

**THE SOUTH CAROLINA COURT OF APPEALS
COLUMBIA, SOUTH CAROLINA**

Clara L. Brockington, Appellant,

v.

South Carolina Department of Employment and
Workforce, and BELK, Inc., Respondents.

Appellate Case No. 2024-001656

RECEIVED

Dec 13 2024

SC Court of Appeals

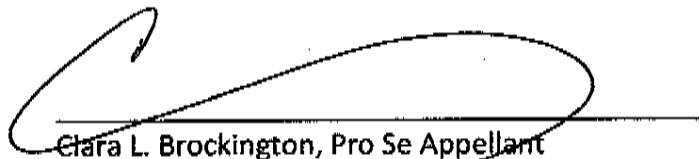
**APPEAL / COURT ORDER DATED
NOVEMBER 25, 2024
MOTION TO CONTINUE**

Pro Se Appellant, is presenting an **APPEAL TO COURT ORDER DATED, NOVEMBER 25, 2024** and Requested a **MOTION TO CONTINUE**. Pro Se Appellant is NOT an Attorney, Clerk of the Court or any Legal Advisor. Pro Se Appellant presented a **MOTION TO CONTINUE** to the COURT around August 16, 2024 by fax and letter to all persons involved. Some of the persons involved informed the COURT that they did not receive their Legal Packet within the proper date/time. However, Pro Se Appellant had Staff/Employees from the Library to assist in mailing; faxing and giving adequate documents that all persons involved received the documents by fax and by the United States Post Office before the Court deadline. Corrections were requested by the Clerk of Court on numerous issues and Pro Se Appellant made the corrections requested by the COURT and returned within the time requested to the COURT by fax and the United States Post Office by another date and Pro Se Appellant submitted the **MOTION TO CONTINUE AND NOTICE OF APPEAL** before a NEW deadline, which was submitted on September 20, 2024. However, at NO TIME, the CLERK or COURT stated that Pro Se Appellant did NOT abide by any NEW COURT DEADLINE and continued the case. COURT OF APPEALS discussed Fees and Fee Waivers with Pro Se Appellant and a MOTION FOR FEE WAIVERS were discussed with the COURT and allowed to continue case and APPEAL THE ADMINISTRATIVE LAW COURT JUDGE ORDER. The CLERK and COURT accepted the October 9, 2024 MOTION and APPEAL from Pro Se Appellant and case continued without any notification from the COURT that dates had changed and not been met by Pro Se Appellant. Case continued and the Clerk of Court notified Pro Se Appellant on November 5, 2024 that case continues and a Notice of Appeal needs to accompany the Judge's Order. Pro Se Appellant faxed and mailed corrections before deadline on or around November 13, 2024. On or around November 19, 2024, Pro Se Appellant fell and received numerous cuts from glass and could not walk. After going to the hospital and seeing family physician, Pro Se Plaintiff had to be removed from working, walking, stressed, handling

any type of business, etc., by Physician from November 19, 2024 through December 10, 2024. Pro Se Appellant had to move in with family member to be cared for, etc., so I was NOT able to receive mail, letters, correspondence, etc., until returning back home and getting clearance to return to duties as of December 11, 2024. Due to right foot received most all the injuries, (except stress, swelling, soreness, etc.) Pro Se Appellant had been refrained from driving, walking properly, and dealing with heartaches from the stress, etc., the disabilities have caused Pro Se Appellant not to be able or accessible to answer any COURT ORDERS within the time frame requested, due to doctors' orders.

Due to Pro Se Appellant has been injured and not cleared by the doctor(s) and still in the healing process from the injuries, as well as had to be removed from her home to family members' home for total care for a lengthy period of time, and continues to need assistance, Pro Se Appellant is requesting that this **MOTION TO CONTINUE AND APPEAL OF COURT ORDER DATED NOVEMBER 25, 2024** is accepted by the COURT due the Medical Temporary Disability noted by the doctor on or around due date of the COURT ORDER. According to my records with the dates the CLERK stated to respond to the Court Orders, all Court Orders were answered and responded to in a timely manner as stated above.

Thanks in advance for granting this **MOTION TO CONTINUE AND APPEAL OF COURT ORDER DATED, NOVEMBER 25, 2024**.



Clara L. Brockington, Pro Se Appellant
P. O. Box 3232, Florence, SC 29502
Telephone: 843-616-1317

Attachments

Cc: Attorney Luther T. Moore (BELK)
Attorney Ashtin Kilpatrick (SCDEW)
Attorney Benjamin Thomas Cook (SCDEW)
Stephanie Perez, Clerk (Administrative Law Court)

December 12, 2024

Florence, South Carolina

McLeod Health

MCLEOD CARDIOLOGY ASSOCIATES FLORENCE
101 WILLIAM H JOHNSON ST STE 600
FLORENCE SC 29506-2773
843-667-1891
Dept Fax: 843-665-2516

April 15, 2024

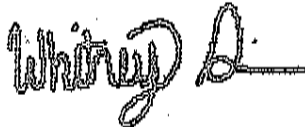
Patient: **Clara Lewis Brockington**
Date of Birth: **12/22/1955**
Date of Visit: **4/15/2024**

To Whom It May Concern:

Clara Brockington was seen in my clinic on 4/15/2024 at 11:15 am. Patient is experiencing heightened blood pressures due to emotional distress. It is essential to address this without exacerbating her health by subjecting her to further stress through testifying on a witness stand.

