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SC Court of Appeals

IN THE COURT OF APPEALS
STATE OF SOUTH CAROLINA

APPELLANT: Dequincey G. Simmons

RESPONDENTS: South Carolina Department of Employment and Workforce and Bridgestone Americas Tire Operations, LLC

Appellate Case No: 2024-001608

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Pursuant to Rule 209 of the South Carolina Appellate Court Rules (SCACR), the Appellant, Dequincey G. Simmons, submits the following Designation of Matter to be Included in the Record on Appeal. This designation highlights critical documents, motions, orders, affidavits, and supporting evidence that are essential for a fair and complete appellate review of the procedural and substantive issues in this case.

1. Pleadings

- **Complaint:** The original filing with the Administrative Law Court, outlining the basis of the appeal.
- **Notice of Appeal,** dated September 20, 2024: Filed within the statutory timeframe to preserve the Appellant's right to challenge the dismissal.
- **Motion for Reconsideration,** filed August 8, 2024: A motion seeking reconsideration of the dismissal order issued on July 29, 2024.

2. Motions and Orders

- **July 29, 2024 - Order of Dismissal:** Issued by Chief Judge Ralph King Anderson III, dismissing the case. The Appellant disputes the validity of this dismissal due to procedural oversights and respondents' misconduct.
- **August 22, 2024 - Final Order of Dismissal:** The court's final order citing procedural and merit-based grounds for dismissal. The Appellant argues this dismissal ignored evidence of compliance and failed to address critical motions.
- **March 22, 2024 - Order Granting Respondents an Extension of Time:** Despite Appellant's compliance with prior deadlines, this extension caused unnecessary delays and procedural confusion.

3. Exhibits

- **Exhibit A: July 26, 2024 - Motion for Summary Judgment**
Filed by the Appellant, arguing that the respondents failed to present substantive legal arguments or genuine issues of material fact. The motion was never addressed by the court, violating procedural fairness.
- **Exhibit B: August 8, 2024 - Motion for Sanctions**
Filed in response to the respondents' misleading affidavits and procedural misconduct, including document dumping and disorganized filings. This motion demonstrates respondents' attempts to obstruct justice.
- **Exhibit C: FedEx Tracking Proof and Affidavit of Dequincey Simmons, notarized August 8, 2024**
Provides concrete evidence that Appellant complied with filing deadlines, countering respondents' claims of procedural deficiencies.
- **Exhibit D: July 13, 2024 - Response to Respondents' Motion to Dismiss**
Filed by the Appellant to refute the respondents' claims and demonstrate compliance with SCALC rules. This document was ignored by the court, further compromising Appellant's procedural rights.
- **Exhibit E: July 13, 2024 - Motion to Clarify Respondents' Submission**
Filed to address the respondents' disorganized and redundant submission, which violated SCALC Rule 37(B). The court's failure to address this motion deprived Appellant of the opportunity to respond effectively.
- **Exhibit F: May 29, 2024 - Record on Appeal Index/Letter to Judge**
Highlights procedural irregularities and discrepancies in the record. This document supports Appellant's claims of judicial oversight.
- **Exhibit G: August 8, 2024 - Second Rule 40 Motion for Clarification and Modification**
Filed to request clarification and correction of procedural errors, as well as modifications to prior orders that contributed to confusion and delay.
- **Exhibit H: August 22, 2024 - Order Dismissing the Case**
The Appellant disputes the procedural and substantive grounds cited in this dismissal and seeks appellate review of its validity.
- **Exhibit I: December 11, 2023 - Response to Motion for Extension**
Demonstrates Appellant's compliance with court instructions and timely response to the respondents' motion for an extension.
- **Exhibit J: Affidavits of Beth Hellmann and Kristi Chesley**
These affidavits, filed by respondents, contain false and misleading statements that were used to obstruct the judicial process. The Appellant's challenges to these affidavits are supported by Exhibit C.
- **Exhibit K: December 26, 2023 - Response to Joint Motion to Dismiss for Lack of Jurisdiction**

A detailed rebuttal of the respondents' motion, demonstrating Appellant's compliance with procedural requirements and addressing jurisdictional issues.

