

RECEIVED

Apr 29 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

[In the Supreme Court]

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Judge Phillip Lenski, Administrative Law Judge

Docket # 23-ALJ-22-0379-AP

Case No. 2024-000251

South Carolina Department of Workforce and
Wells Fargo & Company, Inc.,
Respondents,

v.

Bridgette Chabot,
Appellant.

RECORD ON APPEAL

Bridgette Chabot
912 E. D Street
Brunswick, MD. 21716
240.626.7543
Appellant/Pro Se Litigant

Ben Cook, Esquire
SC Dept. of Employment &
Workforce
P.O. Box 8597
Columbia, SC 29202
803.737.0395
Attorney for Respondent

Matthew Korn, Esquire
Fisher & Phillips, LLP
1320 Main Street, Ste.750
Columbia, SC 29201
803.758.6020
Attorney for Respondent

INDEX:

1. Appellant's Notice of Appeal to the Administrative Law Court, dated September 23, 2023.....	002
2. Administrative Law Court Record filed with ALC on October 23, 2023.....	003
3. Appellant's Brief to the Administrative Law Court filed December 6, 2023.....	129
4. Respondent South Carolina Department of Employment and Workforce's Brief to the Administrative Law Court filed January 16, 2024	162
5. Appellant's Reply Brief to the Administrative Law Court filed January 26, 2024	179
6. Final Order of the Administrative Law Court dated February 8, 2024	191
7. Amended Final Order of the Administrative Law Court dated February 13, 2024	197
8. Exhibit B: Audio Recording of Unemployment Trial: Hearing Before Appeal Tribunal Telephone Conference June 27, 2023. Audio on file with South Carolina Court of Appeals and/or CD labeled attached.	

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Bridgette Chabot,)
(Your Name))
)
Appellant,)
)
v.)
)
South Carolina Department of Employment)
and Workforce,)
)
and)
)
Wells Fargo & Company)
(Employer Name, if listed on decision))
)
Respondent(s).)
_____)

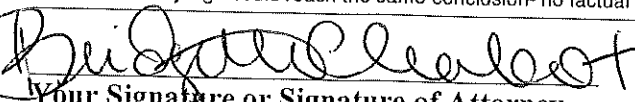
DOCKET NO. -ALJ-22- -AP
(To be completed by the Court)

NOTICE OF APPEAL

Notice is hereby given that Bridgette Chabot (your name), does hereby appeal the South Carolina Department of Employment and Workforce's Appellate Panel Decision, dated Aug. 15, 2023 ~~September 13, 2023~~ and received on August 17, 2023, a copy of which is attached.

In accordance with SCALC Rule 33(B), please provide a **general** statement of the grounds for appeal below:

The Hearing Officer's original findings were to uphold an accusation of "misconduct" by deliberate or intentional disregard alleged by Wells Fargo-However, we had established in the hearing 6/27/2023 at 11:43am, confirmed by Wells Fargo rep Tracy McCarthy that she did not believe there was deliberate intent. The Hearing Officer's findings were based on her opinion-I had a consistent testimony of my lack of understanding the policy I was terminated for @ 12:23 and 12:27pm during the 6/27/23 hearing. No reasonable judge could reach the same conclusion- no factual findings/substantial evidence to support this misconduct claim.


Your Signature or Signature of Attorney

September 13, 2023

Date

211 Bittersweet Lane

Mailing Address

BridgetteChabot@gmail.com

*Email Address

Myrtle Beach, SC 29579

City, State, Zip code

240.626.7543

Phone Number

*By providing your e-mail address, you consent to receive court orders and notices via electronic transmission

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Bridgette Chabot,	)	Docket No. 23-ALJ-22-0379-AP
Appellant,	)	
	)	RECORD ON APPEAL
	)	
vs.	)	
	)	
South Carolina Department of	)	
Employment and Workforce and	)	
Wells Fargo & Co.,	)	
Respondent(s),	)	
_____	)	

APPEAL FROM SOUTH CAROLINA
DEPARTMENT OF EMPLOYMENT
AND WORKFORCE APPELLATE
PANEL

Bridgette Chabot
211 Bittersweet Ln
Myrtle Beach SC 29579
Claimant

Ben Cook
Office of General Counsel-SCDEW
PO Box 8597
Columbia, SC 29202
803-737-0395
legal@dew.sc.gov
Attorney for Respondent DEW

Wells Fargo & Co
PO Box 7340
Garden City NY 11530
Employer

INDEX

Appellate Panel Decision mailed August 15, 2023	1
Initial Claim for Benefits.....	5
Initial Determination of Status as an Insured Worker	9
Separation Fact Finding	11
Employer Separation Information.....	14
Determination of Claims Adjudicator.....	22
Claimant Appeal to Appeal Tribunal.....	24
Notice of Appeal Tribunal Hearing	35
Transcript of Testimony	40
Agency Exhibit 1	83
Employer Exhibit 1	100
Appeal Tribunal Decision mailed July 7, 2023	110
Claimant Appeal to the Appellate Panel.....	114
Notice of Appeal to the Appellate Panel.....	118
Appellate Panel Decision mailed August 15, 2023	120



South Carolina
Department of Employment and Workforce



23819705

08/15/2023

BRIDGETTE M CHABOT
211 Bittersweet Ln
Myrtle Beach SC 29579-4130

NOTICE OF MAILING OF APPELLATE PANEL DECISION

Attached is a copy of the final decision of SCDEW in this case. Any further appeal is to the South Carolina Administrative Law Court. To obtain judicial review of this decision, you must comply with the requirements of S.C. Code Ann. § 41-35-750 and the Rules of Procedure of the Administrative Law Court. The Court may require a filing fee.

The law requires that a Petition for Judicial Review must be filed with the Court and served on all parties and SCDEW within thirty (30) days from the mailing date of SCDEW's final decision (**see the mailing date above**).

The address of the Administrative Law Court is:

**S.C. Administrative Law Court
Edgar A. Brown Building
1205 Pendleton St., Ste. 224
Columbia SC 29201**

Service of the Petition on SCDEW must be addressed and mailed to:

**Office of General Counsel
S.C. Department of Employment and Workforce
Post Office Box 8597
Columbia SC 29202**

SCDEW cannot advise a party on any legal matter. For legal advice or assistance in filing an appeal to the Administrative Law Court, you should consult an attorney licensed to practice law in South Carolina.

South Carolina
Department of Employment and Workforce



23819705

Office of Appellate Panel

BRIDGETTE M CHABOT)
211 BITTERSWEET LN)
MYRTLE BEACH SC 29579)
Claimant SSN: [REDACTED]
Claimant ID: [REDACTED]

APPELLATE PANEL
DECISION

WELLS FARGO & COMPANY INC)
PO BOX 7340)
GARDEN CITY NY 11530-0725)

Appellant: BRIDGETTE M CHABOT

Appeal Number: 23-HA-000610

Appellant: Claimant

The Claimant filed for unemployment benefits on May 9, 2023. The claims adjudicator's determination mailed May 30, 2023, held the Claimant disqualified from benefits, upon finding she was discharged for misconduct. The Claimant appealed to the Appeal Tribunal. After an evidentiary hearing, the Appeal Tribunal affirmed the determination. The Claimant appealed the Appeal Tribunal decision on July 17, 2023 to the Appellate Panel.

The Appellate Panel issued this decision upon review of the record on appeal. We affirm the Appeal Tribunal decision. The Claimant is disqualified from receiving benefits for twenty weeks, effective May 7, 2023, through September 23, 2023, with a corresponding monetary reduction, upon finding she was discharged for misconduct connected with her employment.

BACKGROUND

The Claimant worked for the Employer from January 27, 2020, to May 9, 2023, most recently as a bank teller. The Employer discharged the Claimant for falsifying bank records by using a manager's credentials to approve a customer's transaction in excess of the Claimant's approved limit. The Claimant was authorized to approve customer transactions up to \$100,000. On January 31, 2023, the Claimant had a customer transaction of \$300,000. The branch manager was out of the office that week, so the Claimant contacted the North Myrtle Beach branch manager, who she asserts provided her with verbal authorization to use her credentials without reviewing

South Carolina
Department of Employment and Workforce

the transaction. The Claimant further asserts the North Myrtle Beach branch manager told the Claimant she trusted her judgment and the Claimant could use her credentials anytime.

On February 2, 2023, a regular customer came into the Claimant's branch. A coworker attempted to perform the transaction, but realized he needed authorization for a \$156,000 transaction. The Claimant informed the coworker to contact a manager for authorization. While the coworker was attempting to reach a manager, the Claimant assisted the customer by questioning the customer about his transaction. She maintains she completed the investigative process for the coworker. The coworker could not get through to anyone. The Claimant entered the North Myrtle Beach branch manager's credentials for approval and notated approver not present. The coworker printed the cashier's check for the customer. The Claimant handed the cashier's check to the customer. The North Myrtle Beach branch manager received an email that her credentials were used and notified the district manager. The Claimant stated the branch managers' credentials for transaction approval were left at a desk for employees to access. The Employer conducted its investigation by interviewing all of the parties involved, and reviewing surveillance video and documentation. Upon conclusion of the investigation, the Employer discharged the Claimant.

During the Appeal Tribunal hearing, the Claimant stated she could perform her due diligence and use the manager's credentials without contacting the manager prior to approving a large transaction. She further stated it was the North Myrtle Beach branch manager's responsibility to ensure the transactions under her credentials were proper after receiving notification. The Claimant argued she may have been retaliated against by the North Myrtle Beach branch manager because the Claimant filed a harassment claim against her in October 2022.

FINDINGS

S.C. Code Ann. § 41-35-120(2)(a) requires disqualification from benefits for twenty weeks, with a corresponding monetary reduction, when the Department finds a Claimant has been discharged for misconduct connected with the employment. "Misconduct" includes deliberate violations or disregard of the standards of behavior which an Employer has the right to expect of his employee, and carelessness or negligence of such a degree or frequency as to show an intentional and substantial disregard of the Employer's interests or of the employee's duties and obligations to his Employer.

The record establishes the Claimant used a branch manager's credentials to approve a customer transaction that exceeded her authorized limit. While the Claimant denies wrongdoing and asserts she could use a manager's credentials to approve regular customer's transaction, the Employer's purpose for placing a limit on the Claimant's ability to authorize transactions was to ensure a member of management reviewed a large transaction for approval to protect the Employer from liability. The Claimant provided inconsistent testimony as to her knowledge of the Employer's policy requiring management approval. Based on the Claimant's acknowledged contact with the manager on January 31, 2023, and her instruction to the coworker to obtain management authorization, the Claimant knew the policy and procedure. Additionally, the Claimant's statement that the branch manager she reported for harassment gave her broad use of her credentials lacks credibility. The Claimant's failure to obtain approval from a manager to

South Carolina
Department of Employment and Workforce

authorize a transaction in excess of her \$100,000 limit is a deliberate violation and disregard of the standards of behavior which the Employer had a right to expect. Therefore, we find the Claimant was discharged for misconduct, and a twenty-week disqualification is required by law.

In her appeal to the Appellate Panel, the Claimant argues the hearing officer did not question other employees about their roles in the transactions that led to the Claimant's separation. Upon review of the record, we find the actions of other employees are not relevant to the Claimant's actions resulting in her separation from employment. The issue under appeal was whether the Claimant was discharged for misconduct or cause. The hearing notice mailed to the Claimant provided instructions informing the Claimant she had an opportunity to subpoena and present witnesses for the Appeal Tribunal hearing, but the Claimant did not provide any additional witnesses on her behalf. Additionally, the hearing officer provided the Claimant with an opportunity to question the Employer witness. Further, as a board of review, the Appellate Panel generally is confined to the record developed by the Appeal Tribunal and does not consider additional information which was not previously presented in the evidentiary hearing before the Tribunal.

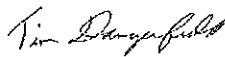
DECISION

The Appeal Tribunal decision mailed July 7, 2023, is affirmed. The Claimant is disqualified from receiving benefits for twenty weeks, effective May 7, 2023, through September 23, 2023, with a corresponding monetary reduction, upon finding she was discharged for misconduct.

**SOUTH CAROLINA DEPARTMENT OF
EMPLOYMENT AND WORKFORCE
APPELLATE PANEL**



E.B. AYERS



TIM DANGERFIELD

STEPHEN S. KELLY, JR., Recuse

Date Mailed: 08/15/2023

Personal Information

Claimant Id:			
Date of Birth:		Other Last Name Used (1):	
First Name:	BRIDGETTE	Other Last Name Used (2):	
Last Name:	CHABOT	Other Last Name Used (3):	
Middle Initial:	M	Gender:	Female
Suffix:		Mothers Maiden Name:	

Address Information

Country:	USA		
Mailing Address, if different from residential:	211 BITTERSWEET LN	Mailing Address City:	Myrtle Beach
Mailing Address State:	South Carolina	Mailing Address Zip:	29579
Residential Address Country:	USA		
Residential Address:	211 BITTERSWEET LN	Residential Address City:	Myrtle Beach
Residential Address State:	South Carolina	Residential Address Zip:	29579
Closest Employment Services Office	Coastal/Conway	Commuter:	

Contact Information

Primary Phone:	240-626-7543	Ext :		Alternate Phone:		Ext:	
Cell Phone:	240-626-7543			Fax Number:			
E-mail Address:	bridgettechabot@gmail.com			Preferred Contact Method:	E-mail		
I wish to receive text alerts on important information on my unemployment claim:	Yes						

Demographic Information

Education Level:	18 - ASSOCIATE'S DEGREE	Disabled:	Choose Not to Answer
Do you need an interpreter:	No	Veteran:	No
Race:	Choose Not To Answer	U.S. Citizen:	Yes
Ethnicity:	Choose Not to Answer	Alien Registration Number:	
Preferred Language:	English		

Eligibility Questions

Indicate from what location you are filing your claim	Home
Have you applied for or are you receiving unemployment benefits from another state other than SC?	No
Has all of your employment been in a state other than SC since 11/09/2021	Yes
Has any of your employment been in a state other than SC since 11/09/2021	
Have you served in the Military since 11/09/2021	No
Are you currently in the State of SC	
Have you been employed as a civilian by the Federal Government since 05/09/2021	No
Have you worked for a school or educational institution since 11/09/2021	No
Have you worked for a professional athletics organization since 11/09/2021	No
Are you an elected official	No

Employability Questions

Are you currently self-employed or do you earn income on a commission basis No

Do you have plans to become self-employed or earn income on a commission basis No

Do you have any known medical condition that prevents you from being mentally and physically able to perform work in a job that you have experience or training No

Are you currently enrolled in school or in training No

Are you available for full-time work Yes

Are you available for part-time work

Employers - Regular

Employer Name	Address	Dates of Employment	Type of Employment
WELLS FARGO & COMPANY INC, DBAWELLS FARGO BANK, N.A.	PO BOX 7340 GARDEN CITY 11530	01/27/2020-05/09/2023	Full Time

Separation - Regular

Employer Name WELLS FARGO & COMPANY INC, DBAWELLS FARGO BANK, N.A.

Reason Employment ended: I was fired, terminated, or discharged from the job.

If Quit or Discharge select the reason why? Falsification of Records

Do you think you will be returning to work for this employer? No

If yes, what date do you think you will return to work (best guess):

State where work was performed: South Carolina

City where work was performed: N Myrtle Beach

Primary Occupation with this employer: Tellers

Are you an owner, corporate officer, or stakeholder of this employer? No

What were your total earnings with this employer from 14243.0

What are your gross earning for your last week of work 93.0

Other Separation

Have you applied for Workers' Compensation benefits within the last year or workers compensation are you receiving Workers' Compensation benefits at this time? No

Are you or will you receive pension or retirement pay (other than Social Security)? No

Are you or will you receive vacation pay, severance pay, military accrued leave pay or other separation pay? No

If you are eligible to receive benefits, would you like Federal Income Tax withheld from your benefits? Yes

If you are eligible to receive benefits, would you like State Income Tax withheld from your benefits? Yes

Do you have a definite return to work date or will start a new job for an employer you have not told us about? No

If yes, what is the name of the employer?

If yes, what is your return to work or start date?

Preferred Payment Method Direct Deposit

Benefits Payment Method

Name of Financial Institution

Financial Institution Routing number

Account Number

Account Type

Work Search

What is your lowest Rate of Pay you will accept for the type of work you are seeking? \$21.00 per Hour

Are tool, licenses, or permits required for the work you are seeking? No

If yes, do you have the required tools, licenses, or permits to perform the work you are seeking?

Military/Veteran Information

Are you a veteran? No

Is your spouse a veteran? No

Is your spouse a veteran killed in active duty?

Is your spouse a deceased veteran who had a total disability?

Is your spouse a service member who is a MIA or POW?

Is your spouse a veteran who had a total (100%) disability rating from the VA?

Were you awarded any campaign badges, ribbons or decorations?

If yes, please mention

Have you worked on a farm? No

Did you earn at least half of your last 12 months income on a farm?

Were you employed all year on a farm?

Did you travel to work?

Did you work at least 25 days on a farm?

Have you worked in a food processing plant? No

Did you earn at least half of your last 12 months income in food processing?

Were you employed all year in food processing?

Did you travel to work?

Did you work at least 25 days in food processing?

Do you have a valid SC driver's license? Yes

Please provide your driver's license number as it appears on your driver's license

Please provide your weight as it appears on your driver's license

Driver's license class D Regular Operator License

Commercial driver's license classes None

Commercial driver's license restrictions None

Do you have State Identification Card issued by SCDMV? No

If yes, Please Provide you State Identification number

Job Suitability Counties

Select upto 6 counties where you are willing to work:

HORRY

Job Suitability Experience

Are you willing to look for other types of work?

Primary Choice

Kinds of Jobs Seeking / ONET?:

Sales Agents, Financial Services

Years of experience:

02

007

011

Years of Training:

Secondary Choice

Kinds of Jobs Seeking / ONET?:

Tour Guides and Escorts

Years of experience:

02

Years of Training:

Last Job Information

How much did you earn on your last job?:

45000.0

Unit of pay:

Year

Travel Miles:

6-10

Location

Are you willing to relocate?:

No

Are you willing to travel at least the same distance as you last traveled to your last job?:

Yes

Your transportation methods:

Automobile

If offered a job, or if recalled from a layoff, are you available for work?:

Yes

If offered a job, or if recalled from a layoff, would the lack of childcare or dependent care make you unable to work?:

Yes

Job And Availability Schedule

Available Time (Start Time - End Time)

Available Days

8:30 - 17:15

Monday

Tuesday

Wednesday

Thursday

Friday

Are you willing to work the same hours/shifts/days you worked on your last job?

Yes

Date Completed: May 09, 2023 12:49 PM



South Carolina
Department of Employment and Workforce



23371713

BRIDGETTE M CHABOT
211 BITTERSWEET LN
MYRTLE BEACH SC 29579-4130

Claim ID: 3452133
Claimant ID: [REDACTED]
SSN: [REDACTED]
SC Works Center: Coastal/Conway
Effective Date: 05/07/2023
Date Filed: 05/09/2023
Date Prepared: 05/11/2023

Initial Determination of Status as an Insured Worker

***BENEFITS YOU MAY BE ELIGIBLE FOR**

WEEKLY BENEFIT AMOUNT \$326.00
MAXIMUM TOTAL BENEFITS \$6,520.00
BENEFIT YEAR ENDS 05/04/2024

SEE ATTACHED FOR CLAIMANT INFORMATION

EMPLOYMENT RECORD		STANDARD BASE PERIOD QUARTERLY EARNINGS			
EMPLOYER	ACCOUNT NO.	*QTR / YEAR	*QTR / YEAR	*QTR / YEAR	*QTR / YEAR
WELLS FARGO & COMPANY INC	[REDACTED]	1/2022	2/2022	3/2022	4/2022
		\$9,642.19	\$9,325.34	\$4,455.71	\$9,137.16
STANDARD BASE QUARTER TOTAL		\$9,642.19	\$9,325.34	\$4,455.71	\$9,137.16

NOTE: The weekly benefit amount on this form reflects your **GROSS PAYMENT EACH WEEK BEFORE ANY DEDUCTIONS** are made. Possible deductions to this amount include, but are not limited to, tax withholding, pension, child support, offset of overpayment, and part-time earnings. **ALSO, YOUR FINAL PAYMENT MAY BE LESS THAN THE FULL WEEKLY BENEFIT AMOUNT BASED ON THE BALANCE REMAINING IN YOUR ACCOUNT.**

*QTR.

1. JAN, FEB, MAR 3. JULY, AUG, SEPT
2. APR, MAY, JUNE 4. OCT, NOV, DEC



South Carolina
Department of Employment and Workforce



23371713

INFORMATION FOR CLAIMANT

This is a monetary determination of your claim for benefits based on wages paid during your Base Period. This determination shows your Base Period Employment Record. It lists your covered employer(s) that paid you wages, their account number, and the wages paid to you by quarter and year during the base period of your claim. The total amount of wages paid to you by quarter in the base period is shown beside Base Quarter Total. This determination covers only the monetary portion of your claim. Another determination will be issued that states if you are eligible to receive benefits. It will be based on the reason for separation from your most recent bona fide employer.

Under Benefits You May Be Eligible For, your Weekly Benefit Amount, Maximum Benefit Amount, and the date your Benefit Year Ends are shown.

BASE PERIOD: The first four of the last five completed calendar quarters prior to the effective date of your initial claim. If you earned wages in covered employment not shown on this form, you may request a redetermination online or by contacting a claims representative by calling 1-866-831-1724.

If the monetary determination was invalid using base period wages, this determination may show wages and employment from an Alternate Base Period.

ALTERNATE BASE PERIOD: The first four most recently completed calendar quarters prior to the effective date of your initial claim. If you earned wages in covered employment not shown on the face of this form, contact the claims representative by calling 1-866-831-1724.

HIGH QUARTER: The quarter in your Base Period during which wages paid to you for insured were highest.

WEEKLY BENEFIT AMOUNT: The amount of benefits you may receive weekly, if unemployed and otherwise eligible, shall be one-half of the average weekly wage in the high quarter of your base period but shall not be less than \$42.00 nor greater than the maximum weekly benefit amount as determined by the Department or before June 30 of each year for benefit years on or after July 1 of such current calendar year, and prior to July 1 of the succeeding calendar year as provided in Section 41 - 35 - 40 of the Law.

MAXIMUM POTENTIAL BENEFITS: The greatest amount of compensation that you may receive during your benefit year.

BENEFIT YEAR: The one (1) year period following the effective date at your initial Claim. To establish a Benefit Year in accordance with the provisions of the Law, you must meet the following wage requirements:

1. You were paid at least \$1,092.00 for insured work during the high quarter of your alternate base period;
2. You were paid at least \$4,455.00 for insured work during your base period and
3. The total of your base period wages for insured work equal or exceeded one and one-half times the total of your high quarter wages.

AVERAGE WEEKLY WAGE: Shall be determined by dividing the high quarter wage earnings by 13 weeks.

REDETERMINATION RIGHTS: You have the right to request a correction if you do not agree that this determination is correct. Your request for redetermination may be made online by logging into your My Benefits portal account or by contacting a claims representative by phone by dialing 1-866-831-1724. No change can be made on this determination after one year from the date of this notice.

IF YOU NEED TO UPDATE YOUR ADDRESS OR TELEPHONE NUMBER, PLEASE VISIT dew.sc.gov.

EXAMPLE OF COMPUTATION OF BENEFITS

Maximum Potential Benefits:

Your maximum total benefit amount for this benefit year is the lesser of			
Higher Quarter Wages	\$	1092.00	1. Twenty (20) times your Weekly Benefit Amount, or
Base Period Wages	\$	4455.00	2. One-third (1/3) of your total Base Period Wages as shown on this determination.
Average Weekly Wage	\$1092.00 divided by 13 = \$	84.00	(1) $20 \times \$42.00 = \$840.00$ (2) $1/3 \text{ of } \$4455.00 = \$1485.00$
Weekly Benefit Amount	\$84.00 divided by 2 = \$	42.00	Maximum Benefits would be \$ since that amount is less than \$1485.00



South Carolina
Department of Employment and Workforce



23370218

Claimant Name: BRIDGETTE M CHABOT
Claimant Party ID: [REDACTED]
Issue ID: 13514253

Employer Name: WELLS FARGO & COMPANY INC

User ID: I

Fact Finding Questions	Responses
I certify that the information I am submitting to the South Carolina Department of Employment and Workforce is true and accurate to the best of my knowledge. I understand any individual found to have submitted fraudulent information to obtain Unemployment Benefits may be subject to penalties of law - up to and including FELONY prosecution.	
I certify, understand, and acknowledge.	Yes
You indicated that your separation from WELLS FARGO & COMPANY INC was due to falsification of records and/or documents.	
Is this the correct separation reason?	Yes
What date was your first day of work?	01/27/2020
What date was your last day of work?	05/09/2023
What date were you discharged?	05/09/2023
Who discharged you? Name:	Tracy McCarthy
Job Title:	Branch Manager
Did your discharge have a financial impact on the employer?	No
Was there a final incident that caused you to be discharged?	Yes

South Carolina
Department of Employment and Workforce

What date was the final incident?	02/03/2023	
Do you know why there was a two or more week delay between the final incident and the day you were discharged?	Yes	
Why was there a delay between the final incident and the day you were discharged?	A branch manager for another branch (not my manager) filed "falsifying bank records" on me even though i followed policy and procedure. (I do still have an open retaliation case against that manager.) And they took it to investigation. I was interviewed internally and today they said I was fired for it.	
What was the final incident?	My manager and the person who was supposed to be in charge, a banker, were both gone on vacation at the same time (even though this is against the district managers policy) So there were no managers present in the bank. A regular known customer came in to get a large cashiers check of \$156k which no one in the branch could approve. I followed policy and procedure for using the next branch managers numbers to approve and print the transaction.	
What records did the employer state you falsified?	Other	
Please explain what records the employer stated were falsified.	Approval for a Cashiers Check.	
Did you falsify the records the employer said you did?	No	
Had you been previously warned for falsifying records?	No	

South Carolina
Department of Employment and Workforce

Does the employer have a policy regarding
falsification of records?

No

By submitting this form, you confirm these are your own answers to the best of your knowledge.

Date Completed: May 9, 2023



South Carolina
Department of Employment and Workforce



23414760

SIDES Response Cover Page

Claimant Details

SSN: [REDACTED]
Claimant Last Name: CHABOT

Employer Details

EAN: [REDACTED]
Employer Name: WELLS FARGO & COMPANY INC

Claim Details

Claim ID Number: 3452133
Sep Notice Receipt Date: 05/09/2023
Claim Effective Date: May 7, 2023 12:00:00 AM

Separation Details

Issue ID: 13514253
Separation Reason: Fired/Discharged

01111



TALX UCM SERVICES

Fax Transmission

To:

Shannon

(843) 953-8489

From:

Jan Green

TALX UCM Services Inc

Fax: (800) 259-3145

Ph: (833) 946-0624

May 25, 2023

Subject

RE: BRIDGETTE CHABOT [REDACTED]

Message:

Please see attached on SS: [REDACTED]

015 019



TALX UCM SERVICES

May 25, 2023

FAX COVER SHEET

FAX: (843) 953-8489

Re: BRIDGETTE CHABOT

Account: 359761

SS: [REDACTED]

Employer: WELLS FARGO BANK, NA

Shannon:

Q: Please provide a copy of the policy and claimant's signed acknowledgement.

A: Please see attached policy.

If you have any questions or problems, please contact me at (833) 946-0624, ext. 3463, fax (800) 259-3145 or you can reach me via email at jan.green@equifax.com.

Sincerely,

Jan Green
Unemployment Insurance Consultant

ATTACHMENT

----- Forwarded message -----

From: <Tracy.Mccarthy@wellsfargo.com>

Date: Tue, May 23, 2023 at 5:20 PM

Subject: [IE] RE: Reply By: 05/25/2023 Unemployment State Call on BRIDGETTE M CHABOT, 001908801 Inhouse: WY40 Loc: 144781 UNIDENTIFIED

To: <jan.green@equifax.com>

Page 17 of the Code of Ethics-

Accurate records and disclosures

Wells Fargo and its employees must follow applicable accounting standards, policies, procedures, internal controls, and legal requirements. The company is committed to accurate, timely, and clear disclosures to regulatory authorities, customers, shareholders, and the public.

Employee responsibilities include:

- Never falsifying data or information.
- Maintaining accurate data or information.
- Accurately recording all payments to, and business transactions with, or conducted by third parties.
- Timely reporting of an error in any of our books or records.
- Obtaining proper authorization or consent for, and never falsifying or improperly altering, legal documents, company forms, applications, or agreements.
- Never signing a blank or incomplete document or asking a customer or vendor to do so.
- Following records retention guidelines and complying with legal hold notices as appropriate.
- Processing all expenses accurately, timely, and through required channels, reviewing expenses for adherence to policies, and ensuring approvals are provided by someone with the proper authority.
- Notifying Regulatory Relations as appropriate of any government or regulatory agency request.

Tracy McCarthy

Branch Manager

Wells Fargo Bank N.A. | 3910 Hwy 17 S. | North Myrtle Beach SC 29582

MAC D6359-010

Tel 843-272-3461 | Fax 843-361-3589



South Carolina
Department of Employment and Workforce

Claimant Name: BRIDGETTE|CHABOT
Claimant Party ID: [REDACTED]
Issue ID: 13514253

Statements

Employer: (IWF:SMOUNTS @ 05/23/2023 03:03:02 PM) Equifax, (800) 829-1510,
Requested policy violated, and prior warnings from the employer. Deadline 5/25/2023 @ 3:02 PM

Name: CHABOT, BRIDGETTE M

SSN: [REDACTED] Due: 05/19/2023

Separation Information

Confirmation

Date/Time Submitted 05/19/2023 02:15:34 PM EDT Record GUID d7b8 144e ab5f 43e3 a617
4495 7b0a 2873

Claim Detail

ClaimEffective 05/07/2023 Claim Number 3452133
Request 05/09/2023

☒ I acknowledge the state's request for additional information.

Employer

Employer WELLS FARGO & COMPANY
INC

SEIN [REDACTED]

Employment Information/Separation Information

Employer's reason for claimant's separation Fired/Discharged
Why was the claimant discharged? Failed to Follow Instructions/Policy/Contract
Claimant's job title TELLER
What was the claimant's first day of work? 01/27/2020
What was the last day claimant performed work? 05/09/2023
Did the claimant become separated on the last day they performed work? Yes

Separation Information/Discharge - Failed To Follow Instructions/Policy/Contract

Final Incident

What was the date of the final incident? 05/09/2023
Describe in detail the final incident that caused the discharge. Investigations found this to be substantiated at the transaction approval level. The teller was called over to another teller's workstation to approve a transaction. Teller was not able to get an approver so she entered in "Approver not Present" into the system and selected a branch manager that had. Investigations found this to be substantiated at the transaction approval level. The teller was

Name: CHABOT, BRIDGETTE M

SSN: [REDACTED] Due: 05/19/2023

called over to another teller's workstation to approve a transaction. Teller was not able to get an approver so she entered in "Approver not Present" into the system and selected a branch manager that had. The Teller was previously placed on Formal for operating loss due to a failure to follow proper procedures or policies in the past 12 months. The teller was terminated for dishonesty/fraud-other on 05/09/23 by Tracy McCarthy.

Violate Company Policy

Did the claimant violate company policy?	Yes
Was the claimant aware of the policy or expected behavior?	Yes
How was the claimant informed of the policy or the expected behavior?	Both

Who Discharged

Who discharged the claimant?	Tracy Mccarty
What is the job title of the person?	Branch manager

Prior Incidents

Were there prior incident(s)?	No
Enter any additional information regarding the reason for discharge for failure to follow instruction/policy/contract. For example, specifically what instructions/policy/contract did the claimant fail to follow?	The claimant was discharged for violation of a reasonable and known policy.

Weeks and Wages

Are total earned wages available for [Dates Unknown]	Wages are available
Total wages earned between [Dates Unknown]	\$34,654.62

Payment After Separation

Total gross wages earned since 05/07/2023?	\$132.18
Total hours worked since 05/07/2023?	7
Did or will the claimant receive any compensation on or after the last day of work (excluding wages for hours worked)?	No
Is or will the claimant receive a company pension and/or 401K disbursement?	Unknown

Name: CHABOT, BRIDGETTE M

SSN: [REDACTED] Due: 05/19/2023

Documentation/Attachments

Do you have any attachments supporting your response? **No**

Preparer

Prepared by	Third Party Administrator	Company Name	TALX UCM Services, Inc.
Preparer Name	Missy Wilson	Job Title	Manager, Claim Services
Phone	(800) 829 - 1510	Email	melissa.wilson@equifax.com

Optional not addressed

Corrected Employer Name

Corrected FEIN

Corrected SEIN

TPA/Employer Representative receiving this request DOES NOT represent this employer (Not Checked)

PEO receiving this request DOES NOT represent this employer (Not Checked)

Corrected SSN

Corrected Claimant Name

Claimant did NOT work for this employer (Not Checked)

Claimant was a 1099 or contract employee (Not Checked)

Employer is a Temporary Staffing Agency and the claimant was working a temporary assignment (Not Checked)

Employer believes this is a fraudulent claim (Not Checked)

Was this seasonal employment?

Is (or was) the claimant receiving workers' compensation?

