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SC Court of Appeals



STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Docket No. 24-ALJ-30-0315-CC

Christina M. Mims,

Petitioner,

v.

South Carolina Public Employee Benefit  
Authority, Employee Insurance Program,

Respondent(s).

ORDER

This matter comes before the South Carolina Administrative Law Court (ALC or Court) pursuant to a Request for a Contested Case Hearing filed on August 15, 2024, by Christina M. Mims (Petitioner). Petitioner is challenging the July 26, 2024, decision of the South Carolina Public Benefits Authority (PEBA or Respondent) that determined not to process Petitioner's application for disability retirement under the South Carolina Retirement System (SCRS). This matter was assigned to the undersigned on August 26, 2024.

Respondent filed the Agency Information Sheet on September 10, 2024. The Court issued an Order for Prehearing Statements on September 17, 2024, requiring the parties to submit a prehearing statement on or before October 7, 2024. The Court received Respondent's Prehearing Statement on October 4, 2024, and Petitioner's Prehearing Statement on October 11, 2024. On October 11, 2024, the Court issued a Notice of Hearing to be held on January 14, 2025.

On October 21, 2024, Respondent filed a Motion for Summary Judgement (Motion) pursuant to Rule 68 of the South Carolina Administrative Law Court Rules (SCALC Rules) and Rule 56 of the South Carolina Rules of Civil Procedure (SCRCP). On October 29, 2024, Petitioner filed a Motion for Extension requesting an additional twenty-one (21) days to submit a reply to Respondent's Motion due to counsel having a scheduling conflict with other pending matters. The Court granted Petitioner's Motion for Extension and Petitioner filed a Response in Opposition to Respondent's Motion on November 21, 2024. Respondent filed a Reply to Petitioner's Response in Opposition on December 2, 2024. After careful consideration of this matter, the Court concludes Respondent is entitled to summary judgement. Consequently, Respondent's Motion is granted for the reasons set forth below.



## **BACKGROUND**

Petitioner is an inactive member of the SCRS, with approximately thirteen (13) years and eleven (11) months of service credit in the SCRS. Petitioner was most recently employed at Santee Cooper as an active member of the SCRS, until her employment was terminated on September 3, 2021. Her employment was terminated due to a disabling medical condition; therefore, Petitioner sought disability retirement through the SCRS. PEBA received a SCRS Disability Retirement Application from Santee Cooper on July 5, 2023, almost two years after Petitioner's termination. Santee Cooper indicated to its employees that the Benefits Administrator was responsible for completing and filing all necessary documentation for disability retirement. Petitioner, in accordance with these policies, met with the Benefits Administrator to complete her disability retirement application on September 15, 2021, and entrusted that it would be filed accordingly. However, Petitioner's application was not filed in a timely manner.

On June 10, 2023, Petitioner inquired with PEBA regarding her disability retirement application, when she was informed that PEBA did not have an application on file and, further, that the deadline for her to submit an application had passed. Subsequently, Santee Cooper submitted a disability retirement application completed by Petitioner on September 15, 2021, and received by PEBA on July 5, 2023. The disability retirement application was accompanied by a letter from Santee Cooper taking responsibility for the delay, while also confirming Petitioner's termination date of September 3, 2021. On April 8, 2024, PEBA sent Petitioner a Notification of Disability Ineligibility informing her that her application would not be processed because she was not a "member in service" at the time her application was filed. On May 3, 2024, Petitioner sought further review from PEBA of the denial claiming that her application was timely submitted to her employer. On July 26, 2024, PEBA issued a final agency decision where it determined not to process Petitioner's application for disability retirement because it was not timely filed. Petitioner then sought judicial review of PEBA's final agency decision.

## **STANDARD OF REVIEW**

SCALC Rule 68 authorizes the Court, in its discretion, to apply the South Carolina Rules of Civil Procedure in contested cases. Rule 56 of the South Carolina Rules of Civil Procedure in turn provides that a party against whom a claim is made may move for summary judgment at any time, with or without supporting affidavits. Summary judgment is proper in a case when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter

of law. Rule 56(c) SCRCP. “The purpose of summary judgment is to expedite disposition of cases which do not require the services of a fact finder.” *George v. Fabri*, 345 S.C. 440, 452, 548 S.E.2d 868, 874 (2001). In determining whether summary judgment is proper, the court must construe all ambiguities, conclusions, and inferences arising from the evidence against the nonmoving party. *Dawkins v. Fields*, 354 S.C. 58, 69, 580 S.E.2d 433, 439 (2003). Because it is a drastic remedy, summary judgment should be cautiously invoked to ensure that a litigant is not improperly deprived of a trial on disputed factual issues. *Baughman v. American Tel. and Tel. Co.*, 306 S.C. 101, 410 S.E.2d 537 (1991). However, “when plain, palpable, and indisputable facts exist on which reasonable minds cannot differ, summary judgment should be granted.” *Bayle v. S.C. Dep’t of Transp.*, 344 S.C. 115, 120, 542 S.E.2d 736, 738 (Ct. App. 2001). Summary judgment is not appropriate unless it is “shown that further inquiry into the facts is not needed to clarify the application of law.” *Butts v. AVX Corp.*, 292 S.C. 256, 258, 355 S.E.2d 876, 877 (SC App. 1987). The existence of a mere scintilla of evidence in support of the nonmoving party’s position is not sufficient to overcome a motion for summary judgment. *Kitchen Planners, LLC v. Freeman*, 440 S.C. 456,463, 892 S.E.2d 297, 301 (2023). Furthermore, when the Court is faced with a purely legal issue for which there are no factual issues to resolve, summary judgment is appropriate. See *Bell v. Progressive Direct Ins. Co.*, 407 S.C. 565, 575-576, 757 S.E.2d 399, 404 (2014).

