed a **Denial Of A Motion To Dismiss**, and I filed my **Appellant Brief** on **May 8, 2013** to the ALC base on my knowledge at hand with not having received the proper **Notice Of Assignment** and the **Order Of Procedure. (As referred to in Paragraph 1)**

(f) Submitted to the ALC as evidence to prove these unprecedented circumstances was a receipt of the purchase of **Post Office Box 1924 Goose Creek, SC 29445**. Due to this and the timeliness of other discrepancies with the mail starting in the month of March my husband opened up a more secured post office box on **April 1, 2013**, to avoid this problem. This was the time frame that the ALC reference in the **Order Of Dismissal** that they received back the **Notice Of Assignment** that was mailed out on **March 14, 2013** that I never received: nor did I received the **Order Of Procedure** that the Administrative Law Court stated that they mailed on **March 15, 2013**.

(2) As a *pro se* Appellant and not being familiar with the rules of court or the **Order Of Procedure**, I am completely relying on the communication from the

court in order to be compliant with any of the rules or regulations governing the court as I have proved with my March 5<sup>th</sup> submission of Certificate of Service, as well as initiating this Appeal within itself. However, I was not giving the opportunity to continue to cooperate with the courts being that I never received any correspondences from the ALC after March 5, 2013.

(3) In having submitted this evidence to the ALC and my request for a **Motion To Deny The Dismissal**, based on this evidence alone this would be a miscarriage of justice and a denial of my right to due process. With the ALC assertion and presumption that I received the March 14<sup>th</sup> and 15<sup>th</sup> Notifications from them, which would have given me the assigned Docket Number and Judge to submit my Appeal Brief to. This preponderance of evidence should not be ignored as it is the glue that binds my purpose of this Appeal.

#### **STATEMENT OF STATURE**

*Pfeiffer v. South Carolina Department of Employment and Workforce  
South Carolina Administrative Law Court Decisions  
May 17, 2013*

*S.C. Code Ann. 1-23-380(5) the court may reverse or modify the decision [of an agency] if substantial rights of the appellant been prejudiced because the administrative findings, inferences, conclusions, or decisions are (d) affected by other error of law; (e) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record.*

#### **CONCLUSION**

It is with this submission that I respectfully requested that the South Carolina Court Of Appeals will reversed the decision of the ALC **Order Of Dismissal** and grant me the right to present my case.

Tanya A. Vaughan-Youmans

Tanya A. Vaughan-Youmans

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PROOF OF SERVICE

I hereby certify that I am the Appellant, in the above-captioned matter and that on the 18th of JULY, 2013, in Summerville, South Carolina, I served a copy of the foregoing Notice of Appeal on the following parties by depositing the same in the United States Mail, postage, paid, and addressed as follows:

And including with this filing is the MOTION to Proceed in Forma Pauperis

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