Fax



South Carolina
Department of Employment and Workforce



23456794

Original

BRIDGETTE M CHABOT
211 BITTERSWEET LN
MYRTLE BEACH SC 29579-4130

Decision Date: 05/30/2023
Mailing Date: 05/30/2023
Effective Date: 05/07/2023
Type: DC36
Category: Company Policy Violation
Benefit Year Ends: 05/04/2024
RE: WELLS FARGO & COMPANY INC
Claimant ID: [REDACTED]
SSN: [REDACTED]
WBA: \$326.00
RBA: \$0.00

DECISION

You are held ineligible for benefits from 05/07/2023 to 09/23/2023.

DETERMINATION REASON

You were discharged from your job with your most recent bona fide employer for violation of company policy. Policies violated were not unreasonable, and you did have opportunity to have knowledge of the company policies. Failure to comply with company policies was contrary to the employer's best interests. You were discharged for misconduct in connection with the work under the South Carolina Code Section 41-35-120(2) (a). You were discharged for violating the employers accurate records and disclosures policy.

CONCLUSION

You have not met the eligibility requirements of the law, benefits are denied. You are disqualified for 20 weeks. Your maximum benefits are also reduced by 20 times your weekly benefit amount.

MONETARY INFORMATION

Weekly Benefit Amount	Maximum Potential	Less Reduction Of	Net Total Benefits	Benefit Year Ends
\$326.00	\$6,520.00	\$6,520.00	\$0.00	05/04/2024

UI Claims Adjudicator

IMPORTANT: This determination will be the final decision of the Department unless you file an appeal setting forth in detail the grounds for appeal by 06/09/2023. Appeals may be filed by mail addressed to the "Appeal Tribunal, Post Office Box 995, Columbia, SC 29202," or by fax to 803-737-0287, or via the CSS or ESS portals using the "Request Appeal" button. NOTE: UPLOADING DOCUMENTS TO THE PORTALS WILL NOT BE ACCEPTED AS AN APPEAL. For additional information on filing an appeal, contact the Appeals Department at 803-737-2520 or visit our website at <https://www.dew.sc.gov/individuals/appeals>.

SEE FURTHER EXPLANATIONS OF THE LAW ON PAGE TWO (2) OF THIS FORM

South Carolina
Department of Employment and Workforce

EXPLANATION OF DETERMINATION

South Carolina Employment and Workforce Law provides varying penalties for a claim that does not meet the requirements of the law.

The term "bona fide employer" means the employer with whom the claimant last earned at least eight (8) times the weekly benefit amount.

SECTION 41-35-110 provides that a claimant is eligible for benefits for any week only if the week is claimed according to the regulations, and the claimant has registered and continued to report to an employment office for work as required. Additionally, a claimant must be physically able to work at his usual occupation which prior training and experience show him to be qualified. Also, a claimant must be available for work, which means being ready, able, and willing to accept suitable work, and that personal circumstances would not prevent him from accepting such work.

No weeks of unemployment benefits will be paid for weeks for which the claimant is held to be unavailable. The claimant should call 1-866-831-1724 if the condition which caused the unavailability changes.

SECTION 41-35-120(1) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant left work without good cause connected with the employment. The disqualification shall begin on the effective date of the claim and shall continue until the claimant returns to work and earns at least eight times the weekly benefit of the claim.

SECTION 41-35-120(2)(a) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant was discharged for misconduct connected with the most recent work. The disqualification shall begin on the effective date of the claim and shall continue for twenty weeks, with a corresponding reduction of the claimant's benefits to be calculated by multiplying the weekly benefit amount by twenty. Misconduct includes deliberate violations or disregard of standards of behavior the employer has the right to expect, or carelessness or negligence of such degree or recurrence as to show an intentional and substantial disregard of the employer's interest or the claimant's duties and obligations to the employer.

SECTION 41-35-120(2)(b) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant was discharged for cause, other than misconduct, connected with the most recent work. The disqualification shall begin on the effective date of the claim and shall continue for not less than five nor more than nineteen weeks, with a corresponding reduction of the claimant's benefits to be calculated by multiplying the weekly benefit amount by the number of weeks of the disqualification.

SECTION 41-35-120(3) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant was discharged for illegal drug use. The disqualification shall begin on the effective date of the claim and shall continue until the claimant returns to work and earns at least eight times the weekly benefit amount of the claim.

SECTION 41-35-120(4) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant was discharged for gross misconduct. The disqualification shall begin on the effective date of the claim and shall continue until the claimant returns to work and earns at least eight times the weekly benefit amount of the claim.

SECTION 41-35-120(5) provides that a claimant shall be disqualified from benefits if the Department finds the claimant failed without cause to either apply for suitable work when directed by the Department or to accept available suitable work. The disqualification shall begin on the effective week the failure occurs and shall continue until the claimant returns to work and earns at least eight times the weekly benefit amount of the claim.

SECTION 41-35-120(8) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant retired voluntarily from the most recent work. The disqualification shall begin on the effective date of the claim and shall continue until the claimant returns to work and earns at least eight times the weekly benefit amount of the claim.

If you are still unemployed at the end of a period of disqualification or believe you have met the requalification requirements imposed, you may reopen your claim by reporting to the local unemployment office on the earliest possible date following the end of the disqualification or after meeting the earnings requirement.

FOR ADDITIONAL INFORMATION OR QUESTIONS PLEASE CONTACT US AT 1-866-831-1724.

Appeal Filed Summary

Claimant Name CHABOT, BRIDGETTE M.

Claimant ID [REDACTED]

Claimants masked SSN [REDACTED]

Employer Name WELLS FARGO & COMPANY INC

Employer Account # [REDACTED]

Issue ID 13514253

Issue Description Discharge - Company Policy Violation

Date of Determination being appealed 05/30/2023 12:00 AM

Reason the appellant provided for the appeal I am appealing the decision to deny my claim because 1.I did not violate the policy I was accused of violating that resulted in my termination and 2.I was terminated for another coworker's/teller's transaction. That teller was not terminated, nor disciplined. All relevant points are in a document attached. Thank you.

Appellant Claimant

Date and Time Stamp when appeal was filed 06/07/2023 12:44 AM

To Whom It May Concern:

I am writing to appeal the decision to deny my claim for unemployment benefits. The SC unemployment claim site lists the denial based presumably on Wells Fargo's account that there was "misconduct" and "violating company policy" by me, Bridgette Chabot. I have confirmed that my termination was determined by violating company policy by calling Wells Fargo HR and speaking with Jake, a Wells Fargo HR employee on May 17, 2023 and by Tracy McCarthy who filled out an "Employment Verification- Terminated" Form in which you can see Tracy McCarthy, my former Branch Manager at Wells Fargo who decided to terminate me from the company, wrote that the reason my employment ended was "failure to follow procedure or policy." I have provided that termination form in the uploaded documents. UPLOAD 1 ATTACHED: "EMPLOYMENT VERIFICATION-TERMINATED" FORM.

I was specifically terminated for mis-using someone else's employee ID number without, what she said, was her consent. The policy in question, that I allegedly violated was the "Approver not Present" option for customer transactions. I am appealing the unemployment decision to deny my unemployment claim because I did not violate the policy.

Ultimately, in regards to my termination, I want to bring to light 2 key factors:

1. I did not violate the policy I was accused of violating.
2. I was held accountable for another teller's transaction. I was terminated and he was not.

What follows is an outline of all things I believe to be relevant and considered in deciding my unemployment claim, however, in relation to the the final decision of my termination, the most preeminent and indisputable factors are these two main key points.

There was no manager of any kind at the branch from January 30-February 3. Leaving 4 employees available at the Wells Fargo Barefoot branch: 2 tellers and 2 bankers (one of which was just helping for the week.)

#1: on February 2, 2023, a regular customer came in to get a cashier's check. The cashier's check was in the amount of \$156k. (Both bankers have a limit of \$150k, although one was at lunch at the time of this transaction. The teller, Tyler Faizo, who was waiting on this customer, told me he did not know what to do and needed my help with his customer. (Although Tyler had been working as a teller at Wells Fargo for over a year at the time of this transaction and he should of been at this point trained or supported by his Branch Manager on how to navigate these situations.) I reviewed this transaction for him as I am an approver up to \$100,000. (So out of the 4 employees available physically, none could approve this transaction in the building.) So I looked over the transaction (transaction history, signature, questioning the customer but also this was a regular and known customer, Mr. Lopez) I put comments in the comment box with my name, since I did the investigative part. Meanwhile, I told Tyler he needed to try to call around and get a manager on the phone. Tyler Faizo reportedly tried calling North Myrtle Branch and their Branch Manager Ariana Nati three times. Tyler reported that no one answered the phone each time he called. He asked me what to do? I said, "I

don't know, but I guess since Ariana said we could use her numbers, [on January 31, 2 days prior] we can do that." All employees' employee IDs/company numbers are posted at my manager's desk for use. If you review the policy in which I attached, it does not state you have to verbally speak to the person when using their employee ID number. You will see it states to type their employee ID, press go, select "Approver Not Present option", select reasons [as I stated I wrote the comments in for what was reviewed on the transaction], select "Complete" and the Approver Not Present, in this case, Ariana Nati, would receive an email instantly. (Within this email, she could review this transaction AS SOON AS it is completed.)

Again, in Wells Fargo's own policy, it does not state you need verbal consent to use their employee ID for completing a transaction. So my termination was really based on Ariana Nati's opinion that I should not have used her employee ID. Furthermore, I did have Ariana Nati's consent two days prior on January 31, 2023 on a separate transaction as follows:

#2: I had verbal consent from Ariana Nati (Branch Manager of N. Myrtle Branch) to use her employee ID over the phone on January 31st, 2023 in which she allowed me to use her numbers for a business deposit for one of Barefoot's regular customer. (This deposit was over \$300k) In this case, this was my customer and my transaction, I needed an approval and I called the N. Myrtle Beach branch and talked to Ariana. Ariana Nati, did not ask for me to scan over the deposit. She did not ask me to send the customer to her branch. She did not know the customer, she asked if I did and I said "yes, they do regular deposits here for their clients." Ariana said, "you can use my numbers any time." I said, "well I wanted to make sure before I do it" and she replied, VER BATIM, "You can use my numbers any time. I trust your judgment." Again, on January 31st, Ariana consented to let me use her numbers WITHOUT ever reviewing this transaction.

UPLOAD 2 ATTACHED: "Approver Not Present" Policy.

#3- The policy clearly states that when using the Approver Not Present option, in this case, Ariana Nati, will get an email instantly when an employee uses her employee ID for a transaction. Ariana Nati, nor anyone at her branch answered the their branch phone, but she would of gotten this email instantly. At that point, Ariana Nati could of called down to our branch immediately after she received this automatically generated email- If she was concerned about the transaction (whether concerned about it being a fraudulent transaction or if there were implications of monetary loss). However, she did not try to call the Barefoot branch at all that day. The comments I wrote on the transaction would be available in the automatically generated email Ariana received. Those comments should of cleared up any concerns since I did my due-diligence in reviewing the transaction- but if she still had any questions, she could of called and asked for Mr. Lopez's information, for information on the transaction, she could of requested scan documents to her, etc. We have one hour to reverse a transaction once its completed and as a Branch Manager, her role requires her to be checking her email constantly, so reversing this transaction was still a possibility. However, Ariana did not try to contact the Barefoot branch whatsoever. Only a couple hours later, I got an email from the District Manager (Shannon Murphy) asking what happened over the transaction because

Ariana was angry her employee ID was used so Ariana confirmed her receipt of receiving NOTICE the transaction took place by acknowledging the automatically generated email that was sent as soon as the transaction was completed.

Let me state here if she actually had any concerns over this specific transaction in question, the first thing you would do as a Branch Manager (or any employee) is to apply your common sense and due-diligence, actually investigate and inquire about the transaction at hand, in a timely manner, which is part of her duties as a Branch Manager. Ariana Nati, just to reiterate, did not call Barefoot branch or inquire about the transaction what so ever after she received the automatically generated email but she implicated herself by showing receipt of receiving the email using her numbers by emailing the district manager that same day: This displays that HER CONCERN WAS NOT OVER THE TRANSACTION ITSELF BUT THAT MY NAME WAS ON THE NOTES IN THE EMAIL SHE RECEIVED FOR THE TRANSACTION. After the initial email with the district manager, I was informed by Tracy McCarthy on February 8, 2023 that I was being written up for "Falsification of Bank Records [Documents]."

LET ME REITERATE HERE THAT THE "FALSIFYING OF BANK RECORDS" WAS BASED ON ARIANA'S OWN PERSONAL FEELINGS AND HER INTERPRETATION OF COMPANY POLICY AND NOT ON THE ACTUAL POLICY ITSELF. OPINION IS NOT A SUBSTITUTE FOR FACT.

[Ariana Nati's negligence in reviewing the transaction in question, which is part of her duties as a Branch Manager, demonstrated to me clearly, that this may be retaliation on her part towards me in particular. In October 2022, I filed an HR case against Ariana Nati for talking about me to my co-workers in a negative light and I considered this unprofessional and harassment. As part of that HR claim, a Wells Fargo Employee Relations employee had to reach out to Ariana to go over the case so Ariana was aware that I filed an harassment case against her. I do believe that when she saw my name on those notes on this particular transaction, she thought it was her chance to retaliate. Otherwise, she would of demonstrated common sense and done her due diligence to review the transaction in question. I initiated a retaliation case against Ariana Nati when speaking to the investigator Seth Bowers on March 15. My perception of this event is that Ariana filed the falsification of bank records on me as a way to retaliate. AS it stand right now, I was terminated on May 9 but the retaliation case is still open as of June 6, 2023.

RETALIATION IS DEFINED BY WELLS FARGO AS "any adverse employment action taken against an employee by a member of management in response to any of the following activities: ... -Reporting in good faith actual or suspected misconduct..or Wells Fargo policy.]

UPLOAD 3 ATTACHED: Wells Fargo Retaliation policy

#4- On March 15, 2023, I suddenly got an email from Wells Fargo Investigator, Seth Bowers, with a scheduled time for a confidential meeting that same day. (I did not know what it was about at that time because as you can see it was over a month after the ini-

tial transaction.) I was suddenly investigated for the transaction that occurred on February 2, 2023. I told Seth Bowers about the transaction. Seth Bowers questioned my knowledge of the policy in question and cited a policy number so I could reference the policy and re-read it. Although Seth Bowers referenced the policy and policy number, he did not read or review the policy with me. No one at any time employed with Wells Fargo, including Tracy McCarthy, ever actually looked up the policy and read it to me. So to my knowledge, no Wells Fargo employee, not Ariana, not Tracy, not Seth, none of them actually read or reviewed the policy while filing, investigating and ultimately terminating me over this policy. Seth Bowers REFERENCED the policy and gave me a policy number and that is the policy I have included here. This is the policy that I allegedly violated per Seth Bowers per our telephone meeting March 15. I DID NOT HAVE A CHANCE TO SPEAK TO ANYONE AFTER SETH BOWER'S INVESTIGATION ON MARCH 15TH SO I DID NOT HAVE A CHANCE TO RESPOND TO THE POLICY-VIOLATION ACCUSATION BY exposing that I, in fact DID NOT VIOLATE THE POLICY, since I was investigated on March 15th and afterwards Tracy told me she didn't think I would be terminated, I had no clue that termination was being seriously considered and so I never had a chance to convey what I discovered worded in the policy. (It was over 2 months after the initial investigation that I was terminated and over 3 months since the transaction occurred.) I referenced everything in this appeal letter to Seth Bowers, the investigator; including the phone conversation on Jan31st with Ariana, with the fact that this was not my transaction (but Tyler's), that my own Branch Manager broke policy because only one person is allowed to go on vacation at a time and she made a special exception for her and her appointed delegate (who serves as a "stand-in manager" while she is gone) to go on vacation both at the same time. To my knowledge, none of the factors I referenced to the investigator, Seth Bowers, were investigated, although, Wells Fargo employee relations consultants/investigators do hide under the veil of "confidentiality". It was very apparent that I was the only one to be held accountable and I felt as a scapegoat because:

- A. I saw no accountability for either manager. Tracy McCarthy violated the district manager's own policy to have only one person on vacation at a time. If we had the delegate that Tracy appointed, Richard Park, present during Tracy's vacation, the circumstances surrounding the transaction in question, would of never happened. If there was an exception to have both Barefoot employees/managers out at the same time, there should of been an arrangement made to have a "stand-in manager" present at our branch. Again, this shows no accountability for managers as they can break policy any time they want with no repercussions.
- B. There was no accountability for Ariana Nati either. The policy is always to answer the branch phone during business hours, no questions asked. Tyler reported he tried calling three times. On their caller-ID it would of showed it was another Wells Fargo branch calling and therefore, a critical phone call that they ignored. If Ariana Nati followed the district manager's policy to always answer the branch phone, this transaction again, would have never been questioned as it was a known regular customer and Ariana, from previous behavior allowed me to use her employee ID without questioning or reviewing the transaction. Also, doing her due diligence as a Branch Man-

ager and inquiring on the transaction in question was not done what-so-ever. This intentional oversight to review transaction, to my knowledge, was never questioned.

#5-The policy ONLY OUTLINES HOW TO USE SOMEONE'S EMPLOYEE ID WHEN NO APPROVER IS PHYSICALLY PRESENT IN THE BRANCH AND THEREFORE DOES NOT STATE YOU NEED TO VERBALLY CONTACT THAT APPROVER. THE POLICY STATES SPECIFICALLY THAT THEY WILL GET AN EMAIL AFTER THE TRANSACTION IS COMPLETED. THE POLICY DOES NOT COVER WHEN MANAGER'S ARE NOT AVAILABLE PHYSICALLY-NOR AVAILABLE BY PHONE. I BELIEVE THIS IS BECAUSE IT IS ASSUMED BY WELLS FARGO THAT EACH BRANCH WOULD HAVE A SERVING MANAGER PRESENT, IF NOT PHYSICALLY; MANAGER'S MADE AVAILABLE TO CONTACT. AFTER AND ONLY AFTER THIS TRANSACTION TOOK PLACE, WE WERE TOLD OUR LAST RESORT WAS TO TURN THE CUSTOMER AWAY AND SEND THEM TO ANOTHER BRANCH IF WE DID NOT VERBALLY CONTACT A MANAGER. HOWEVER, AGAIN THIS WAS NOT OUTLINED IN THE POLICY. THIS IS A SHORTCOMING BY MANAGEMENT AND THEY HAVE TAKEN ZERO RESPONSIBILITY FOR THE CIRCUMSTANCES SURROUNDING THIS TRANSACTION. Again, I was used as a scapegoat for the transaction.

(Let me note here as well, that out of all the Branches in the Grand Strand, Barefoot branch is considered to be the one with the most affluent and wealthy customers so leaving this branch without anyone to approve anything above \$150k is not only ludicrous but downright bad customer service.)

#6- Although I reviewed the transaction in question, because I am considered an "Approver," this was not my transaction. This was Tyler Faizo's customer and his transaction. However, there was no charges brought against Tyler for the transaction. Tyler and I both share the same job title, job description and compensation. Tyler printed the Cashier's Check after I wrote my notes and in doing so, Tyler Faizo showed compliance in completing the transaction as it stood, with Ariana's employee ID. I was investigated for this transaction first by investigator Seth Bowers . I asked my Branch Manager, Tracy McCarthy, after my meeting with Seth, if Tyler would be investigated as well, she said, "I don't think so." However, he was privately questioned by an investigator, Seth Bowers, on the same day, after my meeting/investigation. In a separate instance prior to this transaction, I was told specifically by HR Wells Fargo employee, Phillip Mayo, in a telephone conversation on October 14, 2022, that each teller is responsible for their own cashbox and even if some other employee tells them to do a transaction, it is their sole responsibility for whatever transactions occur and are completed in their cashbox. In a Teller's job description, according to Wells Fargo, they're responsible for "maintaining their cash drawer." Again, Tyler Faizo was compliant in the transaction. Tyler did not try to access the policy himself with our database on our work computers. He did not reach out to his next line of authority. He did not say he did not want to complete the transaction which he could of done at any time. He also was compliant in printing the cashier's check. And even after printing the cashier's check, he could of reversed the transaction in his own cashbox up to an hour after it was completed. Not at any time did Tyler Faizo oppose completing this transaction. I was terminated and Tyler was not. To my knowledge, he was not held accountable what-so-ever for the transaction.

You will also see in the uploads a screen shot of a text message between Tyler and I in which he feels responsible for the transaction by stating he was "part of this whole mess." UPLOAD 4 ATTACHED: Screenshot of conversation between Tyler and I.

#7- On March 15, 2023, after the investigation with Seth Bowers over the transaction in question, my final question to him was if I was going to be terminated. He said he doesn't know, he only investigates and sends his findings to Employee Relations. So after the meeting, I went straight to my manager, Tracy McCarthy and asked her if I was going to be terminated for this, "falsifying bank records" (as she knew what the meeting was for) and Tracy answered, "no, I don't think so, you'll probably just get some coaching." At this time, I don't know the Employee Relations employee who reviewed the investigative findings. I have found out since, that Employee Relations reviews this and sends a "recommendation" for corrective action, if any, to my Branch Manager, Tracy McCarthy and Tracy is the final decision maker for what corrective action that will take place. So although Tracy told me she didn't think I would be terminated, it was her final decision to terminate me, but, Tracy herself told me on February 6, 2023, that she knew I "had the best interest of the customer at heart", that there was "nothing to worry about" as far as Mr. Lopez was concerned as he was a regular customer. She reiterated this to me on February 8, 2023 when she informed me "they" (Ariana Nati and/or district manager Shannon Murphy?) were filing a "falsifying bank records" claim against me. Tracy also reassured me on both those occasions that she told Ariana that I did not use Ariana's employee ID in any type of malicious way. Monetary loss to the company is greatly considered during transactions, and there was NO MONETARY LOSS TO THE COMPANY AS MR. LOPEZ WAS A REGULAR CUSTOMER WHO ACCESSED HIS OWN MONEY FOR A CASHIER'S CHECK.

THIS REITERATES TO ME THAT MY TERMINATION WAS BASED ON TRACY MCCARTHY'S (BIASED) OPINION TO TERMINATE ME FOR THIS TRANSACTION. In fact, in the month of April 2023, Ariana Nati came to visit our branch multiple times to talk to Tracy in the private office about personal matters. The week of April 17th, Ariana spoke with Tracy at our branch on company time, for approx. 45mins. in a private office. When Tracy returned to the teller line I asked her why Ariana was at our branch and asked Tracy, "what was that all about?" and Tracy answered me that "Ariana was having personal problems." (So much so that both managers used company time to talk personally in a private office.) Tracy McCarthy and Ariana Nati's collective opinion, again, is no substitute for fact and their collusion supports my retaliation claim.

#8- According to HR, why I was terminated according to Jake in Wells Fargo in HR on May 17, 2023, on my record for "dishonesty and fraud" and he said "falsifying bank records,"

"Fraud" is defined by: wrongful or criminal deception intended to result in financial or personal gain. Obviously, the completion of the transaction in question was not criminal, nor did it result in financial or personal gain for me personally, NOR THE CUSTOMER, since this was a legitimate transaction. "Fraud" is not the appropriate term for using someone else's employee ID under the provisions of the company's own policy.

I encourage the unemployment office to subpoena, if it is in their power to do so, any phone records(Jan 31, 2023 and Feb 2, 2023), recorded calls (Oct 14, 2022) and/or any video in this case. I will be happy to volunteer dates, times, names and any applicable information that I have in this case. I can also provide witness statements from co-workers, however, they are scared of retaliation and would like to remain anonymous.

DEAR MS. CHABOT

WE NEED VERIFICATION FROM
WELLS FARGO
IN ORDER TO DETERMINE IF YOUR HOUSEHOLD IS ELIGIBLE FOR BENEFITS. YOU
MUST HAVE THIS FORM COMPLETED BY THE EMPLOYER, AND RETURNED TO ANY DSS
OFFICE BY 5-26-2023
BENEFITS TO BE REDUCED, STOPPED, OR DENIED.
FAILURE TO DO SO MAY CAUSE YOUR
'S EMPLOYER, BRIDGETTE M. CHABOT

EMPLOYEE'S NAME: Bridgette Chabot

EMPLOYER/COMPANY NAME:	Briggette Chabot
EMPLOYER/COMPANY NAME:	Wells Fargo

EMPLOYER'S ADDRESS: 3910 Hwy 17 S
COMPANY'S NAME: Wells Fargo

EMPLOYER'S PHONE NUMBER: 843-392-3461
 MONTH MYRLE BEACH SC 29582

843-3092-3461

LIST GROSS WAGES FROM	5-1-2023	THROUGH	PRESENT

DATE PAID
RECEIVED

HOURS WORKED

**GROSS
PAY**

TIPS/BONUS/COMMISSION
(NOT INCLUDED IN GROSS)

5-12-2023

IF EMPLOYMENT HAS ENDED, STATE THE DATE OF TERMINATION: 5-9-2003

REASON EMPLOYMENT HAS ENDED: failure to follow proper procedure of policies

DATE OF FINAL CHECK: 5-12-2013

GROSS AMOUNT OF FINAL CHECK:

SIGNATURE OF EMPLOYER:  DATE 5-22-2023

IF YOU HAVE ANY QUESTIONS ABOUT THE NUMBER OF TANF MONTHS YOU HAVE USED TOWARD YOUR 24-MONTH TIME LIMIT, YOU MAY CALL YOUR TANF CASE MANAGER. THE 24-MONTH TANF TIME LIMIT DOES NOT APPLY TO YOUR SNAP APPLICATIONS.

Note: Comments are required when the *Line of Business Approval Code* or *Other approval* reason options are selected.

c. Select **Complete**.

4. If the approver is not present:

a. Type their employee ID in the *Search for Approver* field and select **Go**.

b. Select the **Approver not present** checkbox.

c. **Item Cashing (T100)** transactions: Select all applicable approval reasons from the drop-down menu.

Note: Comments are required when the *Line of Business Approval Code* or *Other approval* reason options are selected.

d. Select **Complete**. The approver will receive an automatically generated email documenting the approval.

Branch Portal
search for

Policy

referenced by

Investigator

Sam Bowers

on March 15/202

harassment, retaliation, EEOC

Chabot, Bridgette [TELLER]

Tue 3/2/2021 12:39 PM

To: Chabot, Bridgette [TELLER] <Bridgette.Chabot@wellsfargo.com>;

Retaliation is any adverse employment action taken against an employee by a member of management in response to any of the following activities:

- Reporting in good faith actual or suspected misconduct, violations of law or Wells Fargo policy.
- Participating in an investigation, proceeding, or hearing.
- Filing a complaint with a government agency.
- Opposing an employment practice the employee believes in good faith is illegal or violates Wells Fargo policy.



South Carolina
Department of Employment and Workforce



23530517

BRIDGETTE M CHABOT
211 Bittersweet Ln
Myrtle Beach SC 29579-4130





South Carolina
Department of Employment and Workforce
Appeal Tribunal
P.O. Box 995
Columbia SC 29202



23530517

NOTICE OF HEARING BEFORE APPEAL TRIBUNAL (TELEPHONE CONFERENCE)

Mail Date: 06/13/2023

Claimant Name: BRIDGETTE M CHABOT
Address: 211 BITTERSWEET LN
MYRTLE BEACH SC 29579

Social Security Number: [REDACTED]
Claimant ID: [REDACTED]
Docket Number : 23-LA-006970
Phone: 240-626-7543

Employer name: WELLS FARGO & COMPANY INC
Address: PO BOX 7340
GARDEN CITY NY 11530-0725

Phone: 516-877-2860

An administrative hearing will be held TELEPHONE CONFERENCE on: 06/27/2023 from 11:30 AM to 12:15 PM, Eastern Time, BEFORE: CASSANDRA HUGGINS, Administrative Hearing Officer, for the SC Department of Employment and Workforce. The parties will be called by the hearing officer at the telephone numbers shown above. IF THE NUMBER IS INCORRECT OR NO NUMBER IS SHOWN, YOU MUST PROVIDE A CONTACT NUMBER BEFORE THE SCHEDULED HEARING TIME AT <https://sc.c2tinc.com/register/> SO YOU CAN PARTICIPATE IN THE HEARING. REGISTRATION MAY NOT BE AVAILABLE FOR THIS DOCKET NUMBER UNTIL THE DAY AFTER THIS HEARING NOTICE IS MAILED.

If you have not been called within 10 minutes after the scheduled time of the hearing, you must call 803-737-2520. Either another hearing is still in progress, or we are unable to contact you. Failure to call or participate in the hearing may result in your interests being considered abandoned.

The issue(s) for the hearing are:

- Discharge
- Voluntary Quit

SCHEDULE CONFLICTS: Hearing postponements are not ordinarily granted. However, if you have a justifiable conflict, notify the Department as soon as possible before your hearing. If you do not, a later request to reopen your hearing may be denied. Contact an appeals representative at 803-737-2520, AT ONCE, if you cannot be present at the time scheduled and wish to request a postponement of the hearing. Additional information in writing may be requested.

PURPOSE OF THE HEARING: The hearing is a fact-finding process that uses a question-and-answer method. Each side may present testimony, witnesses, and documents relevant to its case. The hearing officer will conduct a fair hearing, determine what is relevant, and make sure the record is complete. After the hearing, the officer will prepare a written decision based on the evidence. That decision will be mailed to you.

SPECIAL NOTE: The Appeal Tribunal may reverse, affirm, or modify the decision on appeal. **Be advised that if a disqualification is at issue, then the appeal may result in an increase or decrease of the disqualification.**



South Carolina
Department of Employment and Workforce
Appeal Tribunal
P.O. Box 995
Columbia SC 29202



23530517

WHAT HAPPENS AT A HEARING: This notice lists what issues the hearing will cover. The hearing is recorded and all proceedings are taken under oath. After explaining the law and procedures, the hearing officer will ask questions of each side and its witnesses in turn. After all testimony is taken from one side the same procedure is repeated for the other side. Wait your turn, as you may not interrupt while another person is testifying. The hearing officer will tell you when it's your turn to ask questions. Ask relevant questions that have not already been asked and answered. If you don't have any questions, let the hearing officer know.

EVIDENCE: Written evidence or documents such as letters timecards, or doctors' statements may help your case. Photos, maps, or charts may also help explain what happened. Be ready to tell who prepared the evidence and how it helps your case. Send legible copies of the documents to the hearing officer and the other side before the hearing. Do this even if you believe the Department or the other side already has them. **EVIDENCE MUST BE SUBMITTED TO THE APPEAL TRIBUNAL AND PROVIDED TO THE OPPOSING PARTY AT LEAST 24 HOURS PRIOR TO THE HEARING.** If you don't, the documents may not be considered as evidence. Include only evidence that relates directly to issues listed on the hearing notice.

Any evidence that you want to be considered in this hearing must be sent immediately to the Appeal Tribunal at the address shown on the top of this notice, or faxed to our number 803-737-0287, or uploaded through the claimant or employer self-service portal.

WITNESSES: You may present witnesses to support your case. Choose witnesses who actually saw or heard what happened. Those witnesses must be present at the time and location of the hearing.

DO I NEED A LAWYER? The unemployment appeal process is designed for claimants and employers who don't have attorneys. However, an attorney may represent you at your own expense. If you do choose to retain a lawyer, fees charged to represent claimants are limited to the greater of \$200 or a claimant's maximum weekly benefit amount for each proceeding.

SUBPOENAS: A subpoena is a legal document issued by the Department that orders an essential witness to testify or produce certain documents for the hearing. You may apply for a subpoena of witnesses and/or documents by downloading a form APP-107 under the Appeal Hearings heading at www.dew.sc.gov/individuals/tools/forms. The form must be completed, signed and sent to the Appeal Tribunal. It may be sent by mail to "Appeal Tribunal, P.O. Box 995, Columbia SC, 29202," or by fax to 803-737-0287. **SUBPOENA APPLICATIONS MUST BE RECEIVED SIX (6) BUSINESS DAYS PRIOR TO THE HEARING DATE OR THE REQUEST MAY NOT BE CONSIDERED.**

INTERPRETERS: The Appeal Tribunal will provide qualified language interpreter or interpreter for the deaf when requested. If you or any of your witnesses need an interpreter and you have not previously requested one, contact the Tribunal immediately.



South Carolina
Department of Employment and Workforce
Appeal Tribunal
P.O. Box 995
Columbia SC 29202



23530517

WITHDRAWING AN APPEAL: Only the party who filed the appeal may withdraw it. If you wish to withdraw your appeal, please contact a Department representative at 803-737-2520 or mail your notice of withdrawal to "Appeal Tribunal P.O. Box 995, Columbia SC 29202".

TIME ZONES: If you call from a time zone other than Eastern Standard Time, be sure to properly calculate the time difference.

OVERPAYMENT OF BENEFITS: An adverse decision may result in an overpayment of benefits. In the event you are overpaid benefits, you will be required to repay those benefits to the Department.

DECISION: The Appeal Tribunal's written decision will resolve each issue, but it may not review in detail all testimony or documents given at the hearing. If you disagree with the decision, you may file a further appeal. The decision will explain how to file an appeal.

FILING FOR BENEFITS DURING APPEAL: A CLAIMANT MUST CONTINUE TO FILE WEEKLY CLAIMS FOR BENEFITS DURING THE APPEAL PROCESS, IF STILL UNEMPLOYED. Claim Weeks that are not timely filed cannot be paid, even if the claimant wins the appeal and is later held eligible. **CONTACT THE DEPARTMENT AT ONCE AT 1-866-831-1724** if there are any problems or questions when filing weekly claims.