If you have any questions or concerns, please don't hesitate to call.

Sincerely,



WHITNEY SIMS, PA

McLeod Health

JETER & SKINNER FAMILY PRACTICE
800 EAST CHEVES STREET, SUITE: 200
FLORENCE SC 29506-2635
843-662-1533
Dept Fax: 843-679-7273

November 19, 2024

Patient: **Clara Lewis Brockington**
Date of Birth: **12/22/1955**
Date of Visit: 11/19/2024

To Whom It May Concern:

Clara Brockington was seen in my clinic on 11/19/2024 at . Please excuse Clara for her absence from work on 11/19/24 thru 12/10/24.

If you have any questions or concerns, please don't hesitate to call.

Sincerely,

PRAKASH BEERAKA, MD

CC: No Recipients

McLeod Health

JETER & SKINNER FAMILY PRACTICE
800 EAST CHEVES STREET, SUITE: 200
FLORENCE SC 29506-2635
843-662-1533
Dept Fax: 843-679-7273

December 3, 2024

Patient: **Clara Lewis Brockington**
Date of Birth: **12/22/1955**
Date of Visit: 11/19/2024

To Whom It May Concern:

Clara Brockington may return to work on 12/11/24.

If you have any questions or concerns, please don't hesitate to call.

Sincerely,

PRAKASH BEERAKA, MD

CC: No Recipients



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

November 5, 2024

Clara Lewis Brockington
PO Box 3232
Florence SC 29502

Re: Clara Brockington v. SCDEW
Appellate Case No. 2024-001656

Dear Ms. Brockington:

Upon reviewing your deficiency corrections, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or this matter will be dismissed:

- The notice of appeal is not accompanied by a copy of the order(s) and/or judgment(s) challenged on appeal.

Very truly yours,

A handwritten signature in cursive script that reads "Catherine Harrison, deputy".

CLERK

cc: Ashtin Diane Bellamy Kilpatrick, Esquire
Benjamin Thomas Cook, Esquire

The South Carolina Court of Appeals

Clara L. Brockington, Appellant,

v.

South Carolina Department of Employment and
Workforce, and Belk, Inc., Respondents.

Appellate Case No. 2024-001656

ORDER

This appeal arises out of an order of the Administrative Law Court dated August 28, 2024. Appellant received the decision on September 3, 2024. The proof of service provided with the notice of appeal shows service on October 9, 2024. Because the notice of appeal was not timely served, the appeal is dismissed. *See Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14, 602 S.E.2d 772, 775 (2004) (noting timely service of the notice of appeal is a jurisdictional requirement); Rule 203(b)(6), SCACR ("When a statute allows a decision of the administrative law court or agency (administrative tribunal) to be appealed directly to the Supreme Court or the Court of Appeals, the notice of appeal shall be served on the agency, the administrative law court (if it has been involved in the case) and all parties of record within thirty (30) days after receipt of the decision."). The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.


_____, J.
FOR THE COURT

Columbia, South Carolina

cc:

FILED
Nov 25 2024

Clara Lewis Brockington
Ashtin Diane Bellamy Kilpatrick, Esquire
Benjamin Thomas Cook, Esquire

FILED
Nov 25 2024

RECEIVED**Dec 13 2024****SC Court of Appeals****CERTIFICATE OF SERVICE**

I, Clara L. Brockington, hereby certify that I have this date, served the **MOTION TO CONTINUE AND NOTICE OF APPEAL**, upon all parties to this case by fax, hand-delivered and depositing a copy, hereof in the United States mail, postage paid and to the address provided by the parties and/or attorneys.

Clara L. Brockington, Pro Se Appellant
P. O. Box 3232, Florence, SC 29502
Telephone: (843) 616-1317

Attorney Ashtin Kilpatrick, Esquire
S. C. Dept. of Employment & Workforce
P. O. Box 8597, Columbia, SC 29202
Telephone: (803) 737-0395

Attorney Benjamin Thomas Cook, Esquire
S. C. Dept. of Employment & Workforce
P. O. Box 8597, Columbia, SC 29201
Telephone: (803) 737-0395

Stephanie Perez, Clerk
Administrative Law Court
Edgar A. Brown Building, Suite 224
1205 Pendleton Street, Columbia, SC 29201
Telephone: (803) 734-0550

Attorney Luther T. Moore
BELK, Inc.
2801 W. Tyvola Road
Charlotte, North Carolina 28217
Telephone: (704) 357-1000

December 12, 2024

Florence, South Carolina

FACSIMILE SHEET

FAX : 803-734-1839

DATE: 12-12-24

TO: Jenny Abbott Kitchens, Cler
The 5th C. Court of Appeals

FROM: C. L. Brockington
Pro Se Appellant

WE ARE TRANSMITTING 10 PAGES INCLUDING THE COVER SHEET.
PLEASE CONTACT US IMMEDIATELY IF YOU DO NOT RECEIVE ALL THE PAGES OR IF
YOU HAVE TROUBLE READING ANY OF THE INFORMATION. THANK YOU!

Copy being faxed as well as mailed or hand-delivered.
Thank You!