

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 Court Judge

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Appellate Case No. 2020-001689  
Case No. 2020ALJ300064AP

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**RECEIVED**  
**Aug 29 2024**  
SC Court of Appeals

South Carolina Technical College System, ..... Appellant,

v.

Carla Jackson and South Carolina  
Department of Administration, ..... Respondents,

Of Whom, Carla Jackson is the..... Respondent.

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**PETITION FOR REHEARING  
DIRECTED AT OPINION RE-FILED AUGUST 14, 2024**

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The Appellant South Carolina Technical College System petitions the South Carolina Court of Appeals for a rehearing of the Court’s recently re-filed decision in *South Carolina Technical College System v. Jackson, et al.*, Op. No. 2024-UP-189 (S.C. Ct. App. re-filed August 14, 2024).

**Special Note**

The Court of Appeals issued its original opinion on May 29, 2024. On June 13, 2024, the Appellant filed a timely Petition for Rehearing, and the Court ordered the Respondent to file a

return. Thereafter, by order filed August 14, 2024, the Court of Appeals granted the Appellant's Petition for Rehearing although the ultimate decision was not changed, meaning that the Court of Appeals still affirmed the decision of the Administrative Law Court. The Court of Appeals withdrew the opinion filed May 29, 2024, and after granting the Petition for Rehearing, the Court issued a new opinion on August 14, 2024. The new opinion does not address each of the grounds raised by the Appellant in its Petition for Rehearing filed June 13, 2024. Therefore, in order to ensure that it has complied with Rule 221(b) and Rule 242(d)(1), SCACR, the Appellant is filing an additional Petition for Rehearing directed at the new opinion issued on August 14, 2024. The Appellant is doing so because the initial Petition for Rehearing was granted; yet, the ultimate resolution did not change and each of the Appellant's grounds for rehearing have not been addressed.

In the undersigned counsel's experience, when the Court of Appeals withdraws an opinion and issues a new opinion without changing the result, the Court typically denies rather than grants the petition for rehearing. That has not occurred in the case at bar. Rather, this case is more akin to what occurred in the *Shirley's Iron Works, Inc. v. City of Union* litigation,<sup>1</sup> where the Court of Appeals issued three different opinions after the filing of two petitions for rehearing. In that example, because the Court granted a petition for rehearing and issued a new opinion, it was deemed necessary to file a successive petition for rehearing directed at each new opinion, and the Court acted on each such petition. As a result, the Appellant feels constrained to file this Petition for Rehearing in order to ensure compliance with Rule 221(b) and Rule 242(d)(1),

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<sup>1</sup> See, *Shirley's Iron Works, Inc. v. City of Union*, 2009 WL 4796073 (Ct. App. 2009); *Shirley's Iron Works, Inc. v. City of Union*, 387 S.C. 389, 693 S.E.2d 1 (Ct. App. 2010); and *Shirley's Iron Works, Inc. v. City of Union*, 397 S.C. 584, 726 S.E.2d 208 (Ct. App. 2010).

SCACR, thereby making certain that issues raised but not addressed are deemed preserved for further appellate review.

The grounds for the Appellant's petition for rehearing are addressed in detail in the supporting memorandum filed herewith and incorporated herein.

The Appellant's Petition for Rehearing is based on the Court's decision in *South Carolina Technical College System v. Jackson, et al.*, Op. No. 2024-UP-189 (S.C. Ct. App. re-filed August 14, 2024); the supporting memorandum filed herewith; the briefs and Record on Appeal; Rule 221(a), SCACR; Rule 224, SCACR; and other rules of court.

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