THIS NOTICE SUPERSEDES ANY PREVIOUS HEARING NOTICE ON THIS ISSUE YOU MAY HAVE RECEIVED. IF THE DATE ON THIS NOTICE IS LATER THAN THE DATE ON ANY OTHER NOTICE, YOU SHOULD ASSUME THAT THE PREVIOUS HEARING HAS BEEN POSTPONED AND FOLLOW THE INSTRUCTIONS ON THIS NOTICE.

Selected Sections of the South Carolina Unemployment Law

VOLUNTARY QUIT: Section 41-35-120(1) provides that a claimant found to have left work voluntarily without good cause is indefinitely disqualified from receiving benefits until s/he returns to work and earn at least eight (8) times the weekly benefit amount. Good cause is a reason that is connected to employment and would justify a reasonable person leaving employment.

DISCHARGE FOR MISCONDUCT: Section 41-35-120(2)(a) provides that a claimant found to have been discharged for misconduct is disqualified for twenty (20) weeks. "Misconduct" includes conduct showing willful disregard of an employer's interests, such as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee. No finding of misconduct may be made for discharge resulting from an extreme hardship, emergency, sickness, or other extraordinary circumstance.

DISCHARGE FOR CAUSE: Section 41-35-120(2)(b) provides that a claimant found to have been discharged for cause (i.e., fault), other than misconduct, is partially disqualified from benefits from five (5) to nineteen (19) weeks, according to the seriousness of the cause for discharge.



South Carolina
Department of Employment and Workforce
Appeal Tribunal
P.O. Box 995
Columbia SC 29202



23530517

GROSS MISCONDUCT: Section 41-35-120(4) provides if a claimant is discharged for gross misconduct claimant is indefinitely disqualified from receiving benefits until s/he returns to work and earn at least eight (8) times the weekly benefit amount.

UNEMPLOYMENT DUE TO DOMESTIC ABUSE OR COMPELLING FAMILY CIRCUMSTANCES: Section 41-35-125 provides that a claimant may be found to be eligible for unemployment benefits if the separation from employment is attributable to domestic abuse or other compelling family circumstances. Compelling family circumstances may involve illness or disability of the claimant or an immediate family member and a required relocation for the claimant's spouse. The burden is on the claimant to show these circumstances exist. Where required by statute, the claimant must produce documentary evidence supporting the claim.

AVAILABILITY: Section 41-35-110 provides that a claimant is eligible for benefits for any week only if the week is claimed according to the regulations and the claimant has registered and maintained contact with the Department as required. Additionally, a claimant must be physically "able to work" at his/her usual occupation which prior training and experience shows him to be qualified. Also, a claimant must be "available for work," which means being ready, able and willing to accept suitable work, and that personal circumstances would not prevent him/her from accepting such work.

Unemployment benefits will not be paid for weeks in which the claimant is held to be unavailable. If the conditions which cause the unavailability change, the claimant may contact the Department to reopen his claim. The burden is on the claimant to show availability for work and reasonable effort to obtain work.

ONLINEWORK SEARCH REQUIREMENT: To be eligible for your weekly claim, you must perform at least two (2) job searches each week through the South Carolina Works Online Services (SCWOS) system. If you do not complete this requirement, you may not receive payment. The Department may waive this requirement to perform at least two (2) weekly job searches through SCWOS only for good cause. Good cause includes, but is not limited to, verifiable electronic access and/or language barriers, and is determined by the Department on a case-by-case basis and only after a claim has not been paid. See S.C. Code Ann. Regs. 47-104.

JOB OFFER AND REFERRAL: Section 41-35-120(5) provides that any claimant who has failed (1) without good cause to either apply for available suitable work, when so directed by the Department, or (2) to accept available suitable work when offered by the Department or an employer, shall be ineligible until the claimant furnishes satisfactory evidence of having been re employed and having earned at least eight (8) times the weekly benefit amount. The burden is on the claimant to show availability for work and reasonable effort to obtain work. See S.C. Code Ann. Regs. 47-23.

SOUTH CAROLINA

DEPARTMENT OF EMPLOYMENT & WORKFORCE

Columbia, South Carolina

**Transcript of Testimony
Before**

Cassandra Huggins, Administrative Hearing Officer

Bridgette Chabot	)	CLAIMANT
211 Bittersweet Lane	)	
Myrtle Beach, SC 29579	)	
Claimant SSN: [REDACTED]	)	

Wells Fargo & Company Inc.	)	LIABLE EMPLOYER
PO Box 7340	)	
Garden City, NY 11530	)	

PLACE OF HEARING:	SC Department of Employment & Workforce
	Central Office Complex
	631 Hampton Street
	Columbia, SC 29201

DATE OF HEARING:	June 27, 2023
-------------------------	---------------

APPEARANCES:

For Claimant:	Bridgette Chabot
For Employer:	Jesse Goode, ESQ

TESTIFYING WITNESSES

CLAIMANT WITNESSES:

Bridgette Chabot, Claimant

EMPLOYER WITNESSES

Tracy McCarthy, Branch Manager

CONTENTS

WITNESSES

Testimony of Tracy McCarthy	11
Testimony of Bridgette Chabot	19

EXHIBITS ENTERED

<u>Exhibit</u>	<u>Description</u>	<u>Page</u>
Agency Exhibit 1	Agency Documents (17 pages)	11
Employer Exhibit 1	Employer Documents (3 pages)	39

1 Before Cassandra Huggins, Administrative Hearing Officer

2 HEARING OFFICER'S PREAMBLE

3 ALL WITNESSES SWORN

4

5 [Recording started]

6 [Call connected]

7 TRACY MCCARTHY: Good morning. Thank you for calling Wells Fargo. This is
8 Tracy. How can I help you?

9 HEARING OFFICER: Hi. Is this Ms. McCarthy?

10 TRACY MCCARTHY: Yes.

11 HEARING OFFICER: Hi, ma'am. This is Cassandra Huggins. I'm calling from
12 the South Carolina Department of Employment and
13 Workforce regarding a hearing scheduled for today.

14 TRACY MCCARTHY: Hi, Cassandra. How are you?

15 HEARING OFFICER: I'm all right. How are you?

16 TRACY MCCARTHY: I'm doing good.

17 HEARING OFFICER: I have you as the witness for Wells Fargo in the hearing
18 with Bridget Chabot. Is that correct?

19 TRACY MCCARTHY: Yes, ma'am.

20 HEARING OFFICER: And may I have your job title?

21 TRACY MCCARTHY: Branch Manager.

22 HEARING OFFICER: Do you have any other witnesses or an attorney for the
23 business today?

24 TRACY MCCARTHY: Jesse Goode is apparently representing us.

1 HEARING OFFICER: Jesse Goode?

2 TRACY MCCARTHY: Yes. Sorry.

3 HEARING OFFICER: Okay. No, that's fine. I'm familiar with him. I don't believe
4 I've received a letter of representation. Give me one
5 moment.

6 TRACY MCCARTHY: Okay. He just sent me an email. He said, I'm still waiting
7 on the Hearing Officer to call.

8 HEARING OFFICER: Okay. Does his email have his phone number?

9 TRACY MCCARTHY: It does.

10 HEARING OFFICER: All right. Can I have that?

11 TRACY MCCARTHY: Sure. It is 803-635-3946.

12 HEARING OFFICER: 803-635-3946?

13 TRACY MCCARTHY: Yes.

14 HEARING OFFICER: All right. Let me add him to the call with that number.

15 TRACY MCCARTHY: Okay.

16 HEARING OFFICER: His last name is G-O-O-D-E, correct?

17 TRACY MCCARTHY: Yes.

18 HEARING OFFICER: Okay.

19 [Call connected]

20 FEMALE SPEAKER: Law office. This is Hailey.

21 HEARING OFFICER: Hi, ma'am. This is Cassandra Huggins. I'm calling from
22 the South Carolina Department of Employment and
23 Workforce for Jesse Goode.

24 FEMALE SPEAKER: Yes. One second.

25 HEARING OFFICER: Thank you.

1 JESSE GOODE: This is Jesse Goode.

2 HEARING OFFICER: Hi, Mr. Goode, this is Cassandra Huggins calling from the
3 South Carolina Department of Employment and
4 Workforce.

5 JESSE GOODE: Hey, how are you?

6 HEARING OFFICER: I'm all right. How are you?

7 JESSE GOODE: Doing good. Thank you.

8 HEARING OFFICER: Are you representing Wells Fargo in the hearing with
9 Bridgette Chabot?

10 JESSE GOODE: Yes, ma'am, I am.

11 HEARING OFFICER: Okay. Ms. McCarthy told me. I do have her on the line. I
12 will say, I have not received a letter of representation from
13 you. It's not an issue. I'm just letting you know that's why
14 there was sort of a delay in getting to you this morning.

15 JESSE GOODE: Okay. Yes, and I did the C to T. I thought the online
16 registration was all I would need. It's been a while since
17 I've done one of these, so.

18 HEARING OFFICER: No, that's fine. For some reason, it didn't update. I just
19 entered your information now. It may appear later. That
20 might be part of the problem, but either way, we've
21 reached you today, so not really a big deal. Do you have
22 any other witnesses other than Ms. McCarthy today?

23 JESSE GOODE: Just Ms. McCarthy.

24 HEARING OFFICER: All right. I'm calling the claimant. Once we have her on
25 the line, we'll get started.

26 JESSE GOODE: Okay.

1 [Call connected]

2 BRIDGETTE CHABOT: Hello?

3 HEARING OFFICER: Hi. May I speak with Bridgette Chabot?

4 BRIDGETTE CHABOT: Yes, that's correct. That's me.

5 HEARING OFFICER: Hi, ma'am. This is Cassandra Huggins. I'm calling from
6 the South Carolina Department of Employment and
7 Workforce regarding a hearing scheduled for today.

8 BRIDGETTE CHABOT: That's correct.

9 HEARING OFFICER: This is regarding your separation from Wells Fargo. Did
10 you want to proceed with your appeal?

11 BRIDGETTE CHABOT: Yes.

12 HEARING OFFICER: Do you have any witnesses that will testify on your
13 behalf?

14 BRIDGETTE CHABOT: I contacted some Wells Fargo employees. Unfortunately,
15 all of them wanted to remain anonymous, and I saw
16 something on the website that said it would be made
17 available to Wells Fargo. So, I think most of them are
18 scared of retaliation. So right now, I do not have
19 witnesses, but I could provide that. I don't know how to do
20 that anonymously.

21 HEARING OFFICER: We can't have anonymous witnesses. They would need to
22 be present in the hearing and provide testimony under oath
23 and on the record before the employer, and their attorney
24 and you.

25 BRIDGETTE CHABOT: Okay. Got it.

26 HEARING OFFICER: Do you have an attorney representing you today?

1 BRIDGETTE CHABOT: No.

2 HEARING OFFICER: Okay. I do have the employer's witness and their attorney
3 on the line. So to give you both an overview of the
4 hearing, we're going to go on the record. I'll have a
5 statement to read, which will best explain the issues and
6 the procedures of the hearing. Then I'll place the parties
7 under oath. I'll introduce the relevant documentation, and I
8 will take sworn testimony from each of the witnesses. Are
9 there any questions before we begin, Ms. Chabot?

10 BRIDGETTE CHABOT: I don't think so. No.

11 HEARING OFFICER: Mr. Goode?

12 JESSE GOODE: No, ma'am. Thank you.

13 HEARING OFFICER: Ms. McCarthy?

14 TRACY MCCARTHY: No.

15 HEARING OFFICER: We are now on the record. This is a hearing on docket
16 number 23-LA-006970 in the case of the Claimant,
17 Bridgette Chabot and the Employer, Wells Fargo and
18 Company Inc.. As this is an administrative proceeding, I'm
19 advising the parties that I'm recording the hearing. The
20 claimant appealed the determination mailed May 30,
21 2023, whereby she was held disqualified from receiving
22 benefits for 20 weeks with a corresponding reduction in
23 maximum potential benefits effective May 7, 2023
24 through September 23, 2023, upon a finding, the claimant
25 was discharged for misconduct.

26 The issue in today's hearing is whether the claimant was
27 discharged for misconduct as defined by South Carolina
28 Law. This hearing is being conducted on June 27, 2023,

1 by teleconference in Columbia, South Carolina. It is
2 before Cassandra Huggins, Administrative Hearing
3 Officer for the South Carolina Department of Employment
4 and Workforce. The claimant is present in the hearing
5 with no additional witnesses and is not represented by an
6 attorney. Ms. Chabot, is that information, correct?

7 BRIDGETTE CHABOT: That's correct.

8 HEARING OFFICER: Thank you. The employer is also present. They're being
9 represented by their attorney, Jesse Goode, and one
10 witness, Tracy McCarthy, Branch Manager. Mr. Goode, is
11 this information correct?

12 JESSE GOODE: Yes, ma'am.

13 HEARING OFFICER: And Ms. McCarthy, do you agree?

14 TRACY MCCARTHY: Yes.

15 HEARING OFFICER: All testimony must be taken under oath or affirmation. I
16 will initially ask questions of the witnesses. Both parties
17 will have the opportunity to direct questions to their own
18 witnesses and to cross-examine the opposing party's
19 witnesses. If you have any documents or exhibits that you
20 feel should be considered in this case, you'll need to
21 present them during your testimony. At this time, I'll place
22 you under oath. Do you solemnly swear or affirm the
23 testimony you'll give today will be the truth, the whole
24 truth, and nothing but the truth, so help you God? Ms.
25 Chabot?

26 BRIDGETTE CHABOT: I do.

27 HEARING OFFICER: Ms. McCarthy?

1 TRACY MCCARTHY: Yes, I do.

2 HEARING OFFICER: Thank you both. Let the record reflect the witnesses have
3 answered in the affirmative. You will be notified of a
4 decision in this case as soon as possible, which will be
5 mailed to your address of record. For the claimant,
6 ma'am, I have your address as 211 Bittersweet Lane,
7 Myrtle Beach, South Carolina, 29579. Is that correct?

8 BRIDGETTE CHABOT: That is correct.

9 HEARING OFFICER: And your phone number, 240-626-7543. Is that correct?

10 BRIDGETTE CHABOT: That's correct.

11 HEARING OFFICER: Thank you. And for the employer, Ms. McCarthy, I have
12 PO Box 7340, Garden City, New York, 11530. Is that
13 correct for the employer or their third party agent?

14 TRACY MCCARTHY: Yes, that's correct.

15 HEARING OFFICER: And the phone number of record is 516-877-2860. Is that
16 correct?

17 TRACY MCCARTHY: Yes.

18 HEARING OFFICER: All right. And Mr. Goode, I have your phone number is
19 803-635-3946. Is that correct?

20 JESSE GOODE: Yes, ma'am.

21 HEARING OFFICER: And can you provide me with your mailing address so we
22 can send you a copy of the decision?

23 JESSE GOODE: Sure. It's PO Box 120. That's Winnsboro, W-I-N-N-S-B-
24 O-R-O. South Carolina, 29180.

25 HEARING OFFICER: All right. PO Box 120, Winnsboro, South Carolina,
26 29180?

1 JESSE GOODE: Yes, ma'am.

2 HEARING OFFICER: Thank you. In a moment, I'll introduce the relevant
3 documentation. Being that the case was adjudicated as a
4 discharge, we will start with testimony from the employer
5 first, then we'll move to the claimant. But are there any
6 questions about the issues or the procedures of the hearing
7 at this time? Ms. Chabot?

8 BRIDGETTE CHABOT: No questions.

9 HEARING OFFICER: And Mr. Goode?

10 JESSE GOODE: No, ma'am.

11 HEARING OFFICER: I have the determination that was mailed May 30, 2023,
12 whereby the claimant was held disqualified from receiving
13 benefits for 20 weeks. Ms. Chabot, is this the decision that
14 you're appealing?

15 BRIDGETTE CHABOT: That is correct.

16 HEARING OFFICER: Have you filed any other appeals during this claim for
17 benefits?

18 BRIDGETTE CHABOT: No.

19 HEARING OFFICER: In addition to the determination, I have the claimant's
20 application for benefits, which is four pages. I have the
21 fact finding the claimant completed about her separation,
22 which is three pages. I have the employer's response to the
23 request for separation information. It appears to be a total
24 of seven pages. And lastly, it looks like the adjudicator did
25 contact the employer regarding requesting the separation
26 information. That note is contained on a one page
27 adjudication statements document. This is a total of 17

1 pages. Are there any objections to these documents
2 coming into the record as Agency Exhibit 1, Ms. Chabot?

3 BRIDGETTE CHABOT: No objections.

4 HEARING OFFICER: And Mr. Goode?

5 JESSE GOODE: No, ma'am.

6 **AGENCY EXHIBIT 1 IS HEREBY ENTERED**
7 **(Agency Documents, 17 pages)**

8 HEARING OFFICER: Without objection, they'll be entered in as Agency Exhibit
9 1. Ms. McCarthy, would you state and spell your first and
10 last name for the record?

11 **TESTIMONY OF EMPLOYER WITNESS**
12 **TRACY MCCARTHY**

13 TRACY MCCARTHY: Yes. Tracy, T-R-A-C-Y. McCarthy, M-C-C-A-R-T-H-Y.

14 HEARING OFFICER: And Ms. McCarthy, what is your job title?

15 TRACY MCCARTHY: The Branch Manager.

16 HEARING OFFICER: What was the claimant's job title?

17 TRACY MCCARTHY: She was a Teller.

18 HEARING OFFICER: And I have the dates of her employment as January 27,
19 2020 through May 9, 2023. Are these dates correct?

20 TRACY MCCARTHY: That is correct, yes.

21 HEARING OFFICER: And was her employment terminated by the employer or
22 did she resign from the position?

23 TRACY MCCARTHY: By the employer.

24 HEARING OFFICER: And were you present at the time she was notified of the
25 discharge?

1 TRACY MCCARTHY: Yes.

2 HEARING OFFICER: Why was she discharged?

3 TRACY MCCARTHY: So in January, and I apologize. I don't have the exact
4 dates. I was out of the office. She was assisting another
5 teller with a transaction that he was doing, which was over
6 both of their limits. On Tuesday, this was a Tuesday. She
7 had called another branch manager to get an approval for
8 a transaction that was over her limit. And the branch
9 manager gave her her information to approve that
10 particular transaction. On Thursday, this was when
11 another customer came in and another teller was assisting
12 the customer and it was over both of their limits. It's my
13 understanding and talking to the investigators that
14 Bridgette did try to contact the branch manager at the next
15 branch that she called on Tuesday, was unsuccessful in
16 reaching her. And so, she used that branch manager's
17 information to override the transaction.

18 Upon returning to work, I had several emails from the
19 managers whose information had been used and from
20 Bridgette corresponding that that the information had been
21 used without the other manager's permission.

22 So I was contacted by my district manager who said, you
23 need to call HR and put in an investigation for this. So
24 that's what I did. I called HR. They started the
25 investigation. I interviewed both Tyler, Ariana, the other
26 manager whose information was used, and Bridgette, the
27 investigator, called. He interviewed all parties. They
28 pulled the footage to see that she had attempted to make
29 that phone call twice, but had not contacted anybody. And

1 then she put the information into the other teller's
2 computer system.

3 So ultimately, HR contacted me with a decision that they
4 were going to terminate her based on falsifying bank
5 documents and under fraud because she didn't have the
6 permission to use that employee's information.

7 HEARING OFFICER: Okay. So you referenced a limit. Can you describe what
8 the limit is?

9 TRACY MCCARTHY: As far as that particular transaction?

10 HEARING OFFICER: What was the claimant's limit for transactions she could
11 approve, I guess is what you were saying?

12 TRACY MCCARTHY: Off the top of my head. I'm not 100 percent sure.

13 HEARING OFFICER: Okay. Do you remember what the transaction itself was
14 for?

15 TRACY MCCARTHY: I know it was over \$100,000. And I want to say her limit
16 was 25,000 maybe, or 20,000. Something along that line.

17 HEARING OFFICER: Okay.

18 TRACY MCCARTHY: I can get that information.

19 HEARING OFFICER: Is that something that's available to you now?

20 TRACY MCCARTHY: Yes. I will have to go back through my emails and pull
21 that up. Sorry, I didn't know I would need all that
22 information.

23 HEARING OFFICER: Okay. I'll let you know if I want you to find that.

24 TRACY MCCARTHY: Okay. In the meantime, I'll look for it.

25 HEARING OFFICER: Okay. The Tuesday situation, the claimant did have
26 approval to use that manager's credentials?

1 TRACY MCCARTHY: Yes, on Tuesday, but she did not on Thursday.

2 HEARING OFFICER: Okay. What is the name of the manager?

3 TRACY MCCARTHY: Ariana Nadi.

4 HEARING OFFICER: Okay. And does she still work for the business?

5 TRACY MCCARTHY: She does, yes.

6 HEARING OFFICER: And the information that the claimant would have needed
7 to put into the system, what type of information is that?

8 TRACY MCCARTHY: She would have had to have had that Employee ID
9 number.

10 HEARING OFFICER: Okay. Is that the only information she would have had to
11 have?

12 TRACY MCCARTHY: Yes. So as long as she has that, she can put approver
13 present, put that employee's ID number in and then it
14 sends that person an email to let them know that that
15 number has been used. To which then that's when she
16 reached out to the teller whose system it was done on.
17 And she said, what is this? I didn't approve anything. And
18 then Bridgette emailed her back to let her know what was
19 going on.

20 HEARING OFFICER: Okay. And the name of the teller, who was the teller that
21 actually completed the transaction?

22 TRACY MCCARTHY: Tyler Fazio. It was done on his computer.

23 HEARING OFFICER: Okay. And what is supposed to happen when an approver
24 is not present?

25 TRACY MCCARTHY: You have to reach out to an approver to have it reviewed.
26 And if they give their okay, then you can use their

1 information. Otherwise, we are not to complete that
2 transaction.

3 HEARING OFFICER: So when the claimant couldn't reach Ms. Nadi on that
4 Thursday, what should she have done?

5 TRACY MCCARTHY: Called any other manager in the in the district or our
6 district manager, or she could have called our RSC,
7 Regional Services Consultant.

8 HEARING OFFICER: And did the claimant make any attempts to contact anyone
9 other than Ms. Nadi?

10 TRACY MCCARTHY: To my understanding, no. According to the footage that
11 they reviewed.

12 HEARING OFFICER: All right. And you said you interviewed Ms. Chabot, is
13 that correct?

14 TRACY MCCARTHY: Yes.

15 HEARING OFFICER: Did she make any assertions to you that she had made call
16 attempts to other members of management other than Ms.
17 Nadi on Thursday?

18 TRACY MCCARTHY: No. What she had told me was that when she talked to her
19 on Tuesday and reviewed the transaction from Tuesday,
20 that the manager told her she trusted her judgment and
21 that she could proceed with the transaction, to which
22 Bridgette explained to me that she thought that meant that
23 she trusted her judgment on any transaction.

24 HEARING OFFICER: Are there any circumstances in which that arrangement
25 could have been made where Ms. Chabot was given the
26 ability to make the judgment calls to use Ms. Nadi's
27 credentials?

1 TRACY MCCARTHY: No. No, that should never be done.

2 HEARING OFFICER: Was there anything else that led to the termination other
3 than this issue?

4 TRACY MCCARTHY: Not that I'm aware of.

5 HEARING OFFICER: And was there any loss to the bank associated with this
6 transaction?

7 TRACY MCCARTHY: No.

8 HEARING OFFICER: Was there the potential for loss?

9 TRACY MCCARTHY: As far as? Can you maybe rephrase that?

10 HEARING OFFICER: So the claimant was approving some type of transaction,
11 is that correct?

12 TRACY MCCARTHY: Correct.

13 HEARING OFFICER: Why would that transaction need to be approved?

14 TRACY MCCARTHY: Well, anytime you're approving a transaction, you need to
15 make sure that obviously it's not a fraudulent check or that
16 the accounts are in good standing or something's not going
17 to be returned. So that's why we review it.

18 HEARING OFFICER: Could those circumstances result in loss to the business?

19 TRACY MCCARTHY: They could.

20 HEARING OFFICER: Well, with regards to this approval, and approver or not
21 present policy, how is that communicated to employees?

22 TRACY MCCARTHY: The policy?

23 HEARING OFFICER: Yes, ma'am.

24 TRACY MCCARTHY: It is written in the employee handbook, which I have sent
25 over. I sent over to Jesse, and he has copies of that.

1 HEARING OFFICER: Okay. How is the handbook accessible to employees?

2 TRACY MCCARTHY: It is on our site, our teamwork site, so they always have
3 access to it. And each employee is given that at hiring, and
4 we sign that we receive that information.

5 HEARING OFFICER: Okay. And have there been any changes to that policy
6 during the time the claimant worked for the employer?

7 TRACY MCCARTHY: No.

8 HEARING OFFICER: Is there anything else that you can tell me about this time
9 or about this this case at this time?

10 TRACY MCCARTHY: No, nothing specifically.

11 HEARING OFFICER: All right. Mr. Goode, do you have questions for Ms.
12 McCarthy?

13 JESSE GOODE: Just a couple of follow up questions. Thank you. Ms.
14 McCarthy, are you aware if there are sections in the
15 handbook that specifically address this type of issue?

16 TRACY MCCARTHY: There are sections where it talks about breach of trust and
17 dishonesty and the corrective action piece.

18 JESSE GOODE: Okay. And based on your understanding and knowledge
19 of the employee handbook, is this type of offense
20 immediately terminable?

21 TRACY MCCARTHY: Yes. Upon my conversation with HR, they did explain to
22 me that it was a terminable offense.

23 JESSE GOODE: And this was not a decision to turn that you made
24 unilaterally, was it?

25 TRACY MCCARTHY: It was not. No.

26 JESSE GOODE: Okay. And are you aware of whether or not the claimant

1 signed an acknowledgment of having received the
2 employee handbook?

3 TRACY MCCARTHY: She did, yes.

4 JESSE GOODE: Okay. And do you have the date of that acknowledgment?

5 TRACY MCCARTHY: All right. That is also in my email. Bear with me just a
6 moment.

7 JESSE GOODE: Sure.

8 TRACY MCCARTHY: That was signed on December 13th, 2019.

9 JESSE GOODE: Okay. Thank you, Ms. McCarthy. I don't have anything
10 else.

11 TRACY MCCARTHY: You're welcome.

12 HEARING OFFICER: Ms. Chabot, do you have any questions for Ms.
13 McCarthy?

14 BRIDGETTE CHABOT: No question. Well, actually, what page is the breach of
15 contract on the employee handbook? Breach of contract
16 and dishonesty.

17 TRACY MCCARTHY: Page 23.

18 BRIDGETTE CHABOT: Okay. I have a copy of it right here, so I'll just read that.
19 Other than that, I just want to state that it is false.

20 HEARING OFFICER: Well, no. Do you have any questions for her? No. No,
21 ma'am.

22 BRIDGETTE CHABOT: That was it.

23 HEARING OFFICER: Do you have any questions for Ms. McCarthy?

24 BRIDGETTE CHABOT: No, ma'am.

25 HEARING OFFICER: Okay. Ms. Chabot, would you state and spell your first

1 and last name for the record?

2 **TESTIMONY OF CLAIMANT**
3 **BRIDGETTE CHABOT**

4 BRIDGETTE CHABOT: Bridgette Chabot. B-R-I-D-G-E-T-T-E. Last name is C-H-
5 A-B-O-T.

6 HEARING OFFICER: And you pronounce your last name Chabot?

7 BRIDGETTE CHABOT: That is correct.

8 HEARING OFFICER: Okay. I apologize about mispronouncing it earlier. Ms.
9 Chabot, did you work as a Teller?

10 BRIDGETTE CHABOT: That is correct.

11 HEARING OFFICER: And I have the dates of your employment as January 27,
12 2020 through May 9, 2023. Are these dates correct?

13 BRIDGETTE CHABOT: That is correct.

14 HEARING OFFICER: And was your employment terminated or did you resign?

15 BRIDGETTE CHABOT: Terminated.

16 HEARING OFFICER: What reason were you given for the discharge?

17 BRIDGETTE CHABOT: Falsification of bank records.

18 HEARING OFFICER: And was it the circumstance of using Ms. Nadi's
19 credentials to approve a transaction?

20 BRIDGETTE CHABOT: That is the reason I was given. That is correct.

21 HEARING OFFICER: Okay. What happened?

22 BRIDGETTE CHABOT: On February 2, 2023, my Branch Manager, Tracy, was out
23 on vacation. That week she was on vacation. Do you mind
24 if I just read what I posted?

25 HEARING OFFICER: No, ma'am.

26 BRIDGETTE CHABOT: To the appeal?

1 HEARING OFFICER: Okay. No, ma'am. Please answer my question. So what
2 happened with regards to this circumstance of the
3 falsification allegation?

4 BRIDGETTE CHABOT: Okay. So January 31st was a Tuesday. There was a
5 transaction for \$300,000. That was my transaction. My
6 customer, I called Ariana Nadi, who's the branch manager
7 at the North Myrtle Beach branch, which is three miles
8 away from our branch. And I called her specifically to get
9 her approval for \$300,000. Regular customer. She did not
10 know that regular customer. She did not ask me to scan in
11 any documents. She didn't ask me to review the
12 transaction. She didn't ask me to send the customer to her
13 branch. All she said was, you can use my numbers any
14 time. I said, I just wanted to touch base with you and
15 make sure. She said, I trust your judgment. You can use it
16 any time. So she did not ask to review that transaction,
17 whatsoever. And that transaction was for \$300,000.

18 Two days later, on Thursday, on February 2nd, we had a
19 regular customer. So same situation where we had a
20 regular customer come in to the branch, who was getting a
21 cashier's check with Tyler. So it was Tyler's customer and
22 Tyler's transaction. Tyler went through the process of
23 doing the transaction and at the end of the transaction he
24 realized that he needed an approval. So of course, he
25 looked at me and said, I don't know what to do. I said, you
26 need to call a manager, try to get somebody on the phone.
27 While he was calling, so I didn't make any phone calls at
28 all that day. While Tyler was calling, I reviewed the
29 transaction because I've been trained kind of as an

1 approver. My limit is \$100,000. This transaction was for
2 \$156,000.

3 Again, it was a regular customer, but just to do my due
4 diligence, I went through my business line of procedures,
5 which included asking him questions like why he was
6 wanting access to \$156,000 of his own money. He said he
7 was going to buy some Airbnb's, etc.. I did my due
8 diligence by matching his signature, reviewing his
9 transaction history, etc., etc.. Before you print a check,
10 there's a box that pops up that asks you to put in notes or
11 check off boxes for why you're approving it, basically. So
12 in those notes I had written, just all the investigative work
13 I did because I was trained as an approver. So it matches
14 signature, asked him questions, known customer. I know
15 who Mr. Lopez is. He comes in all the time, but I did all
16 of that. So I did the investigative part.

17 So this was from Tyler's computer because it was Tyler's
18 customer and Tyler's transaction. I stepped away from the
19 computer. Tyler printed the cashier's check to complete
20 his transaction for his customer. He told me, Tyler
21 reported back to me that he had tried calling, I think, the
22 North Myrtle Beach branch, I believe he told me three
23 times and nobody answered, which is a violation of the
24 district manager's own policy to always answer the branch
25 phone during business hours.

26 Of course, on the caller ID, you will see that Wells Fargo
27 is calling, so it should show that branch. It's a critical
28 phone call. Again, it was ignored three times in a row. To
29 my knowledge, the investigator did not access the phone

1 records that showed that Tyler had called there to get
2 somebody on the phone. Also, I didn't feel it was my
3 responsibility to get in touch with anyone because it was
4 Tyler's transaction. I stepped away from the computer. He
5 printed it. I was never told that they had accessed the
6 video, although after my termination, it was reported back
7 to me that Tracy was telling everyone that they had me on
8 video. I would be happy for somebody to subpoena that
9 video and watch it.

10 HEARING OFFICER: Well, ma'am, that would have had to have been done prior
11 to the hearing today by you. But again, going back to what
12 happened, continue to tell me about anything else that
13 happened that day.

14 TRACY MCCARTHY: I went to grab the cashier's check off of the printer. I
15 brought it back. I gave it to Mr. Lopez, and he left. Ariana
16 Nadi did not try to call our branch. She receives an email
17 automatically as soon as this happens. She did not try to
18 reach out to our branch. To my knowledge again, the
19 investigator did not pull phone records showing that there
20 was a shortcoming from her end because she did not
21 execute her due diligence as a branch manager as outlined
22 by the Job Overview Branch Managers job duties outlined
23 by Wells Fargo on their website.

24 She is supposed to [inaudible 0:30:17] to review the
25 transaction. There's also a one hour window after the
26 transaction is completed that we can reverse that
27 transaction. Tyler was completely compliant in doing the
28 transaction. He even printed the cashier's check. I had
29 confirmed with him on June 7th via text message that

1 there was no disciplinary action for Tyler whatsoever.

2 HEARING OFFICER: Ma'am, I'm asking you a very specific question. And you
3 are going off in many different directions.

4 BRIDGETTE CHABOT: I'm sorry.

5 HEARING OFFICER: Please stick to this day in question. Was that all you
6 wanted to tell me about what happened that day?

7 BRIDGETTE CHABOT: Okay. So, yes. She never called that day. Then we
8 received like, maybe a couple of hours later. I couldn't
9 give you an exact time, but Ariana, she got the receipt of
0 the email. I guess she forwarded that email to Shannon
1 Murphy, who is our district manager, complaining that I
2 had used her employee number. And Shannon emailed us.
3 So we got an email pretty much by the end of the day
4 from Shannon asking like what had happened during the
5 transaction. I responded separately from Tyler, so I
6 responded to Tyler and I replied right away, and I took
7 responsibility only for the investigative part of looking
8 over the transaction.

