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**Apr 09 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA

In the Supreme Court

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APPEAL FROM RICHLAND COUNTY

ADMINISTRATIVE LAW COURT

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Chief Judge H. Bruce Williams and Judges Aphrodite Konduoros and Jerry Vinson Jr.,

Court of Appeals Judges

S. Phillip Lenski, Administrative Law Court Judge

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Appellate Case No. 2021-0014262 (SC Ct. App. Filed December 13, 2021)

Docket No. 21-ALJ-22-0116-AP (ALC filed April 22, 2021)

Appellate Case No. 2022-000746

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South Carolina Department of Employment  
and Workforce and 4056 Main, LLC DBA Spill  
the Beans, Currently known as Andee's Custom  
Blended Ice Cream

Respondents,

v.

Katrina Daniels,

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Petitioner.

**PETITIONER'S REPLY TO THE RESPONDENT'S RETURN TO  
PETITION FOR A WRIT OF CERTIORARI**

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April 9, 2024

/s/ Katrina Daniels  
Katrina Daniels  
12724 Deaton Hill Drive  
Charlotte, NC 28269  
(803) 810-4498  
[katrina.daniels16@gmail.com](mailto:katrina.daniels16@gmail.com)  
[jjdaniels36@gmail.com](mailto:jjdaniels36@gmail.com)  
Petitioner (pro-se)

cc: Ben Cook  
Office of General Counsel – SCDEW  
PO Box 8597  
Columbia, SC 29202  
(803) 737-0395  
Respondent

Andee O'Sell  
4056 Main, LLC DBA Spill the Beans  
Currently known as Andee's Custom  
Blended Ice Cream  
404 Oak Street  
Clemson, SC 29631  
(412) 559-6213  
Respondent

### RESPONSE

The Petitioner received the Respondent's (DEW's) Response to Petition for a Writ of Certiorari via email on Monday, April 8, 2024 and would like to provide some clarifications. They are as follows:

1. The Respondent states that the Petitioner did not include her former employer, 4056 Main, LLC in her initial Court of Appeals Appeal. As stated in her Motion to Amend (Exhibit G of Respondent's Response), initially, she had only listed the South Carolina Department of Employment and Workforce (SC DEW) as the Respondent because SC DEW was representing the employer in this case. After receiving clarification from the Court, she included the employer on future filings. It is to be noted that the Administrative Law Court made a mistake on their Final Orders, listing the employer as 4056 LLC, rather than 4056 Main, LLC. At the time, Court staff was on vacation and another Court member advised that the Petitioner file a Motion to Amend in addition to forwarding the original appeal to the employer and to await the decision of the court as to whether a caption change was required. The petitioner acted in good faith to follow all court rulings and advisements.
2. The Respondent states that the Petitioner did not serve the Department with the notice of appeal through personal delivery or delivery through the U.S. mail. As stated in her original Proof of Service for a Petition, provisions were put in place by the Supreme Court of South Carolina Memorandum, dated December 16, 2020, (Amended Order Regarding the Operation of the Trial Courts During the Coronavirus Emergency), by the Supreme Court of South Carolina, Order dated August 25, 2021, and confirmation from both the Court of Appeals and the Supreme Court, the serving and filing of appeals and petitions by email are allowed in these courts. On January 11, 2022, the Department questioned the ability for someone who is pro-se to be allowed to file electronically and served a Motion to Dismiss to the Court of Appeals. The Department referenced (d) for Electronic Service using AIS e-mail address, not realizing that section (c) in this same order allows for the service by email to all parties (including someone who is pro-se) on such matters. In the Petitioner's proof of service, she offered to serve the Department by US mail if the Department does not accept such provisions, but no such request was made by the Department.
3. The Respondent states that the Petitioner's email entitled "Petition for Writ" was sent to: "[legal@dew.sc.gov](mailto:legal@dew.sc.gov)"; "[andeeosell@gmail.com](mailto:andeeosell@gmail.com)"; "[jshealy@scal.net](mailto:jshealy@scal.net)";

[“ctappfilings@sccourts.org”](mailto:ctappfilings@sccourts.org); [“supctfilings@sccourt.org”](mailto:supctfilings@sccourt.org); and [“kchesley@dew.sc.gov”](mailto:kchesley@dew.sc.gov). It should be noted that the Petitioner sent the email to the correct email for the employer, [“andee.osell@gmail.com”](mailto:andee.osell@gmail.com) (Exhibit K of Respondent’s Response). In addition, the Petitioner submitted the Petition for Writ to an email address that she believed was correct for the Supreme Court ([“supctfilings@sccourt.org”](mailto:supctfilings@sccourt.org)) and did not receive any notification that the email was not valid. Had she received a bounce-back notification, she would have immediately reviewed the list of emails and resent the email accordingly. On information and belief, the Petition was received, accepted, and processed by the Supreme Court, as made evident by the response sent out by the Supreme Court. Notably, this same email ([“supctfilings@sccourt.org”](mailto:supctfilings@sccourt.org)) was used by the Department for their filing of the “Respondent’s Return to Petition for a Writ of Certiorari.” *Exhibit A – Department’s Email to the Court*. This portion of the Department’s response should be omitted from the argument to dismiss or deny this case as the Department used the same email to file with and serve the Court.

4. In response to the statement regarding the passage of 2 calendar years, it is important to note that the Petitioner was advised by the Court that this filing may take years to process due to the buildup of pandemic-related Court filings.

