

Exhibit H

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

DeQuincey Simmons,)
)
Appellant,)
)
v.)
)
South Carolina Department of Employment)
and Workforce and Bridgestone Americas)
Tire Operations,)
)
Respondents.)
_____)

Docket No. 23-ALJ-22-0429-AP

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SC Court of Appeals

ORDER DENYING MOTION
FOR REHEARING

This matter comes before the South Carolina Administrative Law Court (ALC or Court) pursuant to a Motion for Rehearing (Motion) filed by DeQuincey Simmons (Appellant) on August 13, 2024. The Court originally dismissed this case on July 29, 2024, because Appellant failed to comply with this Court’s rules. A copy of the order was mailed to Appellant’s mailing address of record. Afterwards, Appellant filed this Motion in which he asserts there were procedural errors in his case, including “rapid and unequal handling of motion,” “lack of direction in brief construction,” and the Court’s “inexplicable Non-Response.” He also argues the South Carolina Department of Employment and Workforce (Department) and Bridgestone Americas Tire Operations (Employer) (collectively, Respondents) submitted a one hundred and fifty-one-page brief and that the Court “assumed this submission met the necessary standards without examining its content.” He further argues for equal treatment for pro se litigants and asserts the Court did not address all of his submissions. On August 19, 2024, Respondents filed a Joint Response to the Motion asserting the Motion lacks merit and as a result, requests it be denied.

Rule 40 of the Rules of Procedure for the Administrative Law Court (SCALC Rules) provides, in relevant part: “A motion for rehearing must be filed within ten days of receipt of the order.” The Order of Dismissal was issued on July 29, 2024, and mailed that same day. Appellant did not file this Motion until August 13, 2024, fifteen days after the Order of Dismissal was issued. Appellant did not provide the Court with the date of receipt of the Order of Dismissal. Because Appellant filed the Motion more than ten days after the Order was issued, the Court finds Appellant’s Motion was untimely. SCALC Rule 40. SCALC Rule.



Moreover, even if Appellant's Motion was timely filed, Appellant's arguments are without merit. First, Appellant appears to be confusing the Department's filing of the Record on Appeal with its legal brief. As explained in the Court's July 29 Order of Dismissal, Respondents did not file a legal brief in this matter. The one hundred and fifty-one page submission Appellant refers to in his Motion is the Record on Appeal that the Department filed pursuant to SCALC Rule 36(B). Therefore, this argument is without merit.

Next, Appellant argues the Court failed to address his submissions, however, he did not specifically state what submissions the Court failed to address. Nonetheless, the Court is only aware of Appellant's Motion for Summary Judgment and Sanctions for False Statements that the Court received on July 29, 2024, the same day the Order of Dismissal was issued. Because the case was already closed, the Court disregarded that filing. Nonetheless, even if the Court had considered it, the outcome would not have changed. Indeed, this matter was dismissed because Appellant's brief was woefully deficient; it did not identify the issues on appeal, did not raise any objections to or take issue with the Panel's decision, and did not offer any legal argument on why the Panel's decision was erroneous. *See* SCALC Rule 37(B). Moreover, Appellant's brief does not set forth sent any citations to authority supporting why the Panel's decision was in error, or a conclusion stating the precise relief requested. *See id.* Thus, Appellant failed to comply with the Court's Rules and, as such, dismissal was appropriate. *See* SCALC Rule 38 (providing an administrative law judge may resolve an appeal adversely to a party who fails to comply with the rules of procedure for appeals, including the failure to comply with time limits provided by the rules).

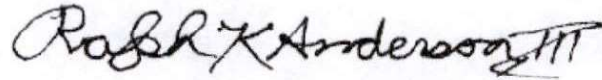
Finally, Appellant requests "equal treatment for pro se litigants." As the Court acknowledged in its Order of Dismissal, *pro se* litigants are held to the same standards as represented litigants. *See* SCALC Rule 8(A) ("A party proceeding without legal representation shall remain fully responsible for compliance with these Rules and the Administrative Procedures Act."); *State v. Burton*, 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9 n.5 (2003) ("A pro se litigant who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law.")

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Accordingly, because the Motion was untimely and because Appellant failed to show good cause to vacate the Court's July 29 Order of Dismissal, I conclude the Motion must be denied.

IT IS THEREFORE ORDERED that the Motion for Rehearing is **DENIED**.

AND IT IS SO ORDERED.



Ralph King Anderson, III
Chief Administrative Law Judge

August 22, 2024
Columbia, South Carolina