9 And the employee numbers are made public to everyone
0 that works at the company and all the employee numbers
1 are posted at Tracy McCarthy's desk for the three years
2 I've worked there. Basically, my point there is that,
3 anyone can access the employee numbers. So, I explained
4 that I had gotten her permission two days prior to that
5 consent for a different transaction, which she did not take
6 the time to review. But also, all my investigative work
7 with this transaction, it's a known customer, etc.. And that
8 was basically it. So, I emailed Shannon and then I think

1 Tyler emailed separately. I don't remember what he put in
2 his email, but I think it was separate from mine. His
3 response.

4 HEARING OFFICER: Okay. So, you said your limit to approve was \$100,000?

5 BRIDGETTE CHABOT: That is correct.

6 HEARING OFFICER: And this transaction was over \$100,000?

7 BRIDGETTE CHABOT: That is correct.

8 HEARING OFFICER: Who entered Ms. Nadi's information?

9 BRIDGETTE CHABOT: I entered her employee ID, which I did obviously not
10 memorize. I just got it from Tracy's desk.

11 HEARING OFFICER: And did you select approver not present?

12 BRIDGETTE CHABOT: That is correct.

13 HEARING OFFICER: Is there any reason you didn't do that with her approval or
14 didn't wait for her approval?

15 BRIDGETTE CHABOT: As outlined by the policy, I do not need her verbal
16 consent. It just says that, she'll be notified by email.

17 HEARING OFFICER: So your understanding of the policy is that, you can enter
18 someone as an approver for a transaction and complete the
19 transaction without actually having their approval?

20 BRIDGETTE CHABOT: Well, I did receive her approval on January 31st.

21 HEARING OFFICER: For this transaction? Your understanding was that you
22 could enter an approver's credentials in to approve a
23 transaction that they did not review?

24 BRIDGETTE CHABOT: That's my understanding of the policy as outlined by the
25 approver not present policy.

26 HEARING OFFICER: Then why would you ever have to call an approver before

1 approving a transaction?

2 BRIDGETTE CHABOT: Just to go over the investigative, like why it was approved.

3 HEARING OFFICER: So then you do need to talk to an approver before

4 approving a transaction?

5 BRIDGETTE CHABOT: Not as outlined by the policy.

6 HEARING OFFICER: So then why did you do it on Tuesday?

7 BRIDGETTE CHABOT: She told me specifically that she trusts my judgment and I

8 could use her numbers at any time.

9 HEARING OFFICER: No, ma'am. That's not answering my question. Answer my

10 question.

11 BRIDGETTE CHABOT: I'm sorry. Can you repeat your question?

12 HEARING OFFICER: Why did you call her for approval on Tuesday if you

13 believed you did not have to call her for approval because

14 she could approve it after the fact?

15 BRIDGETTE CHABOT: She is from the Barefoot Branch. Their branch is three

16 miles up the road. She's the closest branch manager to

17 touch base with. So basically, to touch base with her on a

18 \$300,000 approval and she said, well, you know the

19 customer so you can approve it. So in this instance was

20 the same thing. It was also a known customer for half the

21 amount, and she never reviewed the first transaction. So,

22 I'm not sure why I would need a verbal consent from her

23 on the second transaction, which was worth half of the

24 amount of the first transaction she never reviewed.

25 HEARING OFFICER: So you made a judgment call?

26 BRIDGETTE CHABOT: You can say I made a judgment call, but the branch

27 manager also took vacation at the same time as her stand

1 in delegate, which is against the district manager's policy.

2 HEARING OFFICER: Okay. But Ms. Chabot we're talking about your policy
3 violations, not anyone else's. So going back to your
4 understanding of the policy.

5 BRIDGETTE CHABOT: Yes.

6 HEARING OFFICER: Do you believe that you had to have an approver approve
7 a transaction that was above your approval threshold
8 before you could handle the transaction?

9 BRIDGETTE CHABOT: Can you repeat that for me, please?

10 HEARING OFFICER: Did you believe that you had to have an approver's
11 approval to process a transaction if it was above your
12 approval threshold?

13 BRIDGETTE CHABOT: Not a verbal. No, not verbally.

14 HEARING OFFICER: Then why did you call Ms. Nadi on January 31st, the
15 Tuesday?

16 BRIDGETTE CHABOT: I called her on January 31st because it was a very large
17 \$300,000 business deposit. And I talked to her over the
18 phone and she told me to use her numbers because she
19 trusted my judgment without her reviewing the
20 transaction. So, two days later, there was another known
21 customer.

22 HEARING OFFICER: Ma'am, I'm not asking you about two days later. I'm
23 asking you about the Tuesday. If you believed that you
24 didn't have to have an approver's approval before entering
25 their information, why would you ever call her in the first
26 place?

27 BRIDGETTE CHABOT: Okay. Because I needed her employee ID. I needed her to

1 give me her employee ID because at that time I forgot that
2 the employee ID's are posted at Tracy's desk.

3 HEARING OFFICER: And where in the policy does it state that you do not have
4 to have an approver's approval before using their
5 credentials?

6 BRIDGETTE CHABOT: Do you want me to read the policy?

7 HEARING OFFICER: I want you to tell me where it says in the policy that you
8 do not need an approver's approval.

9 BRIDGETTE CHABOT: It does not state that you need. It just says type their
10 employee ID in the search for approver field and select go.
11 Select approver not present.

12 HEARING OFFICER: Okay. How many other transactions have you approved
13 outside of your approval threshold without having an
14 approver's approval?

15 BRIDGETTE CHABOT: I don't know. I have no idea. I don't recall.

16 HEARING OFFICER: Was this a routine practice of yours?

17 BRIDGETTE CHABOT: No. The policy exists when there's a approver not present.
18 For example, somebody like Tracy being on vacation.

19 HEARING OFFICER: And how can somebody be an approver not present if they
20 have not approved the transaction?

21 BRIDGETTE CHABOT: I don't know. I guess that's up to your interpretation with
22 Wells Fargo.

23 HEARING OFFICER: Did you ever ask for clarification about whether an
24 approver had to approve before you used their credentials?

25 BRIDGETTE CHABOT: We were never formally trained on how to use this policy.
26 As I told Seth Bowers, the investigator during the

1 investigation, because it's not gone over in initial training,
2 it's not done in any of our [inaudible 0:39:05] that we do.
3 We do trainings like every three months. It's not there. I
4 told him all that. He said, well, you can access the policy
5 in the branch portal. So that's the computer database that
6 we would use to access the policy. Tyler is also trained on
7 how to access the policy as well. And I am also trained by
8 Connie Rutter, who's a Risk Manager, and she came in
9 and actually taught us an easier way to get into branch
10 portal and look up policies, etc..

11 HEARING OFFICER: Okay. Did you ever ask for clarification on the policy?

12 BRIDGETTE CHABOT: They clarified after this transaction took place. They told
13 us that they would like us to call somebody and get them
14 on the phone before using their employee ID, but that was
15 the only coach to us after the transaction had taken place.

16 HEARING OFFICER: Did you ever ask for clarification before this incident?

17 BRIDGETTE CHABOT: No, not that I recall.

18 HEARING OFFICER: Okay. And did you understand that this transaction was
19 beyond your threshold to approve?

20 BRIDGETTE CHABOT: Yes.

21 HEARING OFFICER: And did you understand by conducting that without
22 having someone else approve it, that you were putting
23 your position at risk?

24 BRIDGETTE CHABOT: Well, in the moment, there's only two tellers there. So I
25 was just rushing because I had my own customers.

26 HEARING OFFICER: Okay. Is there any reason you didn't tell him to call
27 another person that could approve it?

1 BRIDGETTE CHABOT: Tyler? Well, I was just trying to help him by looking over
2 it and, like, doing the investigative part, which I took
3 responsibility for. But he just said, I don't know what to
4 do. I mean, looking back on it, I should have just told him
5 that he should look it up himself and just let him struggle,
6 I guess.

7 HEARING OFFICER: Well, ma'am, you told him to call a branch manager. He
8 said he couldn't reach that person or an approver. He
9 couldn't reach that person. Why, instead of entering her
10 information, didn't you tell him to contact someone else?

11 BRIDGETTE CHABOT: I don't know. I'm not the manager at that branch. Me and
12 Tyler are both tellers.

13 HEARING OFFICER: That's not responsive to my question.

14 BRIDGETTE CHABOT: I'm sorry.

15 HEARING OFFICER: That isn't responsive to my question. Can you answer my
16 question?

17 BRIDGETTE CHABOT: I'm sorry. Could you ask me the question again?

18 HEARING OFFICER: Sure. So when Tyler told you that he couldn't reach Nadi,
19 that he called two or three times, no one answered. Is there
20 any reason you just used her information as opposed to
21 referred him to call someone else?

22 BRIDGETTE CHABOT: Yes, I used her information because she had given me
23 consent two days prior to that. For example, I would never
24 use Tracy's employee number because I knew she
25 wouldn't have gotten that email.

26 HEARING OFFICER: I understand. So if you believe that there was not a
27 requirement to call Ms. Nadi or anyone else that was an

1 approver before completing the transaction, why did you
2 tell Tyler that he needed to?

3 BRIDGETTE CHABOT: Well, just to touch base with her, just like I did two days
4 prior to that. I touched base with her just to let her know it
5 was coming, because once she gets the email, she can call
6 us. She'll get an email right away.

7 HEARING OFFICER: You said you didn't have to do that. You only needed to
8 do that because you didn't have access to her number.

9 BRIDGETTE CHABOT: Yes, on Tuesday I did that because I didn't remember that
10 the employee numbers are posted at Tracy's desk. But on
11 Thursday, I told him to do it. Just thinking off the top of
12 my head, like, let's touch base with somebody that can
13 approve it. Just because that would be easier. It would be
14 faster and easier to get someone on the line and review it.
15 So while he was calling, I was reviewing it. So when he
16 got someone on the line, I could just tell them, Mr. Lopez
17 is a known customer, etc., but when he called and called
18 and called and they never answered the phone, then I just
19 said, well, I guess we can use her number because she told
20 me two days ago that we could do it. And I actually stated
21 that out loud to Tyler. And then that was it. And he
22 printed the cashier's check and I grabbed it and gave it to
23 Mr. Lopez. Ariana gets that email literally instantly right
24 away, and she could call us, but she did not. And to my
25 knowledge, there was no phone records pulled in the
26 investigation.

27 HEARING OFFICER: But if your understanding of the policy was that you never
28 had to get an approver's approval to approve a transaction
29 because they could do it after the fact and you only had to

1 call Ms. Nadi because you needed her number, because
2 you did not realize that it was on your supervisor's desk.
3 And then you had her information on Tuesday, why would
4 you instruct Tyler to call on Thursday because it would be
5 faster if you were already doing the investigation to
6 approve it?

7 BRIDGETTE CHABOT: Okay. So, yes. So, Tuesday, I called her to touch base
8 with her to approve the approval because I didn't
9 remember she had the employee, and that's what I told
10 him on Thursday. Call her because we need her employee
11 number to do the approval. And I I was not thinking. So I
12 was like, yes, they're posted. I would never remember
13 somebody's employee ID by memory. So I was like, yes,
14 we have it at the desk. At Tracy's desk. So he called three
15 times. Nobody answered. I went to the desk and I was
16 like, here it is, right here. So, you have to have a valid
17 employee number to put in.

18 HEARING OFFICER: Okay. So, ma'am, why did you testify earlier that you told
19 Tyler the procedure was to call Nadi or another manager?

20 BRIDGETTE CHABOT: I never told him that was the procedure. I just said try to
21 call. He said, I don't know what to do. And I said, well, try
22 to get a hold of a manager, I guess.

23 HEARING OFFICER: Okay. So you understood that to be the procedure?

24 BRIDGETTE CHABOT: No.

25 HEARING OFFICER: So why would you tell him [inaudible 0:45:13] the
26 procedure?

27 BRIDGETTE CHABOT: Because we need an employee ID number to do the
28 approval. And at that time, I did not remember that the

1 employee numbers are actually just posted at Tracy's desk.
2 Like I would never remember somebody else's employee
3 ID.
4 HEARING OFFICER: So then how did you have her number to use that day?
5 BRIDGETTE CHABOT: It's posted at Tracy's desk.
6 HEARING OFFICER: But you said you didn't remember they were at Tracy's
7 desk.
8 BRIDGETTE CHABOT: Right. So on Tuesday, I got Ariana's verbal consent over
9 the phone, and got her employee number over the phone.
10 This day when he called, and we couldn't get a hold of
11 someone to use an employee ID, I was like, yes, they're
12 posted at Tracy's desk. So on Thursday, that's when we
13 used her number. Because there's no way for me to
14 memorize. Like me personally, I would never remember
15 someone's employee ID. But everyone's employee ID is
16 posted at Tracy's desk for the three years I've worked
17 there.
18 HEARING OFFICER: Okay. Give me one moment.
19 BRIDGETTE CHABOT: I just can't remember, because I don't sit at that desk. It's
20 not like visible all the time.
21 HEARING OFFICER: Okay. Give me one moment, ma'am. So, ma'am, if you
22 believed that you didn't need an approver's approval for
23 the transaction, why have you referenced several times in
24 your written statement to the department and in your
25 testimony today that Nadi didn't make any effort to
26 actually review the transaction before letting you use her
27 approval number?
28 BRIDGETTE CHABOT: Just because it's relevant to what happened on Thursday.

1 HEARING OFFICER: Well, if your understanding of the policy was that, you
2 merely needed to ask her for her employee ID number,
3 and that you didn't even have to, if you had it, why would
4 it be relevant whether or not she asked you anything on
5 the 31st?

6 BRIDGETTE CHABOT: Why would it be relevant? I'm sorry. Say that again,
7 please.

8 HEARING OFFICER: If you believed that you only needed to get the employee
9 ID number from Nadi on the day in question, why did you
10 go over the details of the transaction to the extent that you
11 did and then you were surprised or you reported to us that
12 Nadi didn't take any steps to verify the transaction?

13 BRIDGETTE CHABOT: Like I said, using this policy is not a regular. We don't
14 exercise this policy regularly, like on a daily basis. So
15 when I touch base with her, and she didn't review the
16 transaction, obviously that set up a precedent for Thursday
17 where, if she didn't review the transaction, then obviously,
18 it would be okay to use her number. As outlined by the
19 policy, I don't really need to talk to her verbally. It just
20 says that she'll get an email afterwards. So to be honest
21 with you, prior to this, there's no understanding of what
22 the policy is or what is expected of me, how to execute the
23 policy.

24 I just called her on Tuesday. I just said, it's a regular
25 customer doing business deposit. She said, sure, use my
26 number. Here's my number. I said, okay. Well, I just want
27 to be thorough because I feel like I'm a thorough
28 employee. And she said, okay, no problem. Use my
29 numbers anytime. I trust your judgment. Verbatim. I think

1 that's what she said. You can use my numbers any time. I
2 trust your judgment is what she said. Verbatim.

3 HEARING OFFICER: So then why would she have an issue with you using her
4 number on the 2nd?

5 BRIDGETTE CHABOT: I don't know. She did not contact our branch to review the
6 transaction, so I have no idea. The only thing I could say
7 is that when she gets that email, she can see the notes. So I
8 took responsibility for the investigative part of the
9 transaction. So when I said it was a known customer and
10 just to do my due diligence, following business line of
11 procedures, I checked her signature, but I know who he is.
12 And as we know now, there's no monetary loss to the
13 company. But when I checked all that, I just wrote those
14 things and put my name there on the notes portion because
15 I did the investigative part of the transaction. And when I
16 did that, those notes will be in the email to her.

17 So I'm not exactly sure why she took issue with it. I don't
18 know. This is my opinion, but she should have called us as
19 soon as she got the email and if she felt like there would
20 be a monetary loss to the company, she should have called
21 us to review the transaction because we have one hour
22 after Tyler printed the cashier's check for us to reverse the
23 cashier's check. But she never called. And in fact, we
24 didn't get an email from the district manager until, I think
25 it was almost the end of the day that day.

26 HEARING OFFICER: Is there anything else that you'd like to add today that
27 we've not yet discussed about the circumstances leading to
28 the termination?

1 BRIDGETTE CHABOT: Yes. Just because I think it's relevant. But I do think, in
2 October of last year, I did file a harassment case against
3 Ariana, which she knew about because the HR department
4 had to contact her. So in this instance, I just thought that
5 maybe because she saw my name on the notes, and she
6 escalated it to the district manager and then escalated a
7 falsification of bank records accusation against me, that
8 maybe she did that out of retaliation, which I expressed to
9 the investigator on March 15th when I had my
10 investigative meeting. And he said that he would open a
11 retaliation case and they would do like an investigation.
12 They did not call me to do any part of retaliation
13 investigation until after I was fired, May 9th. They called
14 me May 15th or whatever. And that retaliation case
15 against Ariana Nadi is actually still open to this day. They
16 have not closed it yet. So, I just thought maybe that in my
17 opinion, she thought since my name was on those notes,
18 maybe that was her chance to file an accusation against
19 me because otherwise, she would execute her due
20 diligence as a branch manager and actually call us if she
21 felt like there was going to be any monetary loss because
22 of the transaction. And I guess you can insert there that
23 that's my opinion.

24 HEARING OFFICER: All right. Anything else that you would like to add?

25 BRIDGETTE CHABOT: I don't think so. Just one other thing. Sorry.

26 HEARING OFFICER: Go ahead, ma'am.

27 BRIDGETTE CHABOT: Just one other thing was that, last year also, I was
28 investigated for a different transaction, and I talked to an

1 HR person at Wells Fargo. So, I followed my business
2 line of procedures, escalated it. The end of your business
3 line of procedures for a transaction is to escalate it to your
4 next line of authority. So, I escalated it to a banker and she
5 told me to do the transaction. I did it. It wound up being a
6 loss for the company, so I was put on disciplinary action
7 for that transaction last year. HR to Wells Fargo is
8 actually called Employee Relations Consultants.

9 So I talked to an Employee Relations Consultant, Philip
10 Mayo, on October 14, 2022, and I expressed that I
11 followed the business line of procedures and escalated it
12 to my next line of authority. And he said, no matter if
13 somebody tells you to do something in your cash box, you
14 are solely responsible for what happens in your cash box.
15 So someone can't tell you what to do, like complete a
16 transaction, which I think is relevant here, just because I
17 had confirmed with Tyler on June 7th that there was no
18 disciplinary action for him, whatsoever. And I think
19 they'd coached him on how they want him to use the
20 policy. But they didn't do that until four months after the
21 transaction happened. So anyway, that's just the last piece
22 of relevancy there.

23 HEARING OFFICER:
24

Okay. Mr. Goode, do you have any questions for the
claimant?

25 JESSE GOODE:

No, ma'am. Thank you.

26 HEARING OFFICER:

27 Ms. McCarthy, turning back to you, the approval policy
28 when the approver is not present is the approval by the
approver required before the transaction is approved?

- 1 TRACY MCCARTHY: Yes. And actually, I did pull up the original chain of
2 emails. The email that Ariana received stated that stated,
3 initiator Tyler. So it never had Bridgette's information on
4 it. But she then emailed Tyler to ask what was going on
5 and then Bridgette emailed her. But it does specifically
6 state on this, if you did not approve the transaction,
7 contact the branch management. So yes, you do have to
8 contact the approver on each transaction. Because it states,
9 if you approve the transaction, no further action is
10 required. If you did not approve the transaction, contact
11 the branch management.
- 12 HEARING OFFICER: And do you know if there have been any circumstances
13 where the claimant approved a transaction and used an
14 employee's credentials without speaking to them first?
- 15 TRACY MCCARTHY: Prior to this, not to my knowledge. Typically, there's
16 usually someone here to approve those transactions.
- 17 HEARING OFFICER: Does this policy exist for circumstances where there is no
18 one present that's able to approve?
- 19 TRACY MCCARTHY: No. You would have to contact someone to have this
20 approval. We have, I believe, eight different branches in
21 the [inaudible 0:57:03]
- 22 HEARING OFFICER: Ms. McCarthy, I think maybe my question wasn't clear.
23 So the policy, the approver not present policy, does it exist
24 for circumstances where there isn't an approver present at
25 the branch where the transaction's occurring? Like is that
26 the purpose of the policy?
- 27 TRACY MCCARTHY: Could you rephrase that for me?
- 28 HEARING OFFICER: Is the purpose of the approver not present procedure to

1 allow for transactions to occur when there is not an
2 approver at that particular branch?

3 TRACY MCCARTHY: Yes. I'm sorry. I did not understand.

4 HEARING OFFICER: And the policy the claimant has provided appears to be an
5 excerpt of the policy itself. Do you have access to the
6 entire approval policy?

7 TRACY MCCARTHY: I can pull it up, yes.

8 HEARING OFFICER: Are you able to do that now?

9 TRACY MCCARTHY: Yes, absolutely.

10 HEARING OFFICER: Okay. While you're doing that, are you able to answer
11 other questions?

12 TRACY MCCARTHY: Sure.

13 HEARING OFFICER: The claimant testified that her limit was \$100,000 and the
14 transaction itself for the February 2nd transaction was
15 \$156,000. Do you believe that information is correct?

16 TRACY MCCARTHY: Yes.

17 HEARING OFFICER: Let me know when you have that policy available.

18 TRACY MCCARTHY: Sure. Do you want me to send the whole thing to you?

19 HEARING OFFICER: How long is the policy?

20 TRACY MCCARTHY: It's pretty long.

21 HEARING OFFICER: Do you know how many pages?

22 TRACY MCCARTHY: It's kind of unusual because it doesn't have specific pages,
23 if that makes sense. But it would probably be at least
24 three.

25 HEARING OFFICER: Okay. And what the claimant has provided is just Section

1 Four. That addresses, if the approver is not present. Is that
2 contained within the document that you're looking at?

3 TRACY MCCARTHY: That is contained within the document, yes.

4 HEARING OFFICER: All right. And is there earlier information in the policy
5 that speaks to the approval process?

6 TRACY MCCARTHY: Yes.

7 HEARING OFFICER: Mr. Goode, would you like that document entered in as an
8 Employer's Exhibit?

9 JESSE GOODE: Yes, ma'am.

10 HEARING OFFICER: Ms. Chabot, do you have any objection to the entire
11 approval policy coming into the record as Employers
12 Exhibit 1?

13 BRIDGETTE CHABOT: No, I do not object. You can definitely have that.

14 **EMPLOYER EXHIBIT 1 IS HEREBY ENTERED**

15 **(Employer Documents, 3 pages)**

16 HEARING OFFICER: Without objection, it'll be entered in as Employer's
17 Exhibit 1. And Ms. Chabot, I am asking them to submit
18 the full policy just because what you have included is just
19 an excerpt. And I do think that it would be relevant to
20 have all of that information.

21 BRIDGETTE CHABOT: That is correct. Yes.

22 HEARING OFFICER: So, Mr. Goode, do you have the appeals help email
23 address?

24 JESSE GOODE: Yes, ma'am.

25 HEARING OFFICER: Okay. Ms. McCarthy Can you send that policy to Mr.
26 Goode directly?

1 TRACY MCCARTHY: Yes.

2 HEARING OFFICER: All right. And Mr. Goode, can you get that to us by 5:00
3 p.m. today?

4 JESSE GOODE: Yes, as soon I get it, I'll reference the appeal number and
5 shoot it on over.

6 HEARING OFFICER: Perfect. Thank you. It will be entered in with that
7 objection as Employer's Exhibit 1. And Ms. McCarthy, is
8 there anything else that you would like to add today?

9 TRACY MCCARTHY: Not right off. I will just add the employee ID numbers,
10 and I don't know if this is relevant or not. The employee
11 ID number she's referencing at my desk, those aren't just
12 employee ID numbers. That's information to every branch.
13 The phone numbers to every branch. Who works at every
14 branch. That way there is proper contact information in
15 case they needed to reach out to someone.

16 HEARING OFFICER: Okay. The purpose of the employee ID numbers being at
17 your desk, is that so employees can approve transactions
18 without the approver being present?

19 TRACY MCCARTHY: No, absolutely not.

20 HEARING OFFICER: Is there anything else that you'd like to add?

21 TRACY MCCARTHY: No, not at this time.

22 HEARING OFFICER: Mr. Goode, any questions for her?

23 JESSE GOODE: No, ma'am. Thank you.

24 HEARING OFFICER: Ms. Chabot, do you have any questions for Ms. McCarthy
25 based upon her additional testimony?

26 BRIDGETTE CHABOT: No.

1 HEARING OFFICER: Is there anything else that either party would like to add
2 before we conclude the hearing today, Mr. Goode?
3 JESSE GOODE: No, ma'am.
4 HEARING OFFICER: Ms. Chabot?
5 BRIDGETTE CHABOT: No.
6 HEARING OFFICER: At this time, having no further questions and taking no
7 further testimony, the hearing is adjourned. The record
8 will close at 5:00 p.m. today for admission of the
9 Employer's Approver Policy and its entirety. Ms.
10 McCarthy, Mr. Goode, please be mindful of that 5:00 p.m.
11 deadline.
12 JESSE GOODE: Yes, ma'am.
13 HEARING OFFICER: Thank you both, or thank you all. Have a good day.
14 JESSE GOODE: Thank you.
15 TRACY MCCARTHY: Thank you.
16 BRIDGETTE CHABOT: Bye bye.
17 HEARING OFFICER: Bye.
18 [Call disconnected]
19
20 [Recording ended]
21 **HEARING CLOSED**
22
23

CERTIFICATE

This is to certify that this is a copy of the proceedings held in a hearing before, Administrative Hearing Officer, for the South Carolina Department of Employment Workforce, in the matter of Bridgette Chabot, Claimant and Wells Fargo & Company Inc., Employer on June 27, 2023, which proceedings were phonographically recorded, transcribed and herein appear.


JOSE BEGASO_____
Transcriptionist

Capital Typing

Williston, SC

October 3, 2023

CERTIFICATE

This is to certify that this is a copy of the proceedings held in a hearing before, Administrative Hearing Officer, for the South Carolina Department of Employment Workforce, in the matter of Bridgette Chabot, Claimant and Wells Fargo & Company Inc., Employer on June 27, 2023, which proceedings were phonographically recorded, proofread and herein appear.


JENIFER SILBOR

Editor

Capital Typing

Williston, SC

October 3, 2023



Agency Exhibit 1
South Carolina
Page 1 of 17
Department of Employment and Workforce



23456794

Original

BRIDGETTE M CHABOT
211 BITTERSWEET LN
MYRTLE BEACH SC 29579-4130

Decision Date: 05/30/2023
Mailing Date: 05/30/2023
Effective Date: 05/07/2023
Type: DC36
Category: Company Policy Violation
Benefit Year Ends: 05/04/2024
RE: WELLS FARGO & COMPANY, INC.
Claimant ID: [REDACTED]
SSN: [REDACTED]
WBA: \$326.00
RBA: \$0.00

DECISION

You are held ineligible for benefits from 05/07/2023 to 09/23/2023.

DETERMINATION REASON

You were discharged from your job with your most recent bona fide employer for violation of company policy. Policies violated were not unreasonable, and you did have opportunity to have knowledge of the company policies. Failure to comply with company policies was contrary to the employer's best interests. You were discharged for misconduct in connection with the work under the South Carolina Code Section 41-35-120(2) (a). You were discharged for violating the employers accurate records and disclosures policy.

CONCLUSION

You have not met the eligibility requirements of the law, benefits are denied. You are disqualified for 20 weeks. Your maximum benefits are also reduced by 20 times your weekly benefit amount.

MONETARY INFORMATION

Weekly Benefit Amount	Maximum Potential	Less Reduction Of	Net Total Benefits	Benefit Year Ends
\$326.00	\$6,520.00	\$6,520.00	\$0.00	05/04/2024

UI Claims Adjudicator

IMPORTANT: This determination will be the final decision of the Department unless you file an appeal setting forth in detail the grounds for appeal by 06/09/2023. Appeals may be filed by mail addressed to the "Appeal Tribunal, Post Office Box 995, Columbia, SC 29202," or by fax to 803-737-0287, or via the CSS or ESS portals using the "Request Appeal" button. NOTE: UPLOADING DOCUMENTS TO THE PORTALS WILL NOT BE ACCEPTED AS AN APPEAL. For additional information on filing an appeal, contact the Appeals Department at 803-737-2520 or visit our website at <https://www.dew.sc.gov/individuals/appeals>.

SEE FURTHER EXPLANATIONS OF THE LAW ON PAGE TWO (2) OF THIS FORM

EXPLANATION OF DETERMINATION

South Carolina Employment and Workforce Law provides varying penalties for a claim that does not meet the requirements of the law.

The term "bona fide employer" means the employer with whom the claimant last earned at least eight (8) times the weekly benefit amount.

SECTION 41-35-110 provides that a claimant is eligible for benefits for any week only if the week is claimed according to the regulations, and the claimant has registered and continued to report to an employment office for work as required. Additionally, a claimant must be physically able to work at his usual occupation which prior training and experience show him to be qualified. Also, a claimant must be available for work, which means being ready, able, and willing to accept suitable work, and that personal circumstances would not prevent him from accepting such work.

No weeks of unemployment benefits will be paid for weeks for which the claimant is held to be unavailable. The claimant should call 1-866-831-1724 if the condition which caused the unavailability changes.

SECTION 41-35-120(1) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant left work without good cause connected with the employment. The disqualification shall begin on the effective date of the claim and shall continue until the claimant returns to work and earns at least eight times the weekly benefit of the claim.

SECTION 41-35-120(2)(a) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant was discharged for misconduct connected with the most recent work. The disqualification shall begin on the effective date of the claim and shall continue for twenty weeks, with a corresponding reduction of the claimant's benefits to be calculated by multiplying the weekly benefit amount by twenty. Misconduct includes deliberate violations or disregard of standards of behavior the employer has the right to expect, or carelessness or negligence of such degree or recurrence as to show an intentional and substantial disregard of the employer's interest or the claimant's duties and obligations to the employer.

SECTION 41-35-120(2)(b) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant was discharged for cause, other than misconduct, connected with the most recent work. The disqualification shall begin on the effective date of the claim and shall continue for not less than five nor more than nineteen weeks, with a corresponding reduction of the claimant's benefits to be calculated by multiplying the weekly benefit amount by the number of weeks of the disqualification.

SECTION 41-35-120(3) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant was discharged for illegal drug use. The disqualification shall begin on the effective date of the claim and shall continue until the claimant returns to work and earns at least eight times the weekly benefit amount of the claim.

SECTION 41-35-120(4) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant was discharged for gross misconduct. The disqualification shall begin on the effective date of the claim and shall continue until the claimant returns to work and earns at least eight times the weekly benefit amount of the claim.

SECTION 41-35-120(5) provides that a claimant shall be disqualified from benefits if the Department finds the claimant failed without cause to either apply for suitable work when directed by the Department or to accept available suitable work. The disqualification shall begin on the effective the week the failure occurs and shall continue until the claimant returns to work and earns at least eight times the weekly benefit amount of the claim.

SECTION 41-35-120(8) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant retired voluntarily from the most recent work. The disqualification shall begin on the effective date of the claim and shall continue until the claimant returns to work and earns at least eight times the weekly benefit amount of the claim.

If you are still unemployed at the end of a period of disqualification or believe you have met the requalification requirements imposed, you may reopen your claim by reporting to the local unemployment office on the earliest possible date following the end of the disqualification or after meeting the earnings requirement.

FOR ADDITIONAL INFORMATION OR QUESTIONS PLEASE CONTACT US AT 1-866-831-1724.