#### DISCUSSION

“The right to retirement benefits is purely statutory and, in the absence of a provision in the statute directing otherwise, the right to benefits does not arise until an application is made and proof is submitted as the statute requires.” *Anderson v. S.C. Ret. Sys.*, 278 S.C. 161, 164, 293 S.E.2d 312, 314 (1982). Procedural and substantive requirements for disability retirement are found under section 9-1-1540 of the South Carolina Code (2019 & Supp. 2024). Subsection 9-1-1540(B)(1) of the South Carolina Code expressly states that benefits are available:

[u]pon the application of a member in service or of the member’s employer . . . . For purpose of this section, a member is considered to be in service on the date the application is filed if the last day the member was employed by a covered employer in the system occurred not more than one year before the date of filing.

In this case, it is undisputed that Petitioner’s last day of employment with a covered employer, Santee Cooper, occurred on September 3, 2021. It is also undisputed that PEBA received the SCRS disability retirement application for Petitioner on July 5, 2023, nearly two years

following her termination. Petitioner, nevertheless, contends that she prepared her application with the Benefits Administrator at Santee Cooper and relied upon them to timely file her disability retirement application. Petitioner argues that her disability retirement application was filed with her employer, a South Carolina state agency, prior to one-year from leaving her employment and consequently, she complied with section 9-1-1540(B)(1) of the South Carolina Code. However, this section further states that benefits will only be awarded “[u]pon the application of a member in service . . . received by the system . . .” Petitioner argues that Santee Cooper is part of the “system” and that through filing her claim with her employer, she filed with the “system” and thus met her statutory obligations. Respondent contends that the “system” refers only to the SCRS and that filing with a state agency other than PEBA does not comply with section 9-1-1540(B) of the South Carolina Code. Further, Respondent argues that for the purpose of complying with the deadlines proscribed by statute, a document is not filed with the SCRS if it is merely given to a participating employer.

“[W]e must follow the plain and unambiguous language in a statute and ‘have no right to impose another meaning.’” *Grier v. AMISUB of S.C., Inc.*, 397 S.C. 532, 535-36, 725 S.E.2d 693, 695 (2012) (quoting *Hodges v. Rainey*, 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2000)). Section 9-1-10 of the South Carolina Code (2019 & Supp. 2024) provides the definitions of the terms used in Title 9, Chapter 1 of the South Carolina Code, which encompasses “system.” Under 9-1-10(28), “system” “means the South Carolina Retirement System established under section 9-1-20.” In turn, section 9-1-20 of the South Carolina Code provides:

A retirement system hereby established and placed under the management of the board for the purpose of providing retirement allowances and other benefits for teachers and employees of the State and political subdivisions or agencies or departments thereof. The system so created shall have the power and privileges of a corporation and shall be known as the "South Carolina Retirement System", and by such name all of its business shall be transacted, all of its funds invested, and all of its cash, securities, and other property held.

S.C. Code Ann. § 9-1-20 (2019 & Supp 2024).

Thus, under the plain language of section 9-1-20 of the South Carolina Code, “system” means the entity known as the SCRS and does not encompass other state agencies. While Petitioner’s application was completed prior to the deadline proscribed by statute, it was not filed with PEBA while she was a “member in service” as the application was not filed with the SCRS

within one year from the date she was terminated. S.C. Code Ann. § 91-1-1540; *see also Hamiter v. Ret. Div. of the S.C. Budget & Control Bd.*, 326 S.C. 93, 484 S.E.2d 586 (1997) (recognizing that the SCRS employers are not responsible for the administration of the system).

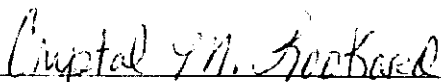
Further, the plain language of 9-1-1540(B) provides the specific timeframe governing disability retirement applications. Neither PEBA nor this Court can expand the timeframe for filing under section 9-1-1540 of the South Carolina Code and allow an ineligible applicant to receive disability retirement benefits. *See Lazicki-Thomas*, 378 S.C. at 75-76, 661 S.E.2d at 376. Subsection 9-1-1540(B)(1) of the South Carolina Code requires that a disability retirement application be made within one year of the applicant's last day as a member in service. Unfortunately, on July 5, 2023, upon the filing of Petitioner's application for disability retirement benefits, Petitioner's last day of employment with a covered employer in the system was more than one year from the date of application. As such, she was not a "member in service" as defined by subsection 9-1-1540(B)(1) of the South Carolina Code, and thus, not eligible to apply for disability retirement.

Viewing the evidence in the light most favorable to Petitioner, this Court concludes there is no genuine issue as to any material fact in this case that could affect its legal conclusion, as such the Respondent is entitled to judgment in its favor as a matter of law. *Bayle*, 344 S.C. at 120, 542 S.E.2d at 738. While this Court recognizes the harsh result of this decision, it is constrained by the rules and legal precedent in this State. *See McClain v. Ingram*, 314 S.C. 359, 444 S.E.2d 512 (1994).

**ORDER**

**IT IS THEREFORE ORDERED** that Respondent's Motion for Summary Judgement **GRANTED**.

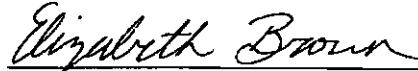
**AND IT IS SO ORDERED.**

  
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The Honorable Crystal M. Rookard  
South Carolina Administrative Law Judge

December 6, 2024  
Columbia, South Carolina

**CERTIFICATE OF SERVICE**

I, Elizabeth Brown, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).



Elizabeth Brown  
Judicial Law Clerk

December 6, 2024  
Columbia, South Carolina