In conclusion, the Petitioner requests that the Court please review this case and the facts set forth in the Petition for Writ and to please not dismiss the case based on the technicalities mentioned by the Respondent. The Petitioner is pro se with no prior knowledge of court proceedings and has been careful and diligent in following court rules correctly so that her case is fairly heard. The Petitioner is greatly appreciative of your services.

April 9, 2024

Respectfully submitted,  
/s/ Katrina Daniels  
Katrina Daniels  
12724 Deaton Hill Drive  
Charlotte, NC 28269  
(803) 810-4498  
[katrina.daniels16@gmail.com](mailto:katrina.daniels16@gmail.com)  
[jjdaniels36@gmail.com](mailto:jjdaniels36@gmail.com)  
Petitioner (pro-se)

cc: Ben Cook  
Office of General Counsel – SCDEW  
PO Box 8597  
Columbia, SC 29202  
(803) 737-0395  
Respondent

Andee O’Sell

4056 Main, LLC DBA Spill the Beans  
Currently known as Andee's Custom  
Blended Ice Cream  
404 Oak Street  
Clemson, SC 29631  
(412) 559-6213  
Respondent

Exhibit A – Department’s Email to the Court



Katrina Daniels <katrina.daniels16@gmail.com>

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**Updated Address**

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**Chesley, Kristi** <KChesley@dew.sc.gov> Mon, Apr 8, 2024 at 1:24 PM  
To: Katrina Daniels <katrina.daniels16@gmail.com>, "supctfilings@sccourt.org" <supctfilings@sccourt.org>  
Cc: "Cook, Ben" <BCook@dew.sc.gov>

Ms. Daniels,

Thank you for your updated address. Attached please find DEW's Return to Writ of Certiorari. A hard copy of this filing was mailed to the employer's address of record on April 4, 2024. The Supreme Court is being copied on this for their records.

Thank you,

Kristi Chesley



**KRISTI CHESLEY** ◦•

Office Manager, Office of  
General Counsel

South Carolina Department of Employment and Workforce

1550 Gadsden Street, Columbia SC 29202

DESK: (803) 737-0395

EMAIL: [KCHESLEY@DEW.SC.GOV](mailto:KCHESLEY@DEW.SC.GOV)

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An Equal Opportunity Employer/Program. Auxiliary aids and services available upon request to individuals with disabilities at [ADA@dew.sc.gov](mailto:ADA@dew.sc.gov).

For program funding details in compliance with the Stevens Amendment, please visit [www.dew.sc.gov/funding](http://www.dew.sc.gov/funding).

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Appellate Case No. 2021-0014262 (SC Ct. App. Filed December 13, 2021)

Docket No. 21-ALJ-22-0116-AP (ALC filed April 22, 2021)

Appellate Case No. 2022-000746

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South Carolina Department of Employment  
and Workforce and 4056 Main, LLC DBA Spill  
the Beans, Currently known as Andee's Custom  
Blended Ice Cream

Respondents,

v.

Katrina Daniels,

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Petitioner.

**PROOF OF SERVICE OF PETITIONER'S REPLY**

**TO THE RESPONDENT'S RETURN TO PETITION FOR A WRIT OF CERTIORARI**

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I certify that I have served the Petitioner's Reply to the Respondent's Return to Petition for a Writ of Certiorari to both South Carolina Department of Employment and Workforce ([legal@dew.sc.gov](mailto:legal@dew.sc.gov), [kchesley@dew.sc.gov](mailto:kchesley@dew.sc.gov)) and to 4056 Main, LLC ([andee.osell@gmail.com](mailto:andee.osell@gmail.com)), Respondents, and to the Administrative Law Court, Clerk of Court, Ms. Jana Shealy ([jshealy@scalc.net](mailto:jshealy@scalc.net)), and the Court of Appeals, Clerk of Court, Honorable Jenny Abott Kitchings ([ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)) on April 9, 2024.

According to the individual overseeing this case at the Supreme Court of South Carolina, it is permissible to send this Reply via email for the court's filings, as well as to send and receive all future court filings via email.

Respectfully submitted,

April 9, 2024

/s/ Katrina Daniels  
Katrina Daniels  
12724 Deaton Hill Drive  
Charlotte, NC 28269  
(803) 810-4498  
[katrina.daniels16@gmail.com](mailto:katrina.daniels16@gmail.com)  
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**Apr 09 2024**

**SC Court of Appeals**

Katrina Daniels  
12724 Deaton Hill Drive  
Charlotte, NC 28269

April 9, 2024

The Honorable Patricia A. Howard  
Clerk of Court, Supreme Court of South Carolina  
Post Office Box 11330  
Columbia, South Carolina 29211

RE: Katrina Daniels, Petitioner, v. South Carolina Department of Employment and Workforce and 4056 Main, LLC DBA Spill the Beans, currently known as Andee's Custom Blended Ice Cream, Respondents,  
Docket No. 21-ALJ-22-0116-AP  
Court of Appeals Appellate Case No. 2021-001462  
Appellate Case No. 2022-000746

Dear Ms. Howard:

Enclosed for filing is the Petitioner's Reply to the Respondent's Return to Petition for a Writ of Certiorari. Also enclosed is the following:

- (1) Proof of service of the Petitioner's Reply to the Respondent's Return to Petition for a Writ of Certiorari to the South Carolina Department of Workforce and 4056 Main, LLC, Respondents, and to the Administrative Law Court Clerk and Court of Appeals, Clerks of Court.

Respectfully submitted,  
s/ Katrina Daniels  
Katrina Daniels  
12724 Deaton Hill Drive  
Charlotte, NC 28269  
(803) 810-4498  
[katrina.daniels16@gmail.com](mailto:katrina.daniels16@gmail.com)  
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