Agency Exhibit 1
Page 3 of 17

Personal Information

Claimant Id:			
Date of Birth:			
First Name:	BRIDGETTE	Other Last Name Used (1):	
Last Name:	CHABOT	Other Last Name Used (2):	
Middle Initial:	M	Other Last Name Used (3):	
Suffix:		Gender:	Female
		Mothers Maiden Name:	

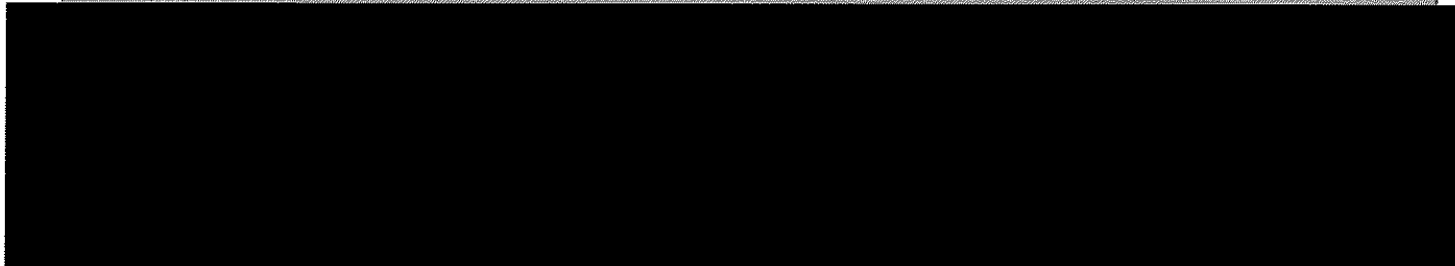
Address Information

Country:	USA		
Mailing Address, if different from residential:	211 BITTERSWEET LN	Mailing Address City:	Myrtle Beach
Mailing Address State:	South Carolina	Mailing Address Zip:	29579
Residential Address Country:	USA		
Residential Address:	211 BITTERSWEET LN	Residential Address City:	Myrtle Beach
Residential Address State:	South Carolina	Residential Address Zip:	29579
Closest Employment Services Office	Coastal/Conway	Commuter:	

Contact Information

Primary Phone:	240-626-7543	Ext :		Alternate Phone:	Ext:	
Cell Phone:	240-626-7543	Fax Number:				
E-mail Address:	bridgettechabot@gmail.com		Preferred Contact Method:	E-mail		
I wish to receive text alerts on important information on my unemployment claim:	Yes					

Demographic Information



Eligibility Questions

Indicate from what location you are filing your claim	Home	
Have you applied for or are you receiving unemployment benefits from another state other than SC?	No	
Has all of your employment been in a state other than SC since 11/09/2021	Yes	
Has any of your employment been in a state other than SC since 11/09/2021		
Have you served in the Military since 11/09/2021	No	
Are you currently in the State of SC		
Have you been employed as a civilian by the Federal Government since 05/09/2021	No	085 089

Agency Exhibit 1
Page 4 of 17

Employability Questions

Are you currently self-employed or do you earn income on a commission basis	No
Do you have plans to become self-employed or earn income on a commission basis	No
Do you have any known medical condition that prevents you from being mentally and physically able to perform work in a job that you have experience or training	No
Are you currently enrolled in school or in training	No
Are you available for full-time work	Yes
Are you available for part-time work	

Employers - Regular

Employer Name	Address	Dates of Employment	Type of Employment
WELLS FARGO & COMPANY INC, DBAWELLS FARGO BANK, N.A.	PO BOX 7340 GARDEN CITY 11530	01/27/2020-05/09/2023	Full Time

Separation - Regular

Employer Name	WELLS FARGO & COMPANY INC, DBAWELLS FARGO BANK, N.A.
Reason Employment ended:	I was fired, terminated, or discharged from the job.
If Quit or Discharge select the reason why?	Falsification of Records
Do you think you will be returning to work for this employer	No
If yes, what date do you think you will return to work (best guess):	
State where work was performed:	South Carolina
City where work was performed:	N Myrtle Beach
Primary Occupation with this employer:	Tellers
Are you an owner, corporate officer, or stakeholder of this employer?	No
What were your total earnings with this employer from	14243.0
What are your gross earning for your last week of work	93.0

Other Separation

Have you applied for Workers' Compensation benefits within the last year or workers compensation are you receiving Workers' Compensation benefits at this time?	No
Are you or will you receive pension or retirement pay (other than Social Security)?	No
Are you or will you receive vacation pay, severance pay, military accrued leave pay or other separation pay?	No
If you are eligible to receive benefits, would you like Federal Income Tax withheld from your benefits?	Yes
If you are eligible to receive benefits, would you like State Income Tax withheld from your benefits?	Yes
Do you have a definite return to work date or will start a new job for an employer you have not told us about?	No
If yes, what is the name of the employer?	
If yes, what is your return to work or start date?	
Preferred Payment Method	Direct Deposit

Benefits Payment Method

Name of Financial Institution	
Financial Institution Routing number	
Account Number	

090

Agency Exhibit 1

Page 5 of 17

Work Search

What is your lowest Rate of Pay you will accept for the type of work you are seeking? \$21.00 per Hour

Are tool, licenses, or permits required for the work you are seeking No

If yes, do you have the required tools, licenses, or permits to perform the work you are seeking

Military/Veteran Information

Are you a veteran? No

Is your spouse a veteran? No

Is your spouse a veteran killed in active duty?

Is your spouse a deceased veteran who had a total disability?

Is your spouse a service member who is a MIA or POW?

Is your spouse a veteran who had a total (100%) disability rating from the VA?

Were you awarded any campaign badges, ribbons or decorations?

If yes, please mention

Have you worked on a farm? No

Did you earn at least half of your last 12 months income on a farm?

Were you employed all year on a farm?

Did you travel to work?

Did you work at least 25 days on a farm?

Have you worked in a food processing plant? No

Did you earn at least half of your last 12 months income in food processing?

Were you employed all year in food processing?

Did you travel to work?

Did you work at least 25 days in food processing?

Do you have a valid SC driver's license? Yes

Please provide your driver's license number as it appears on your driver's license

Please provide your weight as it appears on your driver's license

Driver's license class D Regular Operator License

Commercial driver's license classes None

Commercial driver's license restrictions None

Do you have State Identification Card issued by SCDMV? No

If yes, Please Provide you State Identification number

Job Suitability Counties

Select upto 6 counties where you are willing to work:

HORRY

Job Suitability Experience

Are you willing to look for other types of work?

087

091

Agency Exhibit 1
Page 6 of 17

Years of Training:

Secondary Choice

Kinds of Jobs Seeking / ONET?:

Tour Guides and Escorts

Years of experience:

02

Years of Training:

Last Job Information

How much did you earn on your last job?:

45000.0

Unit of pay:

Year

Travel Miles:

6-10

Location

Are you willing to relocate?:

No

Are you willing to travel at least the same distance as you last traveled to your last job?:

Yes

Your transportation methods:

Automobile

If offered a job, or if recalled from a layoff, are you available for work?:

Yes

If offered a job, or if recalled from a layoff, would the lack of childcare or dependent care make you unable to work?:

Yes

Job And Availability Schedule

Available Time (Start Time - End Time)

Available Days

8:30 - 17:15

Monday
Tuesday
Wednesday
Thursday
Friday

Are you willing to work the same hours/shifts/days you worked on your last job?

Yes

Date Completed: May 09, 2023 12:49 PM



Agency Exhibit 1
South Carolina
Page 7 of 17
Department of Employment and Workforce



23370218

Claimant Name: BRIDGETTE M CHABOT
Claimant Party ID: [REDACTED]
Issue ID: 13514253

Employer Name: WELLS FARGO & COMPANY INC

User ID: I

Fact Finding Questions

Responses

I certify that the information I am submitting to the South Carolina Department of Employment and Workforce is true and accurate to the best of my knowledge. I understand any individual found to have submitted fraudulent information to obtain Unemployment Benefits may be subject to penalties of law - up to and including FELONY prosecution.		
I certify, understand, and acknowledge.	Yes	
You indicated that your separation from WELLS FARGO & COMPANY INC was due to falsification of records and/or documents.		
Is this the correct separation reason?	Yes	
What date was your first day of work?	01/27/2020	
What date was your last day of work?	05/09/2023	
What date were you discharged?	05/09/2023	
Who discharged you? Name:	Tracy McCarthy	
Job Title:	Branch Manager	
Did your discharge have a financial impact on the employer?	No	
Was there a final incident that caused you to be discharged?	Yes	

Agency Exhibit 1
South Carolina
Page 8 of 17
Department of Employment and Workforce

What date was the final incident?	02/03/2023	
-----------------------------------	------------	--

Do you know why there was a two or more week delay between the final incident and the day you were discharged?	Yes	
--	-----	--

Why was there a delay between the final incident and the day you were discharged?	A branch manager for another branch (not my manager) filed "falsifying bank records" on me even though i followed policy and procedure. (I do still have an open retaliation case against that manager.) And they took it to investigation. I was interviewed internally and today they said I was fired for it.	
---	--	--

What was the final incident?	My manager and the person who was supposed to be in charge, a banker, were both gone on vacation at the same time (even though this is against the district managers policy) So there were no managers present in the bank. A regular known customer came in to get a large cashiers check of \$156k which no one in the branch could approve. I followed policy and procedure for using the next branch managers numbers to approve and print the transaction.	
------------------------------	---	--

What records did the employer state you falsified?	Other	
--	-------	--

Please explain what records the employer stated were falsified.	Approval for a Cashiers Check.	
---	--------------------------------	--

Did you falsify the records the employer said you did?	No	
--	----	--

Had you been previously warned for falsifying records?	No	
--	----	--

Agency Exhibit 1
South Carolina
Page 9 of 17
Department of Employment and Workforce

Does the employer have a policy regarding
falsification of records?

No

By submitting this form, you confirm these are your own answers to the best of your knowledge.

Date Completed: May 9, 2023



23414760

SIDES Response Cover Page

Claimant Details

SSN: [REDACTED]
Claimant Last Name: CHABOT

Employer Details

EAN: [REDACTED]
Employer Name: WELLS FARGO & COMPANY INC

Claim Details

Claim ID Number: 3452133
Sep Notice Receipt Date: 05/09/2023
Claim Effective Date: May 7, 2023 12:00:00 AM

Separation Details

Issue ID: 13514253
Separation Reason: Fired/Discharged

Name : CHABOT, BRIDGETTE M

SSN: [REDACTED] Due: 05/19/2023

Separation Information

Confirmation

Date/Time Submitted 05/19/2023 02:15:34 PM EDT Record GUID d7b8 144e ab5f 43e3 a617
4495 7b0a 2873

Claim Detail

ClaimEffective 05/07/2023 Claim Number 3452133
Request 05/09/2023

☒ I acknowledge the state's request for additional information.

Employer

Employer WELLS FARGO & COMPANY
INC

SEIN [REDACTED]

Employment Information/Separation Information

Employer's reason for claimant's separation Fired/Discharged
Why was the claimant discharged? Failed to Follow Instructions/Policy/Contract
Claimant's job title TELLER
What was the claimant's first day of work? 01/27/2020
What was the last day claimant performed work? 05/09/2023
Did the claimant become separated on the last day they performed work? Yes

Separation Information/Discharge - Failed To Follow Instructions/Policy/Contract

Final Incident

What was the date of the final incident? 05/09/2023
Describe in detail the final incident that caused the discharge. Investigations found this to be substantiated at the transaction approval level. The teller was called over to another teller's workstation to approve a transaction. Teller was not able to get an approver so she entered in "Approver not Present" into the system and selected a branch manager that had| Investigations found this to be substantiated at the transaction approval level. The teller was

093 097

Name: CHABOT, BRIDGETTE M

SSN: [REDACTED] Due: 05/19/2023

called over to another teller's workstation to approve a transaction. Teller was not able to get an approver so she entered in "Approver not Present" into the system and selected a branch manager that had| The Teller was previously placed on Formal for operating loss due to a failure to follow proper procedures or policies in the past 12 months. The teller was terminated for dishonesty/fraud-other on 05/09/23 by Tracy McCarthy.

Violate Company Policy

Did the claimant violate company policy?	Yes
Was the claimant aware of the policy or expected behavior?	Yes
How was the claimant informed of the policy or the expected behavior?	Both

Who Discharged

Who discharged the claimant?	Tracy Mccarty
What is the job title of the person?	Branch manager

Prior Incidents

Were there prior incident(s)?	No
Enter any additional information regarding the reason for discharge for failure to follow instruction/policy/contract. For example, specifically what instructions/policy/contract did the claimant fail to follow?	The claimant was discharged for violation of a reasonable and known policy.

Weeks and Wages

Are total earned wages available for [Dates Unknown]	Wages are available
Total wages earned between [Dates Unknown]	\$34,654.62

Payment After Separation

Total gross wages earned since 05/07/2023?	\$132.18
Total hours worked since 05/07/2023?	7
Did or will the claimant receive any compensation on or after the last day of work (excluding wages for hours worked)?	No
Is or will the claimant receive a company pension and/or 401K disbursement?	Unknown

Name: CHABOT, BRIDGETTE M

SSN: [REDACTED] Due: 05/19/2023

Documentation/Attachments

Do you have any attachments supporting your response? No

Preparer

Prepared by	Third Party Administrator	Company Name	TALX UCM Services, Inc.
Preparer Name	Missy Wilson	Job Title	Manager, Claim Services
Phone	(800) 829 - 1510	Email	melissa.wilson@equifax.com

Optional not addressed

Corrected Employer Name

Corrected FEIN

Corrected SEIN

TPA/Employer Representative receiving this request DOES NOT represent this employer (Not Checked)

PEO receiving this request DOES NOT represent this employer (Not Checked)

Corrected SSN

Corrected Claimant Name

Claimant did NOT work for this employer (Not Checked)

Claimant was a 1099 or contract employee (Not Checked)

Employer is a Temporary Staffing Agency and the claimant was working a temporary assignment (Not Checked)

Employer believes this is a fraudulent claim (Not Checked)

Was this seasonal employment?

Is (or was) the claimant receiving workers' compensation?

Fax



Agency Exhibit 1
Page 14 of 17

TALX UCM SERVICES

Fax Transmission

To:

Shannon

(N43) 953-8489

From:

Jan Green

TALX UCM Services Inc

Fax: (800) 259-3145

Ph: (833) 946-0624

May 25, 2023

Subject

RE: BRIDGETTE CHABOT SS [REDACTED]

Message:

Please see attached on SS [REDACTED]



TALX UCM SERVICES

May 25, 2023

FAX COVER SHEET

FAX: (843)953-8489

Re: BRIDGETTE CHABOT

SS: [REDACTED]

Account: [REDACTED]

Employer: WELLS FARGO BANK, NA

Shannon:

Q: Please provide a copy of the policy and claimant's signed acknowledgement.

A: Please see attached policy.

If you have any questions or problems, please contact me at (833) 946-0624, ext. 3463, fax (800) 259-3145 or you can reach me via email at jan.green@equifax.com.

Sincerely,

Jan Green

Unemployment Insurance Consultant

ATTACHMENT

----- Forwarded message -----

From: <Tracy.Mccarthy@wellsfargo.com>

Date: Tue, May 23, 2023 at 5:20 PM

Subject: [IE] RE: Reply By: 05/25/2023 Unemployment State Call on BRIDGETTE M CHABOT, 001908801 Inhouse: WY40 Loc: 144781 UNIDENTIFIED

To: <jan.green@equifax.com>

Page 17 of the Code of Ethics-

Accurate records and disclosures

Wells Fargo and its employees must follow applicable accounting standards, policies, procedures, internal controls, and legal requirements. The company is committed to accurate, timely, and clear disclosures to regulatory authorities, customers, shareholders, and the public.

Employee responsibilities include:

- Never falsifying data or information.
- Maintaining accurate data or information.
- Accurately recording all payments to, and business transactions with, or conducted by third parties.
- Timely reporting of an error in any of our books or records.
- Obtaining proper authorization or consent for, and never falsifying or improperly altering, legal documents, company forms, applications, or agreements.
- Never signing a blank or incomplete document or asking a customer or vendor to do so.
- Following records retention guidelines and complying with legal hold notices as appropriate.
- Processing all expenses accurately, timely, and through required channels, reviewing expenses for adherence to policies, and ensuring approvals are provided by someone with the proper authority.
- Notifying Regulatory Relations as appropriate of any government or regulatory agency request.

Tracy McCarthy

Branch Manager

Wells Fargo Bank N.A. | 3910 Hwy 17 S. | North Myrtle Beach SC 29582

MAC 06359-010

Tel 843-272-3461 | Fax 843-361-3589



Claimant Name: BRIDGETTEICHABOT
Claimant Party ID: [REDACTED]
Issue ID: 13514253

Statements

Employer: (IWF:SMOUNTS @ 05/23/2023 03:03:02 PM) Equifax, (800) 829-1510,
Requested policy violated, and prior warnings from the employer. Deadline 5/25/2023 @ 3:02 PM



Employer Exhibit 1

Page 1 of 10 Jesse Goode <jesse@thegoodelawyer.com>

Approvals and Overrides

1 message

Tracy.Mccarthy@wellsfargo.com <Tracy.Mccarthy@wellsfargo.com>
To: jesse@thegoodelawyer.com

Tue, Jun 27, 2023 at 12:42 PM

Procedures: Branch Banking

[View Bookmarks](#)

Approvals and Overrides – Teller - PR2321

Summary

Request or provide a teller transaction approval or process an assisted approval, self-approval, teller override or self-override on the teller system.

Understand the rules

- When a transaction review or approval is required:
 - Inform the customer when additional time or assistance is required to review the transaction.
 - Transaction approvers: Introduce yourself to the customer and explain your role when you are asked to review a transaction or request.
- Before attempting to approve or obtain approval for a transaction, always complete a review of all transaction items, all system warning messages, and the Risk Evaluation Tool, when required.
- When a transactional exception is being approved (for example, waiving the identification requirement for a transaction), the exception must be documented as follows:
 - On the approval screen in the Comments field.
 - When the Approval screen is not available, document the transaction exception on the actual item and scan or re-scan into the teller system to capture the approval.

Notes:

- Approvers must not make exceptions to transactions they are processing (no self-approvals are permitted).
- Only branch management or regional employees may approve transactional exceptions.
- Transactional exceptions cannot be made for Bank Secrecy Act (BSA) regulatory procedure requirements. These requirements ensure compliance with legal and regulatory requirements.
- **Item cashing transactions only:** Select the **Other** approval reason option when approving a transactional exception.
- Transaction approval or reference codes obtained from another department (for example Treasury Management Client Services (TMCS) or The Private Bank (TPB) must be documented in the Comments field on the approval screen (for example, TPB code AB12345).

Related Procedures:

- Risk Evaluation: Deposits
- Risk Evaluation: Foreign Currency Orders, Item Cashing, and Negotiable Instruments
- Reference: Internal Controls - Transactional Safeguards

References:

- Prevent losses with a risk evaluation

- System Messages
- Transaction Approval Guide
- Branch Banking De-escalation Guide

Employer Exhibit 1

Page 2 of 10

When a transaction approver or reference code is provided by a non-Branch Banking employee (for example, The Private Bank) for a deposit, item cashing, purchase bank check, or debit memo post transaction, follow the steps outlined below:

Two separate approvals are required for transactions that require an approval or reference code from another line of business (for example, TPB or TMCS):

- **Other line of business approval or reference code:** This is documented in the Comments field on the Approval screen.
- **Transaction approval:** From a Branch Banking employee (listed on the Approver drop-down menu or selected from the Search for Approver field on the approval screen).

Notes:

- The teller system will only allow Branch Banking employees with the appropriate transaction approval authority on Banker Profile to approve deposit, item cashing, purchase bank check, branch settlement, and debit memo post transactions.
 - Do *not* attempt to use the employee from the other line of business (for example TPB or TMCS) as the approver on the teller system.
1. Obtain an approval or reference code by calling the proper department or other line of business (for example TPB or TMCS).
 2. Document the code in the Comments field on the approval screen (for example, TPB Approval code AB12345).

Item cashing transaction only: Select the Line of Business Approval Code approval reason option when an approval or reference code was provided by another line of business.

3. Obtain a transaction approval from a Branch Banking employee (for example, a branch manager or branch operations manager) with the appropriate transaction approval authority in Banker Profile, as outline within this procedure.

For transactions above the branch employees' approval limits, obtain approval and an employee ID from a district manager, regional services consultant, or above with the appropriate transaction approval authority in Banker Profile.

Note: Do *not* enter the other line of business employee's information (for example, the Private Bank Service Team agent) in the Search for approver field. The other line of business approval or reference code is documented in the Comments field.

Approver: Provide transaction approval

1. If you have the authority to approve transactions and this transaction is within your authority limit on Banker Profile, go to the next step.

If not, do *not* approve the transaction. Direct the transaction to an approver with the appropriate authority on Banker Profile for review and approval. *This procedure is complete.*

2. If you are willing to accept full responsibility and approve the transaction, go to the next step.

If not, tell the customer you cannot complete the transaction. *This procedure is complete.*

3. If you are at the Teller's workstation, type your User ID and password on the approval screen.

Item Cashing (T100) transactions: Select all applicable approval reasons from the drop-down menu.

Employer Exhibit 1

Note: Comments are required when the *Line of Business Approval Code* or *Other* approval reason options are selected.

Page 3 of 10

4. If you are not present, have the teller complete the following action based on the transaction type.

Transaction type	Action
Deposit (T200 & T207), Item Cashing (T100), Purchase Bank Check (T400), Branch Settlement (T500), and Debit Memo Post (T71)	Instruct the teller to: a. Type your employee ID number in the Search for Approver field and select Go. b. Select the Approver not present checkbox. c. Item Cashing (T100) transactions: Select all applicable approval reasons from the drop-down menu. <i>Note:</i> Comments are required when the <i>Line of Business Approval Code</i> or <i>Other</i> approval options are selected. d. Select Complete. The approver will receive an automatically generated email documenting the approval.
All other transactions	Instruct the teller to: a. Type their User ID and password. b. Select Override reason 1 - Approval given by (approver's name and/or ID). c. Type your first and last name in the <i>Comments</i> field as the approver (do <i>not</i> use User ID, Employee ID, initials, or nicknames).

Teller: Obtain approval or complete self-override

Used for all transactions except deposits, item cashing, purchase bank check, branch settlement, and debit memo post which are covered in Teller: Process a self-approval and Teller: Process an assisted approval sections.

1. If the transaction is within your authority limit and you are willing to accept full transaction responsibility, go to the next step. Do *not* decline a transaction without a transaction approver's review.

If not, request an approval from an employee with transaction approval authority.

- If approved with approver present, have the approver type their User ID and password on the approval screen. *This procedure is complete.*
- If approved with no approver present, go to the next step.
- If not approved, do *not* complete the transaction. Tell the customer the transaction cannot be completed. *This procedure is complete.*

1. Type your User ID and password.
2. Select the appropriate override reason.

Employer Exhibit 1

Page 4 of 10

Override reason	Override reason description
1 – Approval given by (approver's name and/or ID)	An approver with the appropriate authority limit provided verbal approval; however, the approver is not physically present or is unable to type their User ID and password on the approval screen. Comments are required to document the following: • The approver's first and last name (do <i>not</i> use User ID, Employee ID, initials, or nicknames). • Any approval codes obtained from other departments (e.g., Treasury Management Client Services (TMCS), The Private Bank)
3 – Positive Pay Payee Validation	• The transaction is within your authority limit. • All warning messages are reviewed. • The payee displayed on the system matches the payee on the check presented.
4 – Other	• The check presented is on the list of approved Check Cashing Agreements. or • All of the following criteria are met, and you are accepting full responsibility for the transaction: ◦ Do <i>not</i> use this option without the approving employee present. See Override reason, 1 - Approval given by (approver's name and/or ID). ◦ The transaction is within your authority limit. ◦ All system warning messages are reviewed. ◦ Risk Evaluation review is completed. ◦ Comments are required to document reasons for the self-override and any approval codes from other departments (e.g., TMCS, The Private Bank).

Teller: Process a self-approval

Used for deposit, item cashing, purchase bank check, branch settlement, and debit memo post transactions only.

1. If you are willing to accept full transaction responsibility and the transaction amount is within your authority to self-approve, go to the next step.

If not, change the Approval Type to **Assisted** and request an approver transaction review. Go to the Teller: Process an assisted approval section.

2. **Item Cashing (T100) transactions:** Select all applicable approval reasons from the drop-down menu.

Note: Comments are required when the *Line of Business Approval Code* or *Other* approval reason options are selected.

Employer Exhibit 1

Page 5 of 10

3. Select **Complete**.

Teller: Process an assisted approval

Used for deposit, item cashing, purchase bank check, branch settlement, and debit memo post transactions only.

1. Direct the transaction to an approver for review.
2. If approved, go to the next step.

If not approved, do *not* complete the transaction. Tell the customer the transaction cannot be completed. *This procedure is complete.*

3. If the approver is present at the teller's workstation, select their name from the **Select Approver** drop-down menu.

a. If it does *not* display, type their User ID in the *Search for Approver* field, and select **Go**.

b. Instruct the approver to type their User ID and password on the approval screen.

Item Cashing (T100) transactions: Select all applicable approval reasons from the drop-down menu.

Note: Comments are required when the *Line of Business Approval Code* or *Other* approval reason options are selected.

c. Select **Complete**.

4. If the approver is not present:

a. Type their employee ID in the *Search for Approver* field and select **Go**.

b. Select the **Approver not present** checkbox.

c. **Item Cashing (T100) transactions:** Select all applicable approval reasons from the drop-down menu.

Note: Comments are required when the *Line of Business Approval Code* or *Other* approval reason options are selected.

d. Select **Complete**. The approver will receive an automatically generated email documenting the approval.

Item cashing approval reasons

When completing a self or assisted-approval for item cashing transactions, **all applicable** transaction-related risk-based decision reasons **must** be selected from the drop-down menu on the approval screen.

References:

- Transaction Approval Guide
- Risk Evaluation Tool
- Reference: Internal Controls - Transactional Safeguards
- Declining over-the-counter transactions, new accounts, and wire

Reason	Description

Employer Exhibit 1

Page 6 of 10

Account History	No Stops signs are present when account details reviewed. Use the Risk Evaluation Account Detail section of the teller system, when possible. Account details should include: • Account opened more than 12 months • No overdrafts in last 12 months • Average 12-month balance is greater than transaction amount • No holds/pledges • No return deposit/cashed items
Customer Relationship	<i>Note:</i> Ensure the customer has been properly identified and authenticated to reduce the risk of customer impersonation fraud. The customer record indicates the customer has an extensive relationship with the bank (for example, Affluent, The Private Bank (TPB), High Value).
Item Review	No stop signs are present when completing an item review. <i>Note:</i> Even if you are positive of the customer's identity, review the transaction items to ensure the individual is the intended payee, the items meet negotiability requirements, and have proper endorsements. • Pre-printed checks/items: No signs of counterfeit or alteration • Counter withdrawal (DDA/SAV/Line of credit advance): No signs of customer impersonation <i>Reference:</i> Detecting withdrawal fraud Actions should include: • Review companion items in OIB. <i>Reference:</i> Using Operations Image Browser to view checks, deposits and statements • Items \$5,000 or greater: Verify issuance or funds with maker or drawee bank. <i>References:</i> ◦ Item verification contact list ◦ Transaction Fraud Support (TFS) Quick Reference Guide • Verify security features using resources located on the Fraud Awareness and Loss Prevention website > General Resources > Security Features. • Endorsement is substantially similar to the payee name and account title.
Line of Business Approval Code	Either of the following apply: <i>Note:</i> The code received from the other line of business <i>must</i> be documented in the approval screen <i>Comments</i> field (for example, <i>Approval code 12345 – TPB or Reference code 98765 - TFS</i>).

Employer Exhibit 1

Page 7 of 10

- Other line of business: The account is owned by another line of business (such as TMCS or The Private Bank) and an approval or reference code was obtained for this transaction.

or

- **Transaction Fraud Support (TFS):** The validity of the transaction has verified by TFS, and they provided a reference number.

Note: Do not select the *Line of Business Approval Code* reason when TFS was unable to verify the validity of the item.

References:

- Fraud and Forgery Claims for Unusual Transactions or Account Activity procedure
- Transaction Fraud Support (TFS) Quick Reference Guide

Signature	A verification of the maker signature, presenter's endorsement, or both as applicable (using signatures on file when possible) was completed.
Transaction History	No Stops signs are present when reviewing the Customer/Transaction history section of the Risk Evaluation screen. History details include: • No recent unusual activity • No same day transactions • Account is not or was not recently inactive (last 90 days) • Multiple ATM deposits have not been made • Transaction follows the customer's typical history (not out of-pattern) • No changes on profile in the past 90 days on the Customer Event History (CEH) screen (for example, phone number or address change).
Known Customer	No longer used. Authentication is documented on the identification screen.
Other	Branch management or above has approved a transactional exception. Document a complete description of the reason used, including the approver, in the Comments field on the approval screen. For example, <i>John Manager waived the identification requirement.</i> <i>Notes:</i> • When additional description is needed that will not fit in the Comments field: a. Document a short description of the transactional exception in the Comments field. b. Completely document the transaction exception on the actual item. c. Scan or re-scan the item into the teller system to capture the written comments. • Approvers must not make exceptions to transactions they are processing (no self-approvals are permitted).

Employer Exhibit 1

Page 8 of 10

- Only branch management or regional employees may approve transactional exceptions.
- Transactional exceptions cannot be made for Bank Secrecy Act (BSA) regulatory procedure requirements. These requirements ensure compliance with legal and regulatory requirements.
- Inappropriate approval comments that must not be used include, but are not limited to, *over teller limit*, *within approved limits*, or *approved*.

Add a transaction approver to the drop-down menu

For deposit, item cashing, purchase bank check, branch settlement, and debit memo post transactions only.

Branch Operations Manager, Branch Manager (or delegate) or above: Complete the following to add a transaction approver who works at multiple locations to the **Select Approver** drop-down menu on TellerView.

Note: Unless added to the additional AU, a transaction approver's name will not automatically display in the **Select Approver** drop-down menu at any AU other than their home branch.

1. Access Banker Profile through Branch Portal > Operations & Reporting > Authority & Controls section > Banker Profile.
2. Select the employee's profile.
3. Select the **Contact** tab.
4. Select **New**.
5. Select the following:
 - Contact Category: **TRANSACTION**
 - Contact Type: **TRANSACTION APPROVER**
6. Select **Add**.
7. Enter the branch AU and select **Search**. Select the appropriate branch AU and select **Add**.

Note: If the transaction approver needs to be added to additional branch AUs, repeat step 7.

Revision History prior to 2021

Dec 11, 2020

Clarified that tellers must obtain an Assisted Approval regardless of their Item Cashing Transaction limit.

Nov 12, 2020

•Added:

- Item cashing approval reason codes
- Off-us check cashing assisted-approval requirements for non-customers and non-DDA account holders

•Revised SVT and Team member.

•Clarified that the Risk Evaluation Tool is completed when required prior to providing a transaction approval.

Aug 3, 2020

Revised to simplify content and improve readability.

Employer Exhibit 1

Page 9 of 10

Jul 17, 2020

Jun 16, 2020

Revised step number.

Jan 25, 2019

Added Approver's name and/or ID required to Override Reason 1.

Nov 30, 2018

Revised:

• Broken link

• Revised text for clarity

May 15, 2018

Clarified the transaction approvers first and last name must be documented on SVT.

Oct 31, 2017

Created new procedure to document the transaction approval process on SVT transactions.

Revision History

03/22/23 Revised link address and title to Transaction Fraud Support (TFS) Quick Reference Guide.

02/22/23 Added Transaction exception requirements.

Revised:

- The Before you begin section title to Understand the rules.
- The Item Cashing Approval Reasons.

10/24/22 Added:

- Branch Settlement (T500) to the TMA approval transaction list.
- Standardized transaction approval guidance verbiage.
- Added links to the Transaction Approval and de-escalation guide.

Clarified:

- Approval process for accounts with other lines of business (for example, The Private Bank).

08/22/22 Update to job titles per HR Workday change.

06/14/22 Revised job titles per HR Workday change.

04/01/22 Updated the link to the definition of a known customer.

03/16/22 Glossary link and administrative field updates.

12/08/21 Added:

- New section: Adding a transaction approver to the drop-down menu for Deposit, Item Cashing, Purchase Bank Check and Debit Memo Post transactions.
- Purchase bank check transaction for a branch banking employee approval when an approval code is obtained from another department or from an approver who is not present.
- Reference links to: PR2021, PR2005, Prevent losses with a risk evaluation and System Messages Tool

10/27/21- Completed comprehensive review.

- Revised link to Item cashing approval reasons

Employer Exhibit 1
Page 10 of 10

06/25/21 Added system requirement for deposit item cashing and hold item post for a branch banking employee approval when an approval code is obtained from another department.

05/27/21 Removed Teller process steps to change the approval type from self to assisted for Reg CC holds and cashing an off-us item when there is no CCA on file due to a system enhancement which will determine the appropriate approvals needed.

05/09/21 Updated required publishing fields and channel

04/30/21 Clarified the appropriate use of Other.

04/12/21 Removed unapproved verbiage from known customer Item cashing approval reason codes table.

02/25/21 Revised item cashing approval reasons to align with system functionality.

02/02/21 Content migration from PCMS to ECM.

Tracy McCarthy

Branch Manager

Wells Fargo Bank N.A. | 3910 Hwy 17 S. | North Myrtle Beach SC 29582

MAC D6359-010

Tel 843-272-3461 | Fax 843-361-3589

NMLS ID 1067051

Tracy.McCarthy@wellsfargo.com

This email may be an advertisement or solicitation for products and services. Click here <http://www.wellsfargo.com/unsubscribe> to unsubscribe from receiving promotional emails.



South Carolina
Department of Employment and Workforce



23635443

07/07/2023

BRIDGETTE M CHABOT
211 Bittersweet Ln
Myrtle Beach SC 29579-4130



South Carolina
Department of Employment and Workforce



23635443

DECISION OF APPEAL TRIBUNAL

Hearing Date: June 27, 2023

Appeal Number: 23-LA-006970

BRIDGETTE M CHABOT
211 BITTERSWEET LN
MYRTLE BEACH SC 29579

CLAIMANT

WELLS FARGO & COMPANY INC
PO BOX 7340
GARDEN CITY NY 11530-0725

EMPLOYER

APPELLANT: Claimant

SSN: [REDACTED]

CLAIMANT ID [REDACTED]

APPEARANCES

FOR THE CLAIMANT: Claimant

FOR THE EMPLOYER: Attorney, Employer

ISSUE STATEMENT

The issue in this case is whether the claimant was discharged for misconduct.

FINDINGS OF FACT

The claimant appealed the claims adjudicator's determination mailed May 30, 2023, which held the claimant disqualified from receiving benefits for twenty (20) weeks, effective May 7, 2023, through September 23, 2023, along with a corresponding reduction in the maximum potential benefit amount upon a finding the claimant was discharged for misconduct.

The claimant worked from January 27, 2020, to May 9, 2023, with the subject employer, most recently as a bank teller. The claimant was discharged for falsifying bank records in violation of the approver policy by using a manager's credentials to approve a transaction above the claimant's threshold without the manager's approval.