- **Exhibit L: March 22, 2024 - Order Granting Extension of Time**
An unnecessary extension that caused delays and confusion, despite Appellant's prior compliance.
- **Exhibit M: May 30, 2024 - Notice of Reassignment**
This reassignment order contained the incorrect docket number and referenced unrelated parties, raising procedural questions.
- **Exhibit N: Motion to Reconsider Extension of Time**
Filed to address the March 22, 2024, order and its impact on the case timeline.
- **Exhibit O: April 4, 2024 - Respondents' Joint Response to March 22, 2024, Order**
A document reflecting respondents' attempts to delay proceedings through procedural maneuvering.
- **Exhibit P: April 29, 2024 - Order Dismissing Respondents' Motion for Lack of Jurisdiction**
This order, issued over 120 days after the original motion, demonstrates the procedural delays impacting the Appellant's case.

4. Affidavits

- **Affidavit of Dequincey Simmons, notarized August 8, 2024:** Supports Appellant's compliance with filing deadlines and challenges the respondents' claims.
- **Affidavit of Beth Hellmann, dated December 8, 2023:** Submitted by respondents with misleading statements about service of notice.
- **Affidavit of Kristi Chesley, dated April 4, 2024:** Submitted by respondents with false claims about receipt of filings.

CERTIFICATION

I, Dequincey G. Simmons, certify that this Designation of Matter to be Included in the Record on Appeal complies with Rule 209 of the South Carolina Appellate Court Rules (SCACR) and contains no irrelevant matter.

Respectfully submitted,


11/14/2024

Dequincey G. Simmons

Case No. 2024-001608

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the **DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL AND DRAFT OF LETTER**

was served upon the following parties by mailing the same via United States Postal Service, first-class postage prepaid, to their respective addresses as listed below:

Ben Cook
Office of General Counsel-SCDEW
PO Box 8597
Columbia, SC 29202

The South Carolina Court of Appeals
1220 Senate Street
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Benjamin Hepner
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Greenville, SC 29601

Employment Attorney
Bridgestone Americas Tire Operation LLC
PO Box 182366
Columbus, OH 43218-2366

South Carolina Administrative Law Court
Edgar Brown Building
1205 Pendleton Street, Suite 224
Columbia, SC 29201

Dated this 1 day of November 14, 2024 .

Dequincey G. Simmons
2503 Hiers CT
Hephzibah, GA 30815
dequinceysimmons@gmail.com
706-495-0738


11/14/2024

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Draft of the Letter:

**IN THE COURT OF APPEALS
STATE OF SOUTH CAROLINA**

Appellant: Dequincey G. Simmons

Respondents: South Carolina Department of Employment and Workforce and Bridgestone Americas Tire Operations, LLC

Appellate Case No: 2024-001608

November 14, 2024

To the Honorable Judges of the South Carolina Court of Appeals:

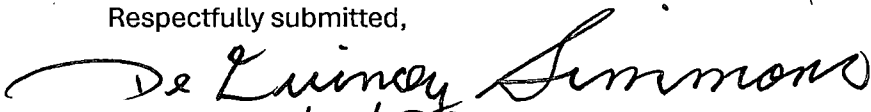
I am writing in response to the Court's correspondence dated October 15, 2024, regarding the submission of a Designation of Matter to be Included in the Record on Appeal under Rule 209 of the South Carolina Appellate Court Rules.

As a pro se litigant, I respectfully acknowledge that I misunderstood the procedural requirement under Rule 209. I had believed that the exhibits submitted alongside my appellate brief were sufficient to ensure that the materials would be included in the record on appeal. Upon receiving the Court's correspondence, I have taken immediate steps to rectify this oversight and have now submitted the required Designation of Matter in compliance with Rule 209.

I appreciate the Court's guidance in this matter and assure you that my intent has always been to comply fully with the appellate rules and procedures. I respectfully request that the Court accept my designation and continue the review of my appeal.


Thank you for your understanding and consideration.

Respectfully submitted,


11/14/2024

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SC Court of Appeals

The South Carolina Court of Appeals
1226 Senate Street
Columbia, SC 29201

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OF THE RETURN ADDRESS; IT IS A COVERED ITEM
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