South Carolina
Department of Employment and Workforce

The claimant was authorized to approve transactions up to \$100,000. During the two incidents in question, the individuals who had the authority to approve transactions for higher amounts were out of the office.

On January 31, 2023, the claimant contacted a manager at another branch to have them approve a transaction in the amount of \$300,000, which would require her to enter the manager's credentials for a transaction approval with the "approver not present." She contends the manager told her she "trusted her judgement" and that the claimant "could use her credentials anytime."

The claimant also maintains she believed that she did not need to have the manager's approval for the transaction to use her credentials because they were posted at her manager's desk and she only contacted the other manager because she forgot their credentials were available. She contends the individual approver would be contacted after the transaction was processed to be able to review and approve the transaction.

On February 2, 2023, she was assisting another teller with a transaction in the amount of \$156,000. She told that teller that he would need to contact a manager at another branch to get approval for the transaction. The teller was unable to reach the other manager he called. The claimant reviewed the transaction and processed it as approved with "approver not present" using the previously mentioned manager's credentials. That manager received the notification of the transaction she did not approve and reported the unauthorized use of her credentials.

The approver policy explicitly states that employees without the approval limits required for the transactions they are handling are required to get approval from someone with the required limits for each transaction before they are approved. There is no indication in the policy that employees can use the credentials gaining approval or that the approval will occur after the fact.

REASONS

S.C. Code Ann. §41-35-120(2)(a) requires disqualification from benefits for twenty (20) weeks, with a corresponding monetary reduction, when the Department finds that a claimant has been discharged for misconduct connected with the employment. "Misconduct" includes deliberate violations or disregard of the standards of behavior which an employer has the right to expect of his employee, and carelessness or negligence of such a degree or frequency as to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to his employer.

Though elements of the testimony are disputed the Tribunal finds the greater weight of evidence lies with the employer witness with firsthand knowledge due to the method and manner in which she presented their case, the corroborative documentation provided to the Tribunal and the inconsistent nature of the claimant's testimony. In this case the claimant authorized a transaction for another teller outside of the scope of her authority while using a

South Carolina
Department of Employment and Workforce

manager's credentials to substantiate the authorization without her approval. The claimant was discharged because she violated the employer's policies and procedures for approving transactions. She knew or should have known of these policies and procedures. The policies of the employer are reasonable and job related. Here, she provided her interpretation of the policy which is not only contradictory to the written policy document but was also contradictory to the claimant's own actions in having the two transactions approved. Due to the degree of her violation of the policy, her conduct shows an intentional and substantial disregard of the employer's interest and her duties to the consumers. Therefore, the Tribunal finds the claimant was discharged for misconduct and a disqualification must be imposed.

DECISION

The Tribunal hereby holds the claimant disqualified from receiving benefits for twenty (20) weeks, effective May 7, 2023, through September 23, 2023, along with a corresponding reduction in the maximum potential benefit amount, upon a finding the claimant was discharged for misconduct. This decision affirms the determination mailed May 30, 2023.

This will be the final decision of the Agency, unless you file an appeal to the Appellate Panel setting forth in detail the grounds for appeal within ten (10) calendar days, including weekends and holidays, from the mailing date of this decision. If the tenth day falls on a Saturday, Sunday or holiday, the appeal period is extended to the next business day. Your appeal may be filed by mail addressed to "**Appellate Panel, Post Office Box 1752, Columbia South Carolina, 29202**", or by **fax at 803-737-3166**. For additional information on filing an appeal, visit our web site at <https://dew.sc.gov/individuals/appeals>.



Cassandra Huggins
Administrative Hearing Officer

Decision Mailed: July 7, 2023

Appeal Filed Summary

Claimant Name CHABOT, BRIDGETTE M.

Claimant ID [REDACTED]

Claimants masked SSN [REDACTED]

Employer Name WELLS FARGO & COMPANY INC

Employer Account # [REDACTED]

Issue ID 13514253

Issue Description Discharge - Company Policy Violation

Date of Determination being appealed 07/07/2023 12:00 AM

Reason the appellant provided for the appeal Notice of Appeal to the Appellate Panel attached in 3 jpgs. Thank you.

Appellant Claimant

Date and Time Stamp when appeal was filed 07/17/2023 04:57 PM

Claimant: Bridgette Chabot
Claimant ID: [REDACTED]
Social ending in: [REDACTED]
Appeal Number: 23-LA-006970

page 1

RE: Notice of Appeal to the Appellate Panel

First, to summarize, I am assuming that the Panel will review the initial appeal and evidence so I am only going to summarize the grounds on which I am asking for a reversal. I will cover every detail as I am not sure what questions will be had at the panel. I am asking the decision the Hearing Officer made to disqualify me from unemployment benefits to be reversed on the grounds that:

[-The policy referenced below is pertaining to "PR2321: Approvals and Overrides policy per Wells Fargo" which was entered in as evidence.]

[-Employee Number/Employee ID used interchangeably.]

1. The Hearing Officer only agreed with the Branch Manager's (Tracy McCarthy's) **interpretation** of the policy in question and I contend that I did in fact follow the policy I was terminated for. On my initial appeal claim, I included the "Approver Not Present" policy. The Hearing Officer requested the full 5page policy from Wells Fargo. The "Approver Not Present" policy is a very small paragraph embedded in a 5page policy that covers Approvals and Overrides in general, almost all of it is written for an Approval being (physically) present.

2. The only portion of the policy that is in question is the "Approver Not Present" policy which does not state you need a verbal consent to use an employee's employee number. During the hearing, we established the employee numbers are public and posted at the Branch Manager, Tracy McCarthy's desk at all times.

-Note that the policy says to "Direct the transaction to an approver for review" but does not state what to do if there is no approver physically present until it gets to the "Approver Not Present" portion which does not say you need a verbal consent to use an employee number. Only to enter the employee ID... select complete, "the approver will receive an automatically generated email documenting the approval."

-I was terminated from wells fargo for "falsifying bank records" and using a public employee ID number does not fit wells fargo's definition per their employee handbook of what "falsifying bank records" entails.

3. The Decision of Appeal Tribunal notice states I was acted "contradictory to the claimant's own actions in having two transactions approved." This is false. As established by the appeal trial, the Hearing Officer asked why I would call an Approver for her number for one transaction and not another; I told the hearing officer I needed Ardiana Nati's employee number. For some reason, the hearing officer asked me this question several times in a row, to which I answered I needed Ardiana Nati's employee number each time. I did not remember the employee numbers were posted at the Branch Manager's, Tracy's desk, which is in a cubicle behind me. On February 2, 2023, I remembered that the employee IDs are posted publicly at Tracy's desk and I retrieved the number for Tyler Faizo, teller, who completed the transaction with Ardiana's employee ID without verbally speaking to her.

4. During the appeal trial on June 27, 2023, the Hearing Officer established that this policy is not widely used, nor is there any formal training for tellers on this specific policy, nor had I ever used this policy before the week of January 30, 2023. However, in the disqualification letter, she states that I "knew or should of known of these policies and procedures." This statement is confusing because the Hearing Officer herself established that I did not know the policy and never used it before which was verified by Tracy McCarthy's testimony. Since the policy does not state I needed a verbal consent to use Ardiana Nati's employee number, I used the policy correctly. Branch Manager, Tracy McCarthy, did not train our branch on how she wanted the policy used.

[In fact, it displays that Ardiana Nati failed the policy. As she is the "Approver Not Present" if she questioned the policy, she should of called to review the transaction and although she confirmed receipt of the email with the District Manager that same day, she did not call to review the transaction in question whatsoever. The Hearing Officer did not question the portion of the "Approver Not Present" policy in which Ardiana Nati's responsible in part for the transaction and should receive an email. If Ardiana had any questions on the transaction, it was her duty as a Branch Manager to call and review the transaction which she did not.]

5. The Hearing Officer tried to gauge my understanding of the policy prior to the use of it in the transaction that led to my termination which we established in the trial, that I did not have an understanding of the policy prior as I had never used the policy before. Nor was I trained by my Branch Manager, Tracy McCarthy, to utilize her interpretation of the policy. Which is contradictory to what the Decision of Appeal Tribunal form states, that the Hearing Officer states "misconduct includes deliberate violations or disregard of the standards of behavior..." I believe we thoroughly established in the appeal trial that there was no deliberate intention for misconduct. [If I had known I could cross-examine Tracy McCarthy, I would have, because on February 6 and February 8, 2023, Branch Manager, Tracy McCarthy, told me specifically that we both knew the customer as a known customer, that she knew I had the "best interest of the customer at heart" and repeatedly told me that the transaction itself was never in question. We established in the appeal trial, that there was no monetary loss caused by the transaction as verified by Tracy McCarthy's testimony. Again, we established there was no deliberate misconduct. If I had known I could cross-examine, I would of asked Tracy to substantiate her repeatedly telling me that this transaction was of no concern to her and I did what was in the best interest of the customer. That is why all of a sudden, I was surprised with being terminated over 3 months later after the transaction.]

6. Furthermore, for argument's sake, if the interpretation of the policy was to receive a verbal consent to use an employee number when utilizing this policy, we had it when I called Ardiana on Jan 31, 2023, when I called to retain her employee ID (the transaction in which I did not remember employee IDs are posted at Tracy's desk.) In which Ardiana Nati did not review the transaction, nor did she know the customer and gave her employee ID over the phone saying "you can use my number any time, I trust your judgement." Ardiana Nati, as a Branch Manager, set up a precedent on January 31, 2023 to use her employee ID "any time" and after establishing this precedent, then was angry after Tyler Faizo completed a transaction using her employee ID on February 2, 2023. The Hearing Officer did not question Ardiana's role in the transactions whatsoever.

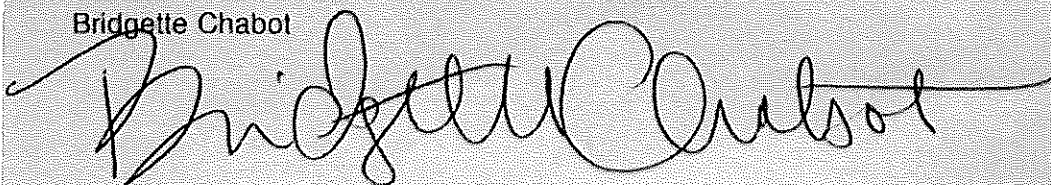
7. **Furthermore**, the Hearing Officer did not question who's responsibility it was for the transaction which was a key point of my initial appeal. The Hearing Officer did not question Tracy McCarthy on who actually completed the transaction I was terminated for. Although I retrieved Ardiana Nati's employee number from Tracy's desk, this was another teller's transaction and customer. Teller Tyler Faizo completed the transaction for the customer on February 2, 2023 from his cashbox, which led to my termination. I was expected to know the correct interpretation of the "Approver Not Present" policy but Tyler was not, although we both have the same job title and description and the same compensation. I was told by Wells Fargo HR Oct 14, 2022, that each teller must be responsible for their transactions in their cash boxes. In separate instances, tellers are responsible for their own cashbox so even if someone suggests, helps, or advises another teller to do a transaction, it is up to the teller, Tyler to be responsible for his own transactions and the teller is solely responsible for the outcome. This transaction I was terminated for was Tyler's transaction and he completed the transaction in his cashbox by printing the cashier's check. I was terminated contradictory to wells fargo's own disciplinary policy. The Hearing Officer did not question this very crucial part of the transaction. Tyler asked me for help, so I obliged because there was **no other employee available**, there were 3 of us including me total present during the time of the transaction. Although I offered a helping hand, Tyler Faizo is responsible for his own transactions in his cashbox. Reviewing a transaction for a peer is a common practice. Why was I held responsible for his transaction? When both Tyler and I share the same job title and compensation? I am still wondering why Tracy violated wells fargo's own disciplinary policy in regards to this transaction by terminating only me. [Again if I would of known, I would of cross-examined Tracy myself about this.]

I have never been terminated prior to this event so I did not know how to navigate unemployment; for example, if I had known that I could of cross-examined Tracy during the trial or I could of subpoenaed documents, videos and phone records for the trial, I would of. In summary, the Hearing Officer only considered the policy itself, no other relevant factors. It's really up to the panel to decide if they will interpret the policy in agreement with Tracy McCarthy, although the interpretation was not taught to the tellers by Tracy. If she wanted a policy followed a specific way, it should either be written **verbatim** with clear instructions on obtaining a verbal consent. The fact that the policy is up for debate in its interpretation is a complication in itself, I can only follow a policy's verbatim written instructions and not an interpretation of it when no managers are present when utilizing the "Approver Not Present" policy. I am asking the decision of my denied claim to be reversed on these grounds set forth in this appeal letter.

Thank you for your time.

Sincerely,

Bridgette Chabot





South Carolina
Department of Employment and Workforce



23694265

07/18/2023

Claimant SSN [REDACTED]

Claimant ID: [REDACTED]

BRIDGETTE M CHABOT
211 Bittersweet Ln
Myrtle Beach SC 29579-4130

NOTICE OF APPEAL TO THE APPELLATE PANEL

APPEAL NO: 23-HA-000610

The Claimant in this case appealed the Appeal Tribunal Decision to the Appellate Panel for review.

The Panel will review your case as soon as possible and generally will issue a decision based solely on its review of the record on appeal. However, any party may request an in-person hearing, also known as an oral argument. Oral arguments are conducted only at the Appellate Panel office in Columbia, South Carolina. No additional evidence is permitted to be introduced at the oral argument. If you would like to request a copy of the audio from the hearing, a transcript of the hearing, or request an oral argument, you must mail a written request to the Appellate Panel at P.O. Box 1752, Columbia SC 29202, within seven (7) calendar days from the date above. The Panel, at its sole discretion, may grant or deny the request. If an oral argument is scheduled, a copy of the transcript from the Appeal Tribunal hearing and an Appellate Panel hearing notice will be mailed to you at a later date.

SPECIAL NOTE: The Appellate Panel can make its own factual findings and may reverse, affirm, or modify the decision on appeal. **Be advised that this may result in an increase or decrease of the disqualification.**

Claimants must continue filing a weekly claim pending the appeal to receive benefits. Any benefits received by the claimant may be subject to recovery if the Appeal Tribunal decision is reversed.

Higher Authority Appeals
803-737-0239

Recipient List

BRIDGETTE M CHABOT
211 Bittersweet Ln
Myrtle Beach, SC 29579-4130



South Carolina
Department of Employment and Workforce



23819705

08/15/2023

BRIDGETTE M CHABOT
211 Bittersweet Ln
Myrtle Beach SC 29579-4130

NOTICE OF MAILING OF APPELLATE PANEL DECISION

Attached is a copy of the final decision of SCDEW in this case. Any further appeal is to the South Carolina Administrative Law Court. To obtain judicial review of this decision, you must comply with the requirements of S.C. Code Ann. § 41-35-750 and the Rules of Procedure of the Administrative Law Court. The Court may require a filing fee.

The law requires that a Petition for Judicial Review must be filed with the Court and served on all parties and SCDEW within thirty (30) days from the mailing date of SCDEW's final decision (**see the mailing date above**).

The address of the Administrative Law Court is:

**S.C. Administrative Law Court
Edgar A. Brown Building
1205 Pendleton St., Ste. 224
Columbia SC 29201**

Service of the Petition on SCDEW must be addressed and mailed to:

**Office of General Counsel
S.C. Department of Employment and Workforce
Post Office Box 8597
Columbia SC 29202**

SCDEW cannot advise a party on any legal matter. For legal advice or assistance in filing an appeal to the Administrative Law Court, you should consult an attorney licensed to practice law in South Carolina.

South Carolina
Department of Employment and Workforce



23819705

Office of Appellate Panel

BRIDGETTE M CHABOT)
211 BITTERSWEET LN)
MYRTLE BEACH SC 29579)
Claimant SSN: [REDACTED]
Claimant ID: [REDACTED]

**APPELLATE PANEL
DECISION**

WELLS FARGO & COMPANY INC)
PO BOX 7340)
GARDEN CITY NY 11530-0725)

Appellant: BRIDGETTE M CHABOT

Appeal Number:23-HA-000610

Appellant: Claimant

The Claimant filed for unemployment benefits on May 9, 2023. The claims adjudicator's determination mailed May 30, 2023, held the Claimant disqualified from benefits, upon finding she was discharged for misconduct. The Claimant appealed to the Appeal Tribunal. After an evidentiary hearing, the Appeal Tribunal affirmed the determination. The Claimant appealed the Appeal Tribunal decision on July 17, 2023 to the Appellate Panel.

The Appellate Panel issued this decision upon review of the record on appeal. We affirm the Appeal Tribunal decision. The Claimant is disqualified from receiving benefits for twenty weeks, effective May 7, 2023, through September 23, 2023, with a corresponding monetary reduction, upon finding she was discharged for misconduct connected with her employment.

BACKGROUND

The Claimant worked for the Employer from January 27, 2020, to May 9, 2023, most recently as a bank teller. The Employer discharged the Claimant for falsifying bank records by using a manager's credentials to approve a customer's transaction in excess of the Claimant's approved limit. The Claimant was authorized to approve customer transactions up to \$100,000. On January 31, 2023, the Claimant had a customer transaction of \$300,000. The branch manager was out of the office that week, so the Claimant contacted the North Myrtle Beach branch manager, who she asserts provided her with verbal authorization to use her credentials without reviewing

South Carolina
Department of Employment and Workforce

the transaction. The Claimant further asserts the North Myrtle Beach branch manager told the Claimant she trusted her judgment and the Claimant could use her credentials anytime.

On February 2, 2023, a regular customer came into the Claimant's branch. A coworker attempted to perform the transaction, but realized he needed authorization for a \$156,000 transaction. The Claimant informed the coworker to contact a manager for authorization. While the coworker was attempting to reach a manager, the Claimant assisted the customer by questioning the customer about his transaction. She maintains she completed the investigative process for the coworker. The coworker could not get through to anyone. The Claimant entered the North Myrtle Beach branch manager's credentials for approval and notated approver not present. The coworker printed the cashier's check for the customer. The Claimant handed the cashier's check to the customer. The North Myrtle Beach branch manager received an email that her credentials were used and notified the district manager. The Claimant stated the branch managers' credentials for transaction approval were left at a desk for employees to access. The Employer conducted its investigation by interviewing all of the parties involved, and reviewing surveillance video and documentation. Upon conclusion of the investigation, the Employer discharged the Claimant.

During the Appeal Tribunal hearing, the Claimant stated she could perform her due diligence and use the manager's credentials without contacting the manager prior to approving a large transaction. She further stated it was the North Myrtle Beach branch manager's responsibility to ensure the transactions under her credentials were proper after receiving notification. The Claimant argued she may have been retaliated against by the North Myrtle Beach branch manager because the Claimant filed a harassment claim against her in October 2022.

FINDINGS

S.C. Code Ann. § 41-35-120(2)(a) requires disqualification from benefits for twenty weeks, with a corresponding monetary reduction, when the Department finds a Claimant has been discharged for misconduct connected with the employment. "Misconduct" includes deliberate violations or disregard of the standards of behavior which an Employer has the right to expect of his employee, and carelessness or negligence of such a degree or frequency as to show an intentional and substantial disregard of the Employer's interests or of the employee's duties and obligations to his Employer.

The record establishes the Claimant used a branch manager's credentials to approve a customer transaction that exceeded her authorized limit. While the Claimant denies wrongdoing and asserts she could use a manager's credentials to approve regular customer's transaction, the Employer's purpose for placing a limit on the Claimant's ability to authorize transactions was to ensure a member of management reviewed a large transaction for approval to protect the Employer from liability. The Claimant provided inconsistent testimony as to her knowledge of the Employer's policy requiring management approval. Based on the Claimant's acknowledged contact with the manager on January 31, 2023, and her instruction to the coworker to obtain management authorization, the Claimant knew the policy and procedure. Additionally, the Claimant's statement that the branch manager she reported for harassment gave her broad use of her credentials lacks credibility. The Claimant's failure to obtain approval from a manager to

South Carolina
Department of Employment and Workforce

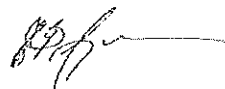
authorize a transaction in excess of her \$100,000 limit is a deliberate violation and disregard of the standards of behavior which the Employer had a right to expect. Therefore, we find the Claimant was discharged for misconduct, and a twenty-week disqualification is required by law.

In her appeal to the Appellate Panel, the Claimant argues the hearing officer did not question other employees about their roles in the transactions that led to the Claimant's separation. Upon review of the record, we find the actions of other employees are not relevant to the Claimant's actions resulting in her separation from employment. The issue under appeal was whether the Claimant was discharged for misconduct or cause. The hearing notice mailed to the Claimant provided instructions informing the Claimant she had an opportunity to subpoena and present witnesses for the Appeal Tribunal hearing, but the Claimant did not provide any additional witnesses on her behalf. Additionally, the hearing officer provided the Claimant with an opportunity to question the Employer witness. Further, as a board of review, the Appellate Panel generally is confined to the record developed by the Appeal Tribunal and does not consider additional information which was not previously presented in the evidentiary hearing before the Tribunal.

DECISION

The Appeal Tribunal decision mailed July 7, 2023, is affirmed. The Claimant is disqualified from receiving benefits for twenty weeks, effective May 7, 2023, through September 23, 2023, with a corresponding monetary reduction, upon finding she was discharged for misconduct.

**SOUTH CAROLINA DEPARTMENT OF
EMPLOYMENT AND WORKFORCE
APPELLATE PANEL**



E.B. AYERS



TIM DANGERFIELD

STEPHEN S. KELLY, JR., Recuse

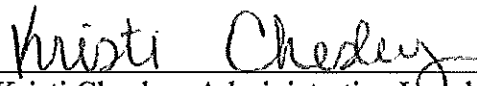
Date Mailed: 08/15/2023

**THE SOUTH CAROLINA DEPARTMENT OF
EMPLOYMENT AND WORKFORCE**
Columbia, South Carolina

STATE OF SOUTH CAROLINA	)	
	)	CERTIFICATION
COUNTY OF RICHLAND	)	

The South Carolina Department of Employment and Workforce, by its Legal Department, hereby certifies that the attached hereto is a true and correct copy of the Record on Appeal in the matter of Bridgette Chabot v. SCDEW and Wells Fargo & Co together with a true and correct copy of the original decision of the Appellate Panel therein.

THE SOUTH CAROLINA DEPARTMENT OF
EMPLOYMENT AND WORKFORCE



Kristi Chesley, Administrative Legal Assistant

Columbia, South Carolina

STATE OF SOUTH CAROLINA

ADMINISTRATIVE LAW COURT

APPEAL FROM SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT &
WORKFORCE APPELLATE PANEL

Bridgette Chabot,
Appellant

Docket # 23-ALJ-22-0379-AP

APPELLANT'S INITIAL BRIEF

vs.

South Carolina Department of
Employment and Workforce and
Wells Fargo & Co.,
Respondent(s),

Bridgette Chabot
211 Bittersweet Lane
Myrtle Beach, SC 29579
Claimant

Ben Cook
Office of General Counsel-SCDEW
P.O. Box 8597
Columbia, SC 29202
803-737-0395
legal@dew.sc.gov
Attorney for Respondent DEW

Wells Fargo & Co
P.O. Box 7340
Garden City NY 11530
Employer

TABLE OF CONTENTS

1. The Nature of the Proceedings and Relief Sought	1
2. The Nature of the Decision to be Reversed	1
3. Assignment of Error	1
4. Questions/Arguments Presented on Review/Issues on Appeal	1-2
5. Standard of Review.....	2
6. Statement of the Case and Facts	2-6
7. Questions/Arguments Presented on Review & Summary of Argument	6-28
8. Conclusion	29
9. Proof Of Service	30

TABLE OF AUTHORITIES & EXHIBITS:

Christopher Rumph v. South Carolina Department of Employment) and Workforce and Ceilco Partnership, Docket No. 14-ALJ-22-0425-AP decided by Honorable S. Phillip Lenski on May 12, 2015 9, 14

Cory Blackwell v. South Carolina Department of Employment and Workforce and Specialty Vermiculite Corp., Docket No. 11 - ALJ -22-0226- AP decided by Honorable S. Phillip Lenski on November 6, 2017 7, 20, 22, 28

Tyrell Davis v. South Carolina Department of) Employment and Workforce and) Wal-Mart Associates, Docket No. 12-ALJ-22-0046-AP decided by Honorable S. Phillip Lenski on October 11, 2013 26, 27

EXHIBIT B : Audio Recording of the trial, June 27, 2023, Wells Fargo v. Bridgette Chabot USB drives as marked 6, 8, 10, 17, 24

THE NATURE OF THE PROCEEDINGS AND RELIEF SOUGHT

This is a Petition for Review of the decision of the Employment Tribunal Appeals Panel affirming the Administrative Hearing Officer Cassandra Huggins decision denying unemployment benefits to the Appellant Bridgette Chabot. Appellant requests that the decision be Reversed.

THE NATURE OF THE DECISION TO BE REVERSED

A final decision made and entered on August 15, 2023 by the Employment Tribunal Appeals Panel.

ASSIGNMENT OF ERROR

Preservation of Error

The Employment Appeals Board erred in affirming the hearing decision denying petitioner benefits by ruling:

"The Appeal Tribunal decision mailed July 7, 2023, is affirmed. The "Claimant is disqualified from receiving benefits for twenty weeks, effective May 7, 2023, through September 23, 2023, with a corresponding monetary reduction, upon finding she was discharged for misconduct."

QUESTIONS/ ARGUMENTS PRESENTED ON REVIEW/ ISSUES ON APPEAL

A.) Did The Hearing Officer and Appeals Panel Error and Abuse Their Discretion in Advocating For The Employer?

B) Did The Hearing Officer And Appeals Panel Error And Abused Its Discretion Finding In Favor Of The Employer When The Appellant Was Fired Prematurely? Did the Hearing Officer Have Substantial Evidence or Substantiated Testimony Provided from the Employer to Justify the Appellant's Termination?

C) Did the Hearing Officer and Appeals Panel Clearly Determine There was Deliberate and/ or Malicious Misconduct as Defined by South Carolina Law and Demonstrated by the Appellant on a Reasonably and Well Known Policy?

D) Did The Hearings Officer And Appeals Panel Error Or Abuse Its Discretion In Finding In Favor of The Employer Even Though There Was No Authority To Fire The Appellant? Did the Hearing Officer Establish Without a Doubt With Substantial Evidence, it was in fact the Appellant who Completed the Transaction she was Terminated for?

E)Did The Hearing Officer or Appeal Panel Error Or Abuse Its Discretion To Introduce New Evidence Documentation?

F) Did The Hearing Officer And Appeals Panel Error And Abuse Its Discretion In Not Finding For The Appellant When The Employer Failed To Comply?

STANDARD OF REVIEW

The Administrative Law Court reviews findings of Employment Appeals Board decisions for substantial evidence and abuse of discretion. The ALC has jurisdiction to hear the matter pursuant to section 41-35-750 of the South Carolina Code (Supp. 2019 and section 1-23-600D (Supp. 2019)

STATEMENT OF THE CASE AND FACTS

The Appellant incorporates by reference all statements in the prior proceeding and appeals to include documents submitted previously of this appeal as if fully set forth herein. Bridgette Chabot, the Appellant, hired in January 27, 2020 as a Bank Teller and terminated on May 9, 2023 by her Branch Manager Tracy McCarthy. Bridgette Chabot was terminated for “Falsification of Bank Records” regarding the circumstances of using Manager Ariana Nati’s employee number to approve a transaction without Nati’s consent. (*ROA, page58, lines11-20*) Tracy McCarthy was out of the office on vacation and she allowed her delegate, (stand-in Manager) to go on vacation at the same time. (*ROA, page28*). There was no manager present February 2, 2023 in which the transaction in question took place- which resulted in the Appellant’s termination. “There was no manager of any kind at the branch from January 30-February 3 [2023]” (*ROA, page25*) Upon Tracy McCarthy’s return to the office, the following week, McCarthy received the emails from her colleague and Manager Ariana Nati, McCarthy contacted the District Manager Shannon Murphy and called HR who started an investigation into the use of Nati’s employee number on the transaction on February 2, 2023. (*ROA, page51 lines18-26*). In the Branch that February 2, 2023 were 2 Bank Tellers: the Appellant, Tyler Faizo and 1 Banker. “...there was no other employee available, there were 3 of us including [Appellant] total present during the transaction.” (*ROA, page117*) The Appellant was terminated May 9, 2023 by Tracy McCarthy because “they [Wells Fargo] were going to terminate

her based on falsifying bank documents and under fraud because she didn't have the permission to use that employee's information." (*ROA, page52, lines3-6*). The Appellant filed for unemployment benefits on May 9, 2023. (*ROA, page11-13*). Department of Employment mailed a notice on May 30, 2023, stating the Appellant was "ineligible for benefits from 05/07/2023 to 09/23/2023" with the determination reason being the Appellant was "discharged from your job ... for violation of company policy. ... Failure to comply with company policies was contrary to the employer's best interests. [Ms.Chabot was] discharged for misconduct in connection with the work under the South Carolina Code Section 41-35-120(20) (a)." (*ROA, page83*) The Appellant appealed initial disqualification of unemployment benefits (*ROA, page27-34*) and a Hearing Before the Appeal Tribunal was scheduled (*ROA, page36-39*) and executed by Telephone Conference on June 27, 2023 from 11:30am-12:15 with SC Department of Employment and Workforce Administrative Hearing Officer Cassandra Huggins. Present at trial was Attorney Jesse Goode, representing the Employer, the Employer's witness Tracy McCarthy and Appellant, Bridgette Chabot. (*ROA, page42-46*) July 7, 2023, the Appellant received notice that as a result of the trial, Hearing Officer Huggins holds the claimant disqualified for receiving benefits. (*ROA, page113*) July 17, 2023, the Appellant appealed this decision to the Appellate Panel (*ROA, page115-117*) August 15, 2023, the Appellate Panel mailed their decision to "affirmed the determination." (*ROA, page121*) The Appellant filed a Notice of Appeal on September 13, 2023 to Appeal her case to the South Carolina Administrative Law Court.

1. The Hearing Officer is familiar with the Employer's attorney and allows attorney Jesse Goode to represent Wells Fargo during trial without Mr.Goode filing the appropriate paperwork, a Letter of Representation. (*ROA, page43, line3 & page44, lines11-12, 18-19*)
2. The Hearing Officer establishes "The issue in today's hearing is whether the claimant was discharged for misconduct as defined by South Carolina Law." (*ROA, page46, Line26-28*)

3. It is established by the Employer's witness Tracy McCarthy, that the reason the Appellant Chabot was terminated was for "falsifying bank documents and under fraud because she didn't have the permission to use that [Ariana Nati] employee's information." (*ROA page 52 lines 4-6*).
3. As established by Tracy McCarthy at the beginning of her testimony, she was not present the week nor the day of the transaction which led to Bridgette Chabot's termination. Tracy McCarthy establishes her testimony at the outset as hearsay. (*ROA, page 51, lines 3-4*) The Employer called no other witnesses during trial. Chabot represents herself and calls no other witnesses during trial. Appellant Chabot begins her testimony to corroborate Tracy McCarthy was not present during the transaction she was terminated for. (*ROA, page 58 lines 22-23*).
4. During trial, the Hearing Officer made relevant a transaction that took place on January 31, 2023 (again, Tracy McCarthy was not present for that week) that Chabot completed for her customer. Tracy McCarthy testifies during trial that Ms. Chabot had Nati's verbal consent to use her employee number on Tuesday, January 31, 2023 (*ROA, page 51, lines 6-10*). The Hearing Officer asks if the Appellant had approval to use that manager's [Ariana Nati's] credentials? Tracy McCarthy answers, "Yes, on Tuesday, but she did not on Thursday." (*ROA, page 53, line 1*) Ms. Chabot corroborates that she had Nati's approval on Tuesday. To reiterate, the Appellant Chabot was terminated for the transaction that occurred on Thursday, February 2, 2023, not the Tuesday, January 31, 2023 transaction.
5. The Hearing Officer questions Tracy McCarthy on the Thursday, February 2, 2023 transaction; "who was the teller that actually completed the transaction?" Tracy McCarthy answers, "Tyler Faizo." (*ROA, page 53, lines 20-22*). The Appellant corroborates "it was Tyler's customer and Tyler's transaction. I stepped away from the

computer. Tyler printed the cashier's check to complete his transaction for his customer [on Thursday]." (*ROA page60, lines 17-20*)

6. Bridgette Chabot and Tyler Faizo hold the same job title as Bank Teller with the same job description and same compensation. (*ROA, page29*).
7. The policy in question, "Approver Not Present" policy is not formally trained to employees. This is the policy cited that the Appellant allegedly violated that resulted in her termination. The "Approver Not Present" policy is a policy that is not exercised normally-as testified by McCarthy (*ROA page76 lines12-16*) and corroborated by the Appellant. (*ROA, page66-67, lines25-26, 1-7*)
8. There is contention between McCarthy's and Chabot's testimony during trial. Tracy McCarthy testifies repeatedly about footage (surveillance video) of the Appellant trying to call Ariana Nati on the phone Thursday February 2, 2023 and that the Appellant did not make any attempts to call anyone else. (*ROA page51, lines27-29*) The Hearing Officer continues to question McCarthy on the alleged surveillance footage, footage of which that was not entered in to evidence and it not found in the Record of Appeal. (*ROA, page54 lines3-4 and lines8-9*). The Appellant testifies that this is not true and that the footage should reveal it was Tyler Faizo who tried to call Ariana Nati on Thursday (*ROA page60 lines20-23*). The Appellant testifies "I didn't make any phone calls at all that day [Thursday]." (*ROA page59 line27-28*) When the Appellant brings to question the footage that is not entered in to evidence/record, "I would be happy for somebody to subpoena that video and watch it," The Hearing Officer replies, "Well, ma'am, that would of have had to be done prior to the hearing today by you." (*ROA page61 lines8-11*) Although the footage is not entered in to evidence or on record and the Appellant establishes contention over what the footage captured and the hearsay testimony of the footage by McCarthy, the Hearing Officer pursues questioning McCarthy over the

surveillance footage not entered in to evidence, “So when the claimant couldn’t reach Ms. Nati on that Thursday, what should she have done?” (*ROA, page54 lines3-4*)

9. The Appellant establishes in trial she was terminated over the transaction completed by Tyler Faizo on February 2, 2023 but testifies that “[Tyler] even printed the cashier’s check. I had confirmed with him on June 7th via text message that there was no disciplinary action for Tyler whatsoever. He was coached on how they wanted him to use the [Approver Not Present] policy-” Interrupted by Hearing Officer: “Ma’am, I’m asking you a very specific question and you are going off in many different directions-” (*Some transcription missing from written transcription, please see EXHIBIT B, Audio of the trial @ 30:25 timestamp.*)

QUESTIONS/ARGUMENTS PRESENTED ON REVIEW

& SUMMARY OF ARGUMENT

The Appellant Ms. Chabot incorporates by reference all statements in the prior proceeding and appeals to include documents submitted previously of this appeal as if fully set forth herein.

A.) Did The Hearing Officer and Appeals Panel Error and Abuse Their Discretion in Advocating For The Employer?

1. The Hearing Officer allows the Employer’s attorney to represent the Employer during trial without filing the proper paperwork. The Hearing Officer Huggins that presided over the Appellant’s trial on June 27, 2023, knows and is familiar with the Employer’s Attorney Jesse Goode and allows him to represent the Employer during trial without filing the proper paperwork, the Letter of Representation. Hearing Officer: “I’m familiar with [Jesse Goode]. I don’t believe I’ve received a letter of representation.” (*ROA page43, lines3-4*). The Hearing Officer offers to file the Letter of Representation for him, day of the trial, only minutes before the Appellant Ms. Chabot was contacted. Hearing

Officer: "I will say, I have not received a letter of representation from you. It's not an issue. ... I just entered your information now." (*ROA page 44, lines 11-13, 18-19*)

2. The Hearing Officer's demeanor and execution of the trial shows an impartial and unbalanced bias for the Employer. Ms. Chabot incites *Cory Blackwell v. South Carolina Department of Employment and Workforce and Specialty Vermiculite Corp.*, Docket No. 11-ALJ-22-0226-AP decided by Honorable S. Phillip Lenski on November 6, 2017, in which during trial, the Employer and the Department bolstered findings to re-characterize the Appellant's actions. Much like in this trial in which the Hearing Officer makes relevant a phone call Ms. Chabot made on January 31st and the Hearing Officer's excessive questioning of the Appellant on that phone call four times (*ROA, page 64 line 6; line 12-14; ROA page 65 lines 14-15; lines 23-26*) and why Ms. Chabot told her co-worker Tyler Faizo to call a manager on Thursday an excessive seven times: (*ROA page 67 lines 26-27; ROA page 68 lines 9-10; line 15; line 20-21; ROA page 69 line 1-2; ROA page 70 lines 3-4; line 18-19*) Ms. Chabot believed she gave a sufficient answer the second time the Hearing Officer asked: "Why, instead of entering her information, didn't you tell [Tyler] to contact someone else?" Ms. Chabot: "I don't know. I'm not the manager at the branch. Me and Tyler are both tellers." (*ROA page 68 lines 9-12*) The Hearing Officer must of mistaken Ms. Chabot for Tyler Faizo's superior or manager when they are only peers. The excessive questioning demonstrates she was acting as a prosecuting attorney rather than an impartial party. During the excessive questioning, the Hearing Officer leads Ms. Chabot: "So you made a judgement call?" Ms. Chabot: "You can say I made a judgement call..." (*ROA page 64, lines 25-26*). The Hearing Officer also falsely accuses and leads Ms. Chabot, even after she asked six times, the seventh time she asks: "Why did you testify earlier that you told Tyler the procedure was to call Nati or another manager?" Ms. Chabot: "I never told him that was the procedure. I just said try to call." (*ROA,*

page70 18-21). Hearing Officer: "Okay. So you understood that to be the procedure?"

Ms.Chabot answers: "No." (ROA, page70, lines18-24). Reading or listening through the transcript of the trial (*Exhibit B*), you will not hear Ms.Chabot testify she told Tyler Faizo to call because it was procedure. Not only is that a way to bolster, the Hearing Officer was clearly erroneous and deceitful. In addition, the Hearing Officer asks if Ms.Chabot clarified the Approver Not Present policy prior to the Thursday transaction (although this seems brazenly retroactive and inconsequential to the event on Thursday February 2, 2023.) a number of three times. Ms.Chabot gives consistent testimony, apparently not to the liking of the Hearing Officer who is leading the Appellant. Earlier in the trial, Ms.Chabot answers the Hearing Officer when she asks why Ms.Chabot told Tyler to call Nati, "Well, just to touch base with her...." (ROA, page69 line3)

In contrast, the Hearing Officer does not redundantly question the Employer's witness even when McCarthy gives inconsistent testimony. The Hearing Officer even leads the Employer's witness to a desired answer: Hearing Officer: "Does this policy exist for circumstances where there is no one present that's able to approve?" McCarthy: "No. You would have to contact someone to have this approval..." Hearing Officer: "Ms.McCarthy, I think maybe my question wasn't clear...." (ROA, page76, lines17-22). **The Hearing Officer abused her discretion in the manner in which she conducted herself during trial.** Ms.Chabot knows that the written word cannot account for tone and if up for debate, you can hear the Hearing Officer's change of tone in her questioning of the Employer's witness vs. the Appellant Ms. Chabot (*The entirety of EXHIBIT B, Audio of the trial.*)

3. **The Hearing Officer abused her discretion by reframing the events of a separate transaction on January 31, 2023 by the Appellant Chabot, to manipulate the narrative of the trial and to re-characterize Ms. Chabot and her actions.** During trial, the Hearing Officer made relevant a transaction that took place on January 31, 2023

(again, Tracy McCarthy was not present for that week) that Chabot completed for her customer. Tracy McCarthy testifies during trial that “On Tuesday.. [Ms.Chabot] called another branch manager to get an approval for a transaction that was over her limit. And the branch manager [Ariana Nati] gave her her information to approve that particular transaction.” (ROA, page51, lines6-10) The Hearing Officer asks if the Appellant had approval to use that manager’s credentials? Tracy McCarthy answers, “Yes, on Tuesday, but she did not on Thursday.” (ROA, page 53, line1) The Appellant corroborates that she had Ariana Nati’s verbal consent via telephone conversation for her transaction that occurred January 31, 2023, “I called Ariana Nati [on January 31] .. to get her approval for \$300,000. ... She said, I trust your judgment. You can use [my numbers] any time. So she did not ask to review that transaction, whatsoever.” (ROA, page59, lines6-17) To reiterate, the Appellant Chabot was terminated for the transaction that occurred on Thursday, February 2, 2023, not the Tuesday, January 31, 2023 transaction.

The examples above illustrate the Hearing Officer’s abuse of discretion and the Appellant Ms.Chabot relies on Christopher Rumph v. South Carolina Department of Employment) and Workforce and Ceilco Partnership, Docket No. 14-ALJ-22-0425-AP decided by Honorable S.Phillip Lenski on May 12, 2015 in which it was founded, “The hearing officer must be impartial. S.C. Code Ann. Regs. 47-5 1(C)(l) grants the hearing officer the ability to “examine and cross-examine such party and his witnesses, and may examine and cross-examine the witnessed of any opposing party.” However this ability does not extend to allow a hearing officer to serve as the advocate of the Department’s position while simultaneously rendering an impartial final decision.” The Hearing Officer was clearly erroneous during trial.

B) Did The Hearing Officer And Appeals Panel Error And Abused Its Discretion Finding In Favor Of The Employer When The Appellant Was Fired Prematurely? Did the Hearing

Officer Have Substantial Evidence or Substantiated Testimony Provided from the Employer to Justify the Appellant's Termination?

1. The Employer's only witness in trial, Tracy McCarthy, provides a hearsay testimony.

As established by Tracy McCarthy at the beginning of her testimony, she was not present the week nor the day of the transaction which led to Bridgette Chabot's termination.

Tracy McCarthy establishes her testimony at the outset as hearsay. The Employer called no other witnesses during trial. Appellant Bridgette Chabot represented herself and testified from the outset as well to corroborate that Tracy McCarthy was not present during the transaction in question. McCarthy begins her testimony, "So in January, and I apologize. I don't have the exact dates. I was out of the office." (*ROA, page 51 lines 3-4*) Chabot begins her testimony, "On February 2, 2023, my Branch Manager, Tracy was out on vacation. That week she was on vacation." (*ROA, page 58 lines 22-23*). The only testimony the Hearing Officer heard of the reasons why the Appellant was terminated was from a witness that was not present during the transaction. **The Hearing Officer displays a bias and abuses her discretion in favor of the Employer by allowing hearsay testimony to be entered in to the trial.**

2. The Appellant Chabot objects to Tracy McCarthy's hearsay testimony. The Appellant

Ms. Chabot objected to Tracy McCarthy's testimony because McCarthy was not present during the transaction Chabot was terminated for and most of McCarthy's testimony was false and misleading, however, the Hearing Officer interrupted the Appellant's objection and would not acknowledge the objection. Ms. Chabot: "Other than that, I just want to state that it is false-" Hearing Officer: "Well, no. Do you have any questions for her? No. No, Ma'am." (*EXHIBIT B, Audio of trial @23:57-24:10, Also found ROA page 57 lines 19-20*)

The Hearing Officer allowed the hearsay testimony to be entered on record. That hearsay

testimony drove the Employer's defense and it was the only defense the Employer had during trial against the Appellant, Ms. Chabot.

3. **Although both Appellant Chabot and McCarthy both establish McCarthy's testimony as hearsay, the Hearing Officer continues to question McCarthy on her hearsay testimony.** During Tracy McCarthy's hearsay testimony, she references false accusations; stating the Appellant called Ariana Nati, manager, on Thursday, (*ROA page 51 lines 27-29*) which is false and made imperative to the trial by the Hearing Officer. Again, McCarthy was not present and is only repeating hearsay information. The Appellant Chabot contends during her testimony that it was in fact, Tyler Faizo who tried to call Ariana Nati on the Thursday transaction. (*ROA page 59, lines 27-28*). Ms. Chabot also asserts the footage would also show Tyler Faizo completing the transaction (*ROA page 60 lines 17-20*) in which she was terminated for. The Hearing Officer allows Tracy McCarthy to testify and reference surveillance footage of Ms. Chabot allegedly calling and completing the transaction in question (*ROA page 51 lines 28-29*) although the surveillance footage was not entered in to evidence and not found in the Record Of Appeal. The Appellant Chabot also contends throughout both of her appeal letters and asserts here, that the surveillance footage referenced should also in fact show Tyler Faizo completing the Thursday February 2, 2023 transaction in which Chabot was terminated for. The Hearing Officer was clearly erroneous by accepting these accusations and hearsay without thoroughly establishing which teller in fact is responsible for the transaction the Appellant Chabot was terminated for.

4. **The Hearing Officer abused her discretion in accepting testimony and questioning the Employee's witness over non-existent evidence that was not entered in to the trial.** The Appellate Panel decision, mailed August 15, 2023, cited in their background that "The Employer conducted its investigation by interviewing all of the parties involved,

and reviewing surveillance video...” (*ROA page 122*) The Hearing Officer displays a bias for the Employer by letting Tracy McCarthy testify to footage/surveillance video of the transaction and the Employee Handbook, neither of which were entered in to evidence and not found in the Record of Appeal. Tracy McCarthy testifies repeatedly about footage/surveillance video of Ms. Chabot trying to call Ariana Nati on the phone Thursday February 2, 2023 and that the Chabot did not make any attempts to call anyone else. (*ROA page 51, lines 27-29*) The Hearing Officer continues to question McCarthy on the alleged surveillance footage, footage of which that was not entered in to evidence and it not found in the Record of Appeal. Hearing Officer: “So when the claimant couldn’t reach Ms. Nati on that Thursday, what should she have done?” (*ROA, page 54 lines 3-4 and lines 8-9*). Hearing Officer: “did the claimant make any attempts to contact anyone other than Ms. Nadi/Nati?” McCarthy: “To my understanding, no. According to the footage that they reviewed.” (*ROA, page 54, lines 8-11*). Ms. Chabot asserts: “I didn’t make any phone calls at all that day [Thursday].” (*ROA page 59 line 27-28*) The Appellant Ms. Chabot contends that the footage, if entered in to evidence for the Hearing Officer, would show Tyler Faizo completing the transaction: “So this was from Tyler’s computer because it was Tyler’s customer and Tyler’s transaction. I stepped away from the computer. Tyler printed the cashier’s check to complete his transaction for his customer... Tyler reported back to me that he tried calling, I think, the North Myrtle Beach branch, I believe he told me three times and nobody answered,” (*ROA, page 60 lines 17-23*) “Again, it was ignored three times in a row. To my knowledge, the [Wells Fargo] investigator did not access the phone records that showed that Tyler had called there to get somebody on the phone. Also, I didn’t feel it was my responsibility to get in touch with anyone because it was Tyler’s transaction.” (*ROA page 60-61, lines 28-29 and lines 1-4*). When the Appellant brings to question the footage that is not entered in to evidence/

record, "I would be happy for somebody to subpoena that video and watch it," The Hearing Officer replies, "Well, ma'am, that would of have had to be done prior to the hearing today by you." (*ROA page 61 lines 8-11*) Although the footage is not entered in to evidence or on record and the Appellant establishes contention over what the footage captured and the hearsay testimony of the footage by McCarthy, the Hearing Officer pursues questioning McCarthy over the surveillance footage not entered in to evidence making a conclusion to accept McCarthy's testimony, even after she establishes she was not present; and dismiss Ms. Chabot's assertions on what the footage captured.

Tracy McCarthy falsely testifies that the "Approver Not Present" policy is found in the Employee Handbook; Hearing Officer: "Well, with regards to this approval, and Approver Not Present policy, how is that communicated to employees?" McCarthy: "The policy?" Hearing Officer: "Yes, Ma'am." McCarthy: "It is written in the Employee Handbook, which I have sent over. I sent over to Jesse, and he has copies of that." (*ROA page 55 lines 20-25*) Attorney Jesse Goode: "are you aware of whether or not the claimant signed an acknowledgment of having received the Employee Handbook?" McCarthy: "She did, yes." (*ROA, page 56-57 line 26 & line 1-3*). Ms. Chabot has a copy of the Employee Handbook and the Employee Handbook does not contain the "Approver Not Present" policy. The Employee Handbook is not entered in to trial or Record of Appeal. The signature recognition of this handbook is made imperative to the trial by the Employer's Attorney to the Hearing Officer as a reference and exemplification of the Appellant's understanding of the Approver Not Present Policy, however, is irrelevant considering the Approver Not Present policy is NOT contained within the Employee Handbook. The Hearing Officer Huggins decision to deny benefits under REASONS in the "Decision of Appeal Tribunal" mailed June 7, 2023, "Though elements of the testimony are disputed the Tribunal finds the greater weight of evidence lies with the employer witness with firsthand

knowledge due to the method and manner in which she presented their case, the corroborative documentation provided to the Tribunal” (ROA, page 112). The Hearing Officer was clearly erroneous and erred to make a decision based on the only Employer’s witness who’s testimony is clearly hearsay and on evidence NOT entered in to trial/Record of Appeal. Therefore, Ms.Chabot’s recognition of the Handbook and signature as testified by McCarthy is irrelevant to Chabot’s understanding of the Approver Not Present policy. The Hearing Officer accepts testimony from the Employer’s witness McCarthy who evokes evidence repeatedly without it being substantiated because the evidence was not entered in to the trial.

Ms. Chabot relies greatly on Christopher Rumph v. South Carolina Department of Employment and Workforce and Ceilco Partnership, Docket No. 14-ALJ-22-0425-AP decided by Honorable S.Phillip Lenski on May 12, 2015 in which “The Hearing Officer must be impartial.” Through the multitude of examples outlined here of the Hearing Officer’s bias and manipulation of the narrative, we see the Hearing Officer was not impartial in Chabot’s trial.

C) Did the Hearing Officer and Appeals Panel Clearly Determine There was Deliberate and/or Malicious Misconduct as Defined by South Carolina Law and Demonstrated by the Appellant on a Reasonably and Well Known Policy?

1. The Hearing Officer establishes the trial’s objective which was whether or not Ms.

Chabot demonstrated misconduct. The Hearing Officer establishes the June 27, 2023 trial’s objective as: “The issue in today’s hearing is whether the claimant was discharged for misconduct as defined by South Carolina Law.” (ROA, page46, Line26-28) ““Misconduct” includes conduct showing willful disregard of an employer’s interests, such as found in deliberate violations or disregard of an employer’s interests, such as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee. No finding of misconduct may be made for discharge resulting from an

extreme hardship, emergency, sickness, or other extraordinary circumstance.” Section 41-35-120(2)(a).

2. **The Approver Not Present Policy, the policy in which Ms. Chabot allegedly violated and was terminated for, is not a common policy nor a policy practiced by Wells Fargo’s employees regularly and thus cannot be expected to be utilized by Employees as a regular and well-known policy.** The policy in question, “Approver Not Present” policy is not formally trained to employees. This is the policy cited that Ms. Chabot allegedly violated that resulted in her termination. The “Approver Not Present” policy is a policy that is not exercised normally-as testified by McCarthy and corroborated by the Appellant. Ms.Chabot testifies, “We were never formally trained on how to use this policy. As I told Seth Bowers, the [Wells Fargo] investigator during the investigation, because it’s not gone over in initial training, it’s not done in any of our [ECODs] that we do. We do trainings like every three months [ECODS] . It’s not there. I told him all that. He said, well, you can access the policy in branch portal. So that’s the computer database that we would use to access the policy. Tyler is also trained on how to access the policy as well.” (*ROA, page66-67, lines25-26, 1-7*) The Hearing Officer asks McCarthy, “do you know if there have been any circumstances where the claimant approved a transaction and used an employee’s credentials without speaking to them first?” McCarthy answers, “Prior to this, not to my knowledge. Typically, there’s usually someone here [physcially] to approve those transactions.” (*ROA page76 lines12-16*). McCarthy herself confirms that the Approver Not Present policy is not utilized normally and thus cannot be considered a reasonable, well-known policy. Appellant corroborates, “Like I said, using this policy is not a regular. We don’t exercise this policy regularly, like on a daily basis.” (*ROA page72, lines13-14*). The “Approver Not Present” policy is available in Wells Fargo’s computer database only on employees’ computers. It is NOT covered in the Employee Handbook and not covered in

any other Wells Fargo material as falsely stated by Tracy McCarthy during trial. The “Approver Not Present” policy is found in one place, the computer database called Branch Portal. The “Approver Not Present” policy from Branch Portal is provided in evidence. (ROA, page33)

3. Ms. Chabot establishes consistently throughout both her testimony repeatedly and through her appeal letters, that is was her co-worker, Tyler Faizo’s transaction she was terminated for. The Appellant establishes she was terminated over the transaction completed by Tyler Faizo on February 2, 2023. There are no factual findings or substantial evidence in this trial that prove Ms.Chabot proceeded with the transaction she was terminated for. The Hearing Officer questions Tracy McCarthy on the Thursday, February 2, 2023 transaction; “who was the teller that actually completed the transaction?” Tracy McCarthy answers, “Tyler Faizo.” (ROA, page53, lines20-22). The Appellant corroborates “it was Tyler’s customer and Tyler’s transaction. I stepped away from the computer. Tyler printed the cashier’s check to complete his transaction for his customer [on Thursday].” (ROA page60, lines 17-20) “Tyler had called [Ariana Nati’s branch] to get somebody on the phone. Also, I didn’t feel it was my responsibility to get in touch with anyone because it was Tyler’s transaction.” (ROA page61, lines 1-4). The Appellant was terminated for Tyler Faizo’s transaction February 2, 2023. Since Tyler Faizo and Bridgette Chabot hold the same job title, the disparity between Ms. Chabot’s discipline on the policy against Tyler Faizo’s non-existent discipline on his use of the policy sends up blatant red flags, however, the Hearing Officer questions Ms.Chabot as if she is Tyler Faizo’s authority and not his equivalent, Hearing Officer: “Why, instead of entering her information, didn’t you tell him to contact someone else?” Ms. Chabot: “I don’t know. I’m not the manager at that branch. Me and Tyler are both tellers.” (ROA, page68 lines9-12) Although Ms.Chabot does testify she gave Tyler Faizo advice and she

did take responsibility for looking in to Mr. Lopez's account for good measure, that does not mean she has authority over Tyler Faizo. Tyler Faizo should be expected to know the same policies as his peer, Ms.Chabot.

4. Ms. Chabot establishes that both her and her co-worker Tyler Faizo are equals with the same job title, job expectations and compensation. If the Approver Not Present policy was a reasonable and well-known policy, why did Tracy McCarthy coach Tyler Faizo on how to use the Approver Not Present policy after this transaction took place? The Appellant establishes she was terminated over the transaction completed by Tyler Faizo on February 2, 2023 but testifies that "Tyler was completely compliant in doing the transaction. He even printed the cashier's check. I had confirmed with him on June 7th via text message that there was no disciplinary action for Tyler whatsoever. He was coached on how they wanted him to use the [Approver Not Present] policy-" Interrupted by Hearing Officer: "Ma'am, I'm asking you a very specific question and you are going off in many different directions-" (*Some transcription missing from written transcription, please see EXHIBIT B, Audio of the trial @ 30:25 timestamp.*) If the Approver Not Present policy is a reasonable and well-known policy, why did Ms. Chabot testify that Tracy McCarthy/Wells Fargo clarified the policy for employees AFTER the transaction took place. If this was a well-known company policy, there would have been no reason to clarify how Wells Fargo wanted their employees' to utilize the policy. Hearing Officer: "Did you ever ask for clarification on the policy?" Ms.Chabot: "They [Wells Fargo/McCarthy] clarified after this transaction took place. They told us that they would like us to call somebody and get them on the phone before using their employee ID, but that was only coached to us after the transaction had taken place." (*ROA, page67 lines11-15*). If the "Approver Not Present" policy was a reasonable and known company policy as declared by the Hearing Officer's redundant questioning of the Appellant and in the Hearing Officer's Findings, cited that the

policy was a reasonable and known company policy; then the Hearing Officer displayed a bias on behalf of the Employer by not following up and questioning Tracy McCarthy on why she had to clarify and coach Tyler Faizo specifically on how to use the “Approver Not Present” policy AFTER this transaction took place.

5. There is no substantial evidence in trial that display that Ms. Chabot had a deliberate intent to break policy or proceed with misconduct. The Appellant Ms. Chabot did not willfully violate or deliberately violate the company policy as established throughout Ms.Chabot’s consistent testimony and corroborated by the Employer’s witness. There are no factual findings or substantial evidence in this trial that prove Ms.Chabot’s investigative part of the transaction on Thursday February 2, 2023, nor her abstract advice to co-worker Tyler Faizo were of deliberate or malicious intent. Ms. Chabot’s advise to Tyler Faizo to utilize Ariana Nati’s employee number does not determine Chabot had any ill-will toward the company, there is no substantial evidence she took part in what she thought was deliberate misconduct and in fact, throughout the trial establishes the contrary. Ms.Chabot: “I guess we can use her number because she [Nati] told me two days ago that we could do it. And I actually stated that out loud to Tyler. And then that was it. And he printed the cashier’s check and I grabbed it and gave it to Mr.Lopez. Ariana gets that email literally instantly right away, and she could call us but she did not.” (*ROA, page69, lines19-24*).

6. Ms.Chabot contends that her understanding of the policy was driven by Manager Ariana Nati, who set up a precedent on how to utilize the Approver Not Present Policy.

Ms.Chabot: “As outlined by the policy, I do not need her verbal consent. It just says that, she’ll be notified by email.” Hearing Officer: “So your understanding of the policy is that, you can enter someone as an approver for a transaction and complete the transaction without actually having their approval?” Ms.Chabot: “Well, I did receive her approval on January 31st.” (*ROA, page63 lines15-20*) The Appellant testifies consistently five times during redundant questioning

that Ariana Nati established and set a precedent on how to use the “Approver Not Present” policy by stating, “I trust your judgement, you can use my numbers anytime” establishing no deliberate misconduct. Tracy McCarthy testifies: “What [Bridgette Chabot] had told me was that when she talked to [Nati] on Tuesday and reviewed the transaction from Tuesday, that the Manager [Nati] told her she trusted her judgment and that she could proceed with the transaction, to which Bridgette explained to me that she thought that meant that she trusted her judgment on any transaction.” (*ROA, page 54, lines 18-23*) This testimony by McCarthy also establishes prior to Ms. Chabot’s termination, that Ms. Chabot did not believe she took part in deliberate misconduct. The Appellant Chabot only utilized the “Approver Not Present” policy under Manager Ariana Nati’s precedent, Ms. Chabot: “that’s what [Nati] said: “You can use my numbers any time. I trust your judgement” is what she said. Verbatim.” (*ROA, page 73 lines 1-2*). Ms. Chabot relays to the Hearing Officer that she thought she could use Nati’s employee number because that’s what Nati told her to do on January 31, 2023. Ariana Nati did not review the transaction she “approved” on January 31 with Ms. Chabot via telephone: “[Nati] did not know the regular customer. She did not ask me to scan in any documents. She didn’t ask me to review the transaction. She didn’t ask me to send the customer to her branch. All she said was, you can use my numbers any time. I said, I just wanted to touch base with you and make sure. She said, I trust your judgement. You can use it [her employee number] any time. So she did not ask to review the transaction, whatsoever. And that transaction was for \$300,000. Two days later, on Thursday, on February 2nd, we had a regular customer. So same situation where we had a regular customer,” (*ROA, page 59, lines 9-20*). The Appellant believes she did not violate the policy she was terminated for because Ariana Nati, a manager, set up a precedent on how to utilize the policy and from the verbatim usage of the policy “Approver Not Present” that states to enter an employee number correctly (employee numbers are publicly posted, (*ROA page 62 lines 19-23*), review transaction and check off reasons for approval with notes if necessary and

the Approver, Ariana Nati in this case, will receive an email as receipt of the transaction being approved. (ROA page33) “So, when I touch base with her, and she didn’t review the transaction, then obviously that set up a precedent for Thursday, where, if she didn’t review the transaction, then obviously, it would be okay to use her number. As outlined by the policy, I don’t really need to talk to her verbally. It just says that she’ll get an email afterwards. So to be honest with you, prior to this, there’s no understanding of what the policy is or what is expected of me, how to execute the policy.” (ROA, page72 lines14-23). Ms.Chabot: “So in this instance [Thursday] was the same thing. [He] was also a known customer for half the amount, and she never reviewed the first transaction. So, I’m not sure why I would need a verbal consent for her on the second transaction, which was worth half of the amount of the first transaction [Tuesday] she never reviewed.” (ROA page64 lines19-24) (The transaction Appellant Bridgette Chabot was terminated for was for a Known/Regular customer, Josh Lopez, for a cashier’s check in the amount of \$156,000. This transaction took place February 2, 2023. It was confirmed that there was no loss to the bank as a result of customer Mr.Lopez accessing his own money and requesting a cashier’s check in the amount of \$156,000.(ROA page60 lines1-20)

Under these circumstances during the time of the transaction, as well as points listed in this brief, Ms. Chabot had no reason to believe that her conduct would violate the standards of behavior which an employer had a right to expect or any company policies which an Employer had the right to expect, especially when another employee, Tyler Faizo completed the transaction and was trained on the policy there after with no disciplinary repercussion. Ms. Chabot relies on Cory Blackwell v. South Carolina Department of Employment and Workforce and Specialty Vermiculite Corp., Docket No. 11 - ALJ -22-0226- AP decided by Honorable S.Phillip Lenski on November 6, 2017, where “the court finds that there is not substantial evidence in the record indicating the Appellant's conduct, as it relates to the Employer, was unreasonable under the circumstances.” The Appellant establishes multiple times through testimony that

she did not think she violated the company's "Approver Not Present" policy and therefore displays no deliberate misconduct as established by the Hearing Officer who established what the Appellant's understanding of the policy was. "Abnormal "circumstance that could not have been anticipated by the Appellant, foreclose any possibility that substantial evidence exists on the record to support a finding that the Appellant conduct constituted misconduct, as defined by S.C. Code Ann. § 1-35- 120 (2)(a)."

7. Tracy McCarthy confirms there was no loss to the bank associated with the transaction

Ms.Chabot was terminated for. (*ROA page55, lines5-7*) Hearing Officer: "Why would that transaction need to be approved?" McCarthy: "Well, anytime you're approving a transaction, you need to make sure that obviously it's not a fraudulent check or that the accounts are in good standing or something's not going to be returned. So that's why we review it." (*ROA page55, lines13-17*). Ms.Chabot states in her initial appeal letter: "Tracy herself told me on February 6, 2023, that she knew I "had the best interest of the customer at heart," that there was "nothing to worry about" as far as Mr.Lopez was concerned as he was a regular customer. She reiterated this to me on February 8, 2023 when she informed me "they" ...were filing "falsifying bank records" claim against me. Tracy also reassured me on both those occasions that she told Ariana that I did not use Ariana's employee ID in any type of malicious way. Monetary loss to the company is greatly considered during transactions, and there was no monetary loss to the company as Mr.Lopez was a regular customer who accessed his own money for a cashier's check." (*ROA, page30*) This appeal letter was served to the Department of Employment before trial and even so, again, the Hearing Officer erred in thoroughly questioning the Employer's witness Tracy McCarthy on Ms.Chabot's alleged "deliberate intent." McCarthy corroborates that there was no loss to the bank associated with the Thursday February 2, 2023 transaction (*ROA page55 lines5-7*).

Ms.Chabot relies on Cory Blackwell v. South Carolina Department of Employment and Workforce and Specialty Vermiculite Corp., Docket No. 11 - ALJ -22-0226- AP decided by Honorable S.Phillip Lenski on November 6, 2017, “To now permit the Employer and the Department to re-characterize the Appellant's actions regarding” the Appellant’s prior actions is exploitative and unfair. This is precisely what happened to Ms.Chabot during trial in which the Employer and the Department re-characterized her actions regarding the January 31, 2023 phone call to Ariana Nati to show as an example of misconduct on February 2, 2023 is both exploitative and unfair. Much like in Cory Blackwell v. SC DEW & Workforce and Specialty Vermiculite Corp., during trial, it was established Chabot had no prior warnings for this sort of circumstance (ROA page76 lines12-16). Also in that trial, the Department bolstered their findings, as in this case, the redundant questioning made by the Hearing Officer was also to bolster findings and re-characterize the Ms.Chabot’s actions.

D) Did The Hearings Officer And Appeals Panel Error Or Abuse Its Discretion In Finding In Favor of The Employer Even Though There Was No Authority To Fire The Appellant? Did the Hearing Officer Establish Without a Doubt With Substantial Evidence, it was in fact the Appellant who Completed the Transaction she was Terminated for?

1. Both Chabot and McCarthy establish it was another teller, Tyler Faizo who completed the transaction on Thursday, February 2, 2023, which Chabot was terminated for. The Hearing Officer questions Tracy McCarthy on the Thursday, February 2, 2023 transaction; “who was the teller that actually completed the transaction?” Tracy McCarthy answers, “Tyler Faizo.” (ROA, page53, lines20-22). The Appellant corroborates “it was Tyler’s customer and Tyler’s transaction. I stepped away from the computer. Tyler printed the cashier’s check to complete his transaction for his customer [on Thursday].” (ROA page60, lines 17-20) “Tyler had called [Ariana Nati’s branch] to get somebody on the phone. Also, I didn’t feel it was my responsibility to get in touch with anyone because it was Tyler’s transaction.” (ROA page61, lines 1-4). The Hearing Officer asks, “Why instead of entering her information, didn’t you tell

him to contact someone else?” Appellant answers, “I don’t know. I’m not the manager at that branch. Me and Tyler are both tellers.” (*ROA page 68, line9-12*). McCarthy testifies, “The email that Ariana received [on February 2, 2023] stated that stated, initiator Tyler.” (*ROA page76, line2-3*) The Appellant was terminated for Tyler Faizo’s transaction February 2, 2023.

2. The Hearing Officer abused her discretion in favor of the Employer by not questioning which teller was ultimately responsible for the transaction.

Although Ms.Chabot writes this as main point of contention with her termination in her initial appeal letter (*ROA page25-31*) and in her appeal to the Panel (*ROA page115-117*) and asserts consistently during her testimony that it was in fact, Tyler Faizo’s transaction she was terminated for, the Appeals Panel determines in their FINDINGS in the Appellate Panel Decision mailed August 15, 2023: that “Upon the review of the record, we find the actions of other employees are not relevant to the Claimant’s actions resulting in her separation from employment.” (*ROA, page123*). The Hearing Officer executed an injustice by not questioning the Employer’s witness further on who was responsible for the February 2, 2023 transaction, even after McCarthy herself testifies multiple times that it was Tyler Faizo’s transaction and contradicts her own testimony. Furthermore, an injustice was made by not questioning why Ms.Chabot was held accountable for Tyler Faizo’s transaction. The foundation of Ms.Chabot’s termination is entrenched on this argument and it was not explored by the Hearing Officer during trial whatsoever. Ms. Chabot writes in her initial appeal letter: “This was Tyler Faizo’s customer and his transaction. However, there was no charges brought against Tyler for the transaction. Tyler and I both share the same job title, job description and compensation. Tyler printed the Cashier’s Check.” (*ROA, page29*) however, the Hearing Officer does not question either party on who is responsible for the transaction in accordance with Wells Fargo’s own policy: Ms.Chabot’s initial appeal letter: “I was told specifically by HR Wells Fargo employee, Phillip Mayo, in a telephone

conversation on October 14, 2022, that each teller is responsible for their own cashbox and even if some other employee tells them to do a transaction, it is their sole responsibility for whatever transactions occur and are completed in their cashbox. In a Teller's job description, according to Wells Fargo, they're responsible for "maintaining their cash drawer." (ROA, page 29). Ms. Chabot also brings up Wells Fargo's own disciplinary policy recited to her by a Wells Fargo HR Representative in her closing statement: "you are solely responsible for what happens in your cashbox. So someone can't tell you what to do, like complete a transaction, which I think is relevant here, just because I had confirmed with Tyler on June 7th that there was no disciplinary action for him, whatsoever. And I think they coached him on how they want him to use the policy." (ROA, page 75, lines 13-20). The Appellant establishes in her testimony that she is not a manager and in fact both her and Tyler Faizo have the same job title which is imperative to establishing fault for the transaction in question. (ROA page 68 lines 11-12). The Hearing Officer assumed that Ms. Chabot was responsible for another co-worker, Tyler Faizo's transaction. Again, the Hearing Officer does not evoke any questions toward either party on whether the responsibility of the transaction was Tyler's and therefore disciplinary action was misdirected toward Ms. Chabot. Ms. Chabot establishes in trial she was terminated over the transaction completed by Tyler Faizo on February 2, 2023 but testifies that "[Tyler] even printed the cashier's check. I had confirmed with him on June 7th via text message that there was no disciplinary action for Tyler whatsoever. He was coached on how they wanted him to use the [Approver Not Present] policy-" Interrupted by Hearing Officer: "Ma'am, I'm asking you a very specific question and you are going off in many different directions-" (Some transcription missing from written transcription, please see EXHIBIT B, Audio of the trial @ 30:25 timestamp.) The Hearing Officer refuses to acknowledge that Ms. Chabot keeps asserting that it was Faizo's transaction, not her's and in continuously

interrupting Ms. Chabot's testimony, the Hearing Officer manipulates the narrative of the trial. Although there is blatant testimony from both parties on Tyler Faizo completing the February 2, 2023 transaction.

E) Did The Hearing Officer or Appeal Panel Error Or Abuse Its Discretion To Introduce New Evidence Documentation?

1. **The Hearing Officer encourages Attorney Jesse Goode in to entering the full Approval policy.** The Hearing Officer encourages and leads the Employer's attorney by asking him to enter the full Approval policy in to evidence as Exhibit 1, (*ROA page 78 lines 7-9*) instead of waiting for Attorney Goode to request it be entered in to evidence. The fact that entering this new evidence was the Hearing Officer's idea demonstrated a narrative to Ms. Chabot that she should not question the Hearing Officer's suggestion, especially after the way the Hearing Officer treated the Appellant during trial. Ms. Chabot was more likely to object to the entering of new evidence if the request was made by the attorney himself. The Appellant obliges the request for new evidence for the Employer because the Hearing Officer suggested it. Ms. Chabot had already entered the "Approver Not Present" policy on to the record (*ROA, page 33*). The entirety of the Approver Not Present portion was entered in to evidence by Ms. Chabot. The rest of the Approval policy which entails when an Approver is physically present, was entered by Attorney Goode as Exhibit 1 but not relevant as the only portion of the policy that pertained to Faizo and Chabot the day of February 2, 2023, was the "Approver Not Present" portion.
2. **Although the Hearing Officer makes this offer to the Employer, she does not ask or offer Appellant Chabot to enter in new evidence in to trial.** The Hearing Officer displays a bias by encouraging the Employer's attorney to enter new evidence, however, does not ask or offer Ms. Chabot to enter new evidence although Ms. Chabot brought up earlier in the trial a subpoena for the footage of the transaction in which Ms. Chabot cited

contention over most of McCarthy's testimony on what was captured via footage on February 2, 2023. "I would be happy for somebody to subpoena that video and watch it," states Ms.Chabot, Hearing Officer replies: "Well, ma'am, that would have had to have been done prior to the hearing today by you." (*ROA, page61 lines8-11*). Only Ms.Chabot was required to submit evidence prior to the trial whereas in contrast, the Hearing Officer encourages the Employer to enter new evidence. The footage/surveillance video of the transaction on February 2, 2023, is imperative since Ms.Chabot contends it captures Tyler Faizo completing the transaction. Although the footage is not entered in to evidence or on record and Ms.Chabot establishes contention over what the footage captured and the hearsay testimony of the footage by McCarthy, the Hearing Officer pursues questioning McCarthy over the surveillance footage not entered in to evidence, "So when the claimant couldn't reach Ms. Nati on that Thursday, what should she have done?" (*ROA, page54 lines3-4*)

Ms. Chabot relies on *Tyrell Davis v.South Carolina Department of) Employment and Workforce and Wal-Mart Associates*, Docket No. 12-ALJ-22-0046-AP decided by Honorable S. Phillip Lenski on October 11, 2013, in which "there is no evidence that the Appellant was involved in the actual transaction that entered the information into the register and gave the Appellant's brother the discount." In this case, the Appellant asserts he was not responsible for completing the transaction he was terminated for: "he was not the responsible tire technician for the order at issue and merely assisted that technician, did not perform the transaction.... Thus, the Appellant could not have been properly "discharged,"" Like this case, Ms.Chabot asserts she was not involved in completing this transaction. The transaction was on Tyler Faizo's computer for Tyler Faizo's customer. Appellant's testimony admits to her portion of participation of the transaction, however, there is no substantial evidence that was entered on to the Record of Appeal certifying that it was

Ms.Chabot that completed the transaction. There is no substantial evidence of the Appellant's involvement besides her testimony where she testifies she merely assisted another Teller, Tyler Faizo, in completing his transaction for his customer. That testimony is affirmed by Tracy McCarthy, the Employer's witness who testifies it was in fact Tyler who completed the transaction. Therefore, Ms.Chabot was not properly discharged because it was not her transaction to complete.

Ms. Chabot relies on *Tyrell Davis v. South Carolina Department of Employment and Workforce and Wal-Mart Associates*, Docket No. 12-ALJ-22-0046-AP decided by Honorable S. Phillip Lenski on October 11, 2013, in which both cases reflect each other because the Employer in both cases "substantial evidence does not exist to support the Appellate Panel's finding of gross misconduct by Appellant."

F) Did The Hearing Officer And Appeals Panel Error And Abuse Its Discretion In Not Finding For The Appellant When The Employer Failed To Comply?

1. The Hearing Officer interrupts the Appellant and does not let her testify on the

McCarthy's actions to break Employer's policy of having only one person out on vacation at a time. This information was relevant to the Appellant as it displayed why the two bank tellers were in an unfamiliar situation on February 2, 2023, where no Manager was present. The "One employee on Vacation at a time" policy is a long standing and well-known policy at Wells Fargo. The lack of Manager and lack of an Approver present at the branch that day, February 2, 2023, was a direct result of Tracy McCarthy, Branch Manager, breaking the company policy. The lack of Manager in the branch set the stage for Faizo and Chabot to struggle in this particular scenario. "Tracy McCarthy violated the district manager's own policy to have only one person on vacation at a time. If we had the delegate that Tracy appointed, Richard Park, present during Tracy's vacation, the circumstances surrounding the transaction in question, would of never happened," writes Ms. Chabot in initial appeal letter. (ROA, page 28) Tracy McCarthy was on

vacation January 30-February 3, 2023, “Branch Manager [Tracy McCarthy] broke policy because only one person is allowed to go on vacation at a time and she she made a special exception for her and her appointed delegate (who serves as a “stand-in manager” while she is gone) to go on vacation both at the same time.” (*ROA, page28*)

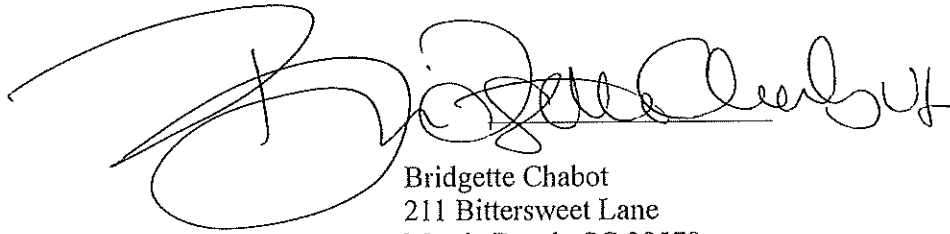
2. **Ariana Nati also denied her job duties as a Manager by which the way she treated the transactions in question.** Ariana Nati, Branch Manager set up a precedent on how to use the “Approver Not Present” policy on January 31, 2023 as she was not physically present at the Appellant’s branch. Manager Ariana Nati broke a reasonable and well known policy on February 2, 2023 when she failed to answer Tyler Faizo’s phone calls on February 2nd. Ariana Nati also demonstrated a short-sightedness for a manager, who instead of calling Faizo to investigate the transaction he approved, did not contact the Barefoot Branch to investigate the transaction he completed on February 2, whatsoever.

The Appellant Chabot relies greatly on *Cory Blackwell v. South Carolina Department of Employment and Workforce and Specialty Vermiculite Corp.*, Docket No. 11 - ALJ -22-0226- AP decided by Honorable S.Phillip Lenski on November 6, 2017, “as presented by the facts in this case, is an extraordinary circumstance that cannot be anticipated. The unrefuted facts established in this matter demonstrate that the Appellant struggled to cope with this unique and complex situation and made some effort to contact his employer. Moreover, the Employer and the Department had an obligation to further explore these claims in the hearing to determine the reasonableness of the Appellant's conduct but largely chose not to. Therefore, the court finds that there is not substantial evidence in the record indicating the Appellant's conduct, as it relates to the Employer, was unreasonable under the circumstances.”

CONCLUSION

Wherefore the Appellant asks this Honorable Administrative Law Court to reverse the decision of the Employment Tribunal Panel and order benefits to be paid to the Appellant Bridgette Chabot based on the for mention arguments and exhibits.

Respectfully Submitted

A large, stylized handwritten signature in black ink, appearing to read 'Bridgette Chabot', is written over a horizontal line.

Bridgette Chabot
211 Bittersweet Lane
Myrtle Beach, SC 29579

December 6, 2023

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Bridgette Chabot,

Appellant/Petitioner,

vs.

SC DEW & Wells Fargo & Co.

Respondent.

Docket No. 23-ALJ-22-0379-AP

PROOF OF SERVICE

I hereby certify that I have served the Appellant's Initial Brief
(Description of the document) in the above-captioned matter by depositing it in the
United State Mail, postage prepaid, on Dec. 6, 2023 (Month/Day/Year) to the
below named parties at their address of record:

SC Admin Law Court
Name Edgar A. Brown Building
1205 Pendleton St., Ste 224
Address
Columbia, SC 29201
City/State/Zip

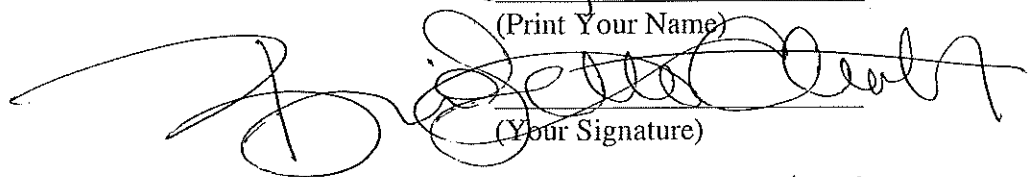
Ben Cook / Office of General
Name Counsel - SC DEW
P.O. Box 8597
Address
Columbia SC 29202
City/State/Zip

Wells Fargo & Co
Name
P.O. Box 7340
Address
Garden City, NY 11530
City/State/Zip

Name

Address

City/State/Zip

Bridgette Chabot
(Print Your Name)

(Your Signature)

211 Bittersweet Lane
(Street)
Myrtle Beach SC 29579
(City, State, Zip Code)

THE STATE OF SOUTH CAROLINA
In The Administrative Law Court

APPEAL FROM THE SOUTH CAROLINA
DEPARTMENT OF EMPLOYMENT AND WORKFORCE
Appellate Panel

Case No.: 23-ALJ-22-0379-AP

Bridgette M. Chabot,

Appellant,

v.

South Carolina Department of Employment
and Workforce and Wells Fargo,

Respondents.

BRIEF OF RESPONDENT

Ben Cook
SC Department of Employment and Workforce
PO Box 8597
Columbia, SC 29202
803-737-0395/803-737-0124 fax
legal@dew.sc.gov
Attorney for Respondent SC Department of
Employment and Workforce

Bridgette M. Chabot
211 Bittersweet Ln
Myrtle Beach SC 29579
Claimant

Wells Fargo
PO Box 7340
Garden City NY 11530
Employer

STATEMENT OF ISSUES ON APPEAL

- I. DOES SUBSTANTIAL EVIDENCE SUPPORT THE APPELLATE PANEL'S DECISION HOLDING APPELLANT DISQUALIFIED FROM RECEIVING UNEMPLOYMENT BENEFITS DUE TO MISCONDUCT WHERE THE APPELLANT ENGAGED IN A PATTERN OF INAPPROPRIATE BEHAVIOR WHICH CREATED A HOSTILE WORK ENVIRONMENT?
- II. ARE APPELLANT'S REMAINING ISSUES MANIFESTLY WITHOUT MERIT AND SHOULD THE COURT DISREGARD THEM?

STATEMENT OF THE CASE

Appellant Bridgette Chabot worked for Wells Fargo & Co. (Wells Fargo) from January 27, 2020, through May 9, 2023. (R.p.50, lines 18-20). She filed for unemployment insurance (UI) benefits with Respondent South Carolina Department of Employment and Workforce (Department) on May 9, 2023. (R.pp.5-8). The Department's claims adjudicator issued a determination May 30, 2023, holding Appellant disqualified from receiving benefits for twenty (20) weeks and reducing her maximum benefits by twenty (20) times her weekly benefit amount based on a finding she was discharged for misconduct connected with her work for "violating the employers accurate records and disclosures policy." (R.pp.22).

Appellant appealed the claims adjudicator's decision to the Department's Appeal Tribunal (Tribunal) on June 7, 2023. (R.pp.24-31). The Tribunal held a hearing on June 27, 2023, and affirmed the claims adjudicator's determination by decision on July 7, 2023. (R.pp.40-81; pp.111-113). Appellant appealed the Tribunal's decision to the Department's Appellate Panel (Panel) on July 17, 2023. (R.pp.114-117). The Panel affirmed the

Tribunal's decision on August 15, 2023. (R.pp.1-4; pp.120-123). Appellant has appealed the Panel's decision to this Court.

FACTS

Appellant worked for Wells Fargo from January 27, 2020, through May 9, 2023, as a bank teller. (R.p.58, lines 8-13). Appellant's Wells Fargo branch manager was Tracy McCarthy. (R.p.42, lines 7-21). Wells Fargo policy requires employees to obtain proper authorization for all legal documents and to never falsify data or information. (R.p.98). Further, Wells Fargo procedures require all transactions to be approved by an employee with authorization to approve that particular transaction and forbids proceeding with a transaction that has not been properly approved. (R.p.104) ("If not approved, do *not* complete the transaction. Tell the customer the transaction cannot be completed. *This procedure is complete.*"). These policies were implemented by Wells Fargo to prevent fraud and other losses to the business. (R.p.55, lines 13-19).

On January 31, 2023, Appellant conducted a \$300,000 transaction on behalf of a regular customer. (R.p.59, lines 4-5). Because Appellant's transaction limit was \$100,000, Appellant contacted Ariana Nadi, the branch manager for a different Wells Fargo branch in North Myrtle Beach and obtained approval from Nadi to conduct the transaction using Nadi's credentials. (R.p.59, lines 5-17; p.60, line 1).

On February 2, 2023, Appellant was working with another teller identified as Tyler. (R.p.59, lines 18-22). At that time, the branch manager, Tracy McCarthy, was away on vacation. (R.p.58, 22-23). While Appellant and Tyler were alone at the branch that Thursday, a regular customer entered the branch and asked Tyler for a cashier's check in

the amount of \$156,000. (R.p.59, line 18-p.60, line 2). Neither Tyler nor Appellant were authorized to approve a transaction of that amount. *Id.* Upon realizing he could not complete the transaction as requested, Tyler asked Appellant what he should do and Appellant informed him he “need[ed] to call a manager, try to get somebody on the phone.” *Id.* Tyler attempted to reach the North Myrtle Beach branch several times but was unable to reach anyone. (R.p.60, lines 20-23). Appellant made no attempt to contact anyone to obtain transaction approval because she “didn’t feel it was [her] responsibility to get in touch with anyone because it was Tyler’s transaction.” (R.p.59, lines 27-28; p.61, lines 2-4). After Tyler informed Appellant he was unable to reach an approver, Appellant retrieved Ariana Nadi’s employee ID from McCarthy’s desk, entered that ID into the system, and used it to complete the transaction. (R.p.63, lines 8-11). Because Nadi’s employee ID was used to complete the transaction, the system automatically sent an email to Nadi notifying her of the use of her credentials. (R.p.61, lines 14-17; 62, lines 7-10). After receiving the email, Nadi contacted the Wells Fargo district manager Shannon Murphy and informed Murphy that her credentials had been used without her authorization. (R.p.62, lines 10-12). Later that same day, Appellant received an email from Murphy asking for an explanation of the transaction. (R.p.62, lines 12-15). Following an investigation, Wells Fargo discharged Appellant on May 9, 2023, for using a branch manager’s credentials without permission to override a customer transaction that was over Appellant’s limit. (R.p.51, lines 2-21).

I. Panel Decision

In its decision, the Panel found:

The Record establishes [Appellant] used a branch manager's credentials to approve a customer transaction that exceeded her authorized limit. While [Appellant] denies wrongdoing and asserts she could use a manager's credentials to approve regular customer's transaction, [Wells Fargo]'s purpose for placing a limit on [Appellant]'s ability to authorize transactions was to ensure a member of management reviewed a large transaction for approval to protect [Wells Fargo] from liability. [Appellant] provided inconsistent testimony as to her knowledge of [Wells Fargo]'s policy requiring management approval. Based on [Appellant]'s acknowledged contact with the manager on January 31, 2023, and her instruction to the coworker to obtain management authorization, [Appellant] knew the policy and procedure. Additionally, [Appellant]'s statement that the branch manager she reported for harassment gave her broad use of her credentials lacks credibility. [Appellant]'s failure to obtain approval from a manager to authorize a transaction in excess of her \$100,000 limit is a deliberate violation and disregard of the standards of behavior which [Wells Fargo] had a right to expect. Therefore, we find [Appellant] was discharged for misconduct, and a twenty-week disqualification is required by law.

In her appeal to the [Panel], [Appellant] argues the hearing officer did not question other employees about their roles in the transactions that led to [Appellant]'s separation. Upon review of the record, we find the actions of other employees are not relevant to [Appellant]'s actions resulting in her separation from employment. The issue under appeal was whether [Appellant] was discharged for misconduct or cause. The hearing notice mailed to [Appellant] provided instructions informing [Appellant] she had an opportunity to subpoena and present witnesses for the [Tribunal] hearing, but [Appellant] did not provide any additional witnesses on her behalf. Additionally, the hearing officer provided [Appellant] with an opportunity to question [Wells Fargo's] witness. Further, as a board of review, the [Panel] generally is confined to the record developed by the [Tribunal] and does not consider additional information which was not previously presented in the evidentiary hearing before the Tribunal.

(R.pp.3-4).

ARGUMENT

I. Standard of Review

The Department is an agency governed by the Administrative Procedures Act (APA). *See Gibson v. Florence Country Club*, 282 S.C. 384, 386, 318 S.E.2d 365, 367

(1984) (finding the Department's predecessor, the Employment Security Commission, subject to the APA). Under the APA, a reviewing court:

[M]ay not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

S.C. Code Ann. § 1-23-380(5) (Supp. 2021).

With regard to factual issues, this Court's review is limited to determining whether the Panel's decision was "clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record." *Id.*

"Substantial evidence" is something less than the weight of the evidence; it is evidence which, considering the record as a whole, would allow reasonable minds to reach the conclusion that the administrative agency reached in order to justify its action. The substantial evidence rule does not allow judicial fact-finding, or the substitution of judicial judgment for agency judgment.

Todd's Ice Cream, Inc. v. S.C. Emp't. Sec. Comm'n, 281 S.C. 254, 258, 315 S.E.2d 373, 375 (Ct. App. 1984); *see also Friends of Earth v. Pub. Serv. Comm'n of S.C.*, 387 S.C. 360, 366, 692 S.E.2d 910, 913 (2010) ("Substantial evidence is . . . evidence which, considering the record as a whole, would allow reasonable minds to reach the same conclusion as the agency."). Further, "[t]he findings of the agency are presumed correct and will be set aside

only if unsupported by substantial evidence.” *Kearse v. State Health & Human Serv. Fin. Comm’n*, 318 S.C. 198, 200, 456 S.E.2d 892, 893 (1995); *see also Milliken & Co. v. SC Emp’t Sec. Comm’n*, 321 S.C. 349 (1996) (“It is well-settled that decisions of administrative agencies should be upheld on appeal where they are supported by substantial evidence.”). The possibility of drawing two inconsistent conclusions from the evidence does not mean the agency’s conclusion is unsupported by substantial evidence. *Waters v. S.C. Land Res. Conservation Comm’n*, 321 S.C. 219, 226, 467 S.E.2d 913, 917 (1996). Finally, the Appellant bears the burden “to prove convincingly that the agency’s decision is unsupported by the evidence.” *Id.*; *see also Sea Pines Ass’n for Prot. of Wildlife, Inc. v. S.C. Dep’t of Natural Res.*, 345 S.C. 594, 603-04, 550 S.E.2d 287, 292 (2001) (“... [A] reviewing court will not overturn a finding of fact by an administrative agency ‘unless there is no reasonable probability that the facts could be as related by a witness upon whose testimony the finding was based.’”) (citations omitted).

II. Substantial evidence supports the Panel’s decision finding Appellant was discharged for misconduct where Appellant used a manager’s credentials without permission to conduct a transaction above the limit set by her employer.

S.C. Code Ann. § 41-35-120(2)(a) (2021) requires disqualification from benefits for twenty weeks when the Department finds an employee was discharged for misconduct.

Section 41-35-120(2)(a) defines misconduct as follows:

[Misconduct] is limited to conduct evincing such wilful and wanton disregard of an employer’s interests as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee, or in the carelessness or negligence of such degree or recurrence as to manifest equal culpability, wrongful intent, or evil design,

or to show an intentional and substantial disregard of an employer's interests or of the employee's duties and obligations to his employer.

Moreover, the public policy of South Carolina is that only those who are "unemployed through no fault of their own" are entitled to UI benefits. S.C. Code Ann. § 41-27-20 (2021).

In determining that Appellant was discharged for misconduct, the Panel found: 1) Appellant approved a customer transaction that exceeded her limit by using a branch manager's credentials without authorization; 2) Appellant's actions, both on January 31, 2023, and February 2, 2023, show that she knew both the requirement and the proper procedure for seeking approval for a transaction above her limit; and 3) Appellant's contention that she had received blanket approval to use Nadi's credentials to complete transactions without approval lacked credibility. These findings are supported by substantial evidence in the record and this Court should affirm.

During the Tribunal hearing, Appellant testified that the largest transaction she was permitted to approve was \$100,000. (R.p.60, line 1). She further testified that on February 2, 2023, a customer came into her branch and requested a cashier's check for \$156,000. (R.p.59, lines 18-21). Appellant then admitted she told her coworker he needed to call a manager for approval, made no effort to contact a manager herself, received no approval

for the transaction, and used Nadi's credentials to approve the transaction above her limit. (R.p.59, line 24-p.60, line 2; p.63, line 4-12).¹

Appellant contends that Wells Fargo policy does not require her to get approval for a particular transaction; however, the policy entered without objection into evidence during the Tribunal hearing clearly, explicitly, and unambiguously contradicts Appellant's contention:

...

Teller: Process an assisted approval

Used for deposit, item cashing, purchase bank check, branch settlement, and debit memo post transactions only.

1. Direct the transaction to an approver for review.
2. If approved go to the next step.

If not approved, do *not* complete the transaction. Tell the customer the transaction cannot be completed. *This procedure is complete.*

...

¹ Appellant repeatedly argues that the transaction was technically under her coworker's name; however, she does not contest that she was the one that used Nadi's credentials to approve the transaction which was above her preset limit. The fact that the transaction was technically completed under her coworker's name is irrelevant.

(R.p.104).² Further, despite her contention, Appellant reached out to Nadi two days prior to seek approval for a \$300,000 transaction and, when Tyler asked her what he should do when confronted with a request for a cashier's check above his limit, Appellant told him he needed to contact a branch manager for approval. (R.p.59, lines 4-26). Appellant's contentions that the policy does not require individual approval and that she did not know she needed to get approval for the transaction lack credibility and the Panel's finding to that effect is supported by substantial evidence.

Appellant further contends that Nadi told her on January 31, 2023, that "you can use my numbers any time." (R.p.59, lines 13-14). Appellant contends that statement was a blanket permission from Nadi to use Nadi's credentials to approve transactions above Appellant's limit in direct contravention of Wells Fargo policy requiring particularized approval of each transaction by someone with approval authority. However, when Appellant used Nadi's credentials to approve the \$156,000 cashier's check and Nadi received an email notification to that effect, Nadi contacted the district manager to notify the district manager that her credentials had been used without authorization. (R.p.62, lines 7-12). Appellant contends that Nadi's report to the district manager was motivated by retaliatory intent due to a complaint brought by Appellant with Wells Fargo Human

² Appellant argues that the Tribunal erred in allowing the full Wells Fargo policy for processing an assisted approval to be entered into evidence because she contends that only the snippet showing the fourth step in the process, labelled "4. If the approver is not present:" was relevant. (R.p.104). This argument is manifestly without merit. On the face of the policy a worker cannot arrive at the fourth step without first obtaining actual approval for the transaction in the first step and the second step directs the worker not to complete the transaction or continue with the procedure if the transaction is not approved. *Id.*

Resources several months prior. (R.p.74, lines 4-10). When looked at together, Appellant is arguing that a person who bore a personal grudge against her for an alleged prior complaint gave Appellant blanket permission to use their credentials to authorize transactions above Appellant's limit in clear violation of company policy. As the Panel found, this contention is internally inconsistent and lacks credibility.

Appellant deliberately chose to use a manager's credentials without permission to authorize a transaction above her limit in clear violation of the plain text of the employer's policy which directs her to "*not* complete the transaction" and "[t]ell the customer that the transaction cannot be completed." (R.p.104). Despite Appellant's argument to the contrary, Appellant's own testimony and all her actions on the day in question evidence knowledge that she had a \$100,000 limit, she needed authorization to exceed that limit, and she deliberately bypassed that limit by using a manager's credentials without express permission to do so. Substantial evidence in the record establishes that Wells Fargo had a right to expect Appellant to abide the \$100,000 limit or obtain approval for the transaction, Appellant deliberately chose to violate that expectation, and Wells Fargo discharged Appellant for that deliberate violation. Therefore, the Panel's finding that Appellant was discharged for misconduct is supported by substantial evidence and this Court should affirm.

III. Appellant's remaining issues are manifestly without merit and should be disregarded by this Court.

Appellant makes numerous meritless arguments that Respondent believes should be disregarded by this Court; however, out of an abundance of caution, Respondent briefly

addresses those issues here. Additionally, many of these arguments were not raised to or ruled upon by the Panel and are, therefore, not preserved for this Court's review. *See Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) ("[A]n issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial judge to be preserved for appellate review.").

Appellant alleges the Tribunal improperly allowed an attorney to represent the employer in the Tribunal hearing without a prior-filed letter of representation. (App.Br.p.6). Appellant identifies no rule or regulation which would require such a letter prior to an attorney's participation in the hearing and there is, in fact, no such rule. Further, this issue was not raised to the Panel and is, therefore, not preserved for this Court's review. (R.pp.115-117).

Appellant alleges that the Tribunal's questioning showed partiality or bias because the Tribunal repeatedly questioned Appellant on various subjects. (App.Br.p.7). However, the Tribunal is required to be an active participant in hearings, including the questioning of parties and witnesses. *See S.C. Code Regs. 47-51(C)(1)* ("All [Tribunal] hearings shall be de novo in nature and conducted in such manner as to ascertain the substantial rights of the parties.... The [Tribunal] shall examine a party and his witnesses[.]"). It is a hearing officer's responsibility to examine both witnesses and evidence to determine the truth of the matter, and the hearing officer did so in this case in an unbiased and impartial manner. Additionally, on review of the transcript, the Tribunal's numerous questions are prompted by apparent inconsistency and a lack of responsiveness on behalf of Appellant. Further, as Appellant has pointed out numerous times, she was the only witness present in the hearing

with firsthand testimony of what happened in the bank branch on the day in question. It is only natural that she would receive most of the questioning about what took place at the time of the incident leading to her discharge. Additionally, Appellant did not raise any issue of bias or partiality to the Panel and such issues are, therefore, not preserved for this Court's review. (R.pp.115-117).

Appellant alleges the Tribunal erred by permitting hearsay testimony during the hearing. (App.Br.p.11). S.C. Code Regs. 47-51(C)(3) provides, in the case of Tribunal hearings, that "[e]vidence will not be excluded solely because it may be hearsay." Additionally, Appellant made no contemporary objections to any alleged hearsay testimony and does not identify any findings by the Panel which resulted from a hearsay statement.³ Further, the findings of both the Tribunal and the Panel were based on Appellant's own firsthand testimony that she had used a manager's credentials without contemporary permission to approve a transaction above her limit. Finally, Appellant did not raise any issue of hearsay to the Panel and such issues are, therefore, not preserved for this Court's review. (R.pp.115-117).

Appellant argues that the hearing officer showed bias by permitting Wells Fargo to enter evidence during the hearing and not allowing Appellant to issue a subpoena for records not present at the hearing. (R.pp.25-26). Permitting records to be entered as

³ Appellant alleges that she made an objection to hearsay testimony during the Tribunal hearing; however, she merely identifies a section of the transcript where she calls a statement made by the employer false when asked if she has any questions for the employer witness. (App.Br.p.10). This is not a legal objection and did not even obliquely reference hearsay.

evidence and issuing a subpoena are not the same thing and are not equivalent. Firstly, when asked if Appellant had any objection to the employer entering the approval policy, Appellant responded by saying, "No, I do not object. You can definitely have that." (R.p.78). As a result, any objection she would have now would not be preserved. Secondly, the hearing was already in progress by the time Appellant first mentioned a subpoena and the hearing officer's response that a request for a subpoena would have had to be filed prior to the hearing was entirely proper and in keeping with due process. The hearing notice mailed to Appellant prior to the hearing explained the process for requesting a subpoena prior to the hearing and Appellant made no effort to avail herself of that process. (R.p.37). Further, contrary to Appellant's generalized contention that the hearing officer "does not ask or offer [Appellant] to enter in new evidence in to trial," Appellant was advised at the beginning of the hearing that, "If you have any documents or exhibits that you feel should be considered in this case, you'll need to present them during your testimony" and was offered a final chance to provide anything additional at the end of the hearing: "Is there anything else that either party would like to add before we conclude the hearing today, Mr. Goode?...Ms. Chabot?" (R.p.47; p.80). Instead of attempting to offer any other evidence, Appellant simply says, "No." (R.p.80). Further, Appellant did not raise any issue regarding a subpoena to the Panel and such issues are, therefore, not preserved for this Court's review. (R.pp.115-117).

Appellant repeatedly argues that other Wells Fargo employees committed various acts of wrongdoing or violated Wells Fargo policy. (App.Br.pp.22-24; pp.27-28). None of these alleged wrongdoings are relevant to the case at hand because none of them change

the fact that Appellant deliberately violated Wells Fargo policy by using a manager's credentials without her approval to complete a transaction above Appellant's \$100,000 limit.

Appellant argues that the events in question represent an "extraordinary circumstance that cannot be anticipated" and that, therefore, Appellant's actions cannot be considered unreasonable under the circumstances. (App.Br.p.28). However, the Wells Fargo policy in evidence clearly contemplates a circumstance where a worker is unable to obtain approval for a transaction and instructs the worker to "*not* complete the transaction" and to "[t]ell the customer the transaction cannot be completed." (R.p.104). Further, Appellant did not raise any such issue to the Panel and such issues are, therefore, not preserved for this Court's review. (R.pp.115-117).

CONCLUSION

The record in this case offers substantial evidence to support the Panel's finding that Appellant was discharged for misconduct for using a manager's credentials without approval to complete a transaction that was beyond her preset monetary limit. The Wells Fargo policy entered into evidence without objection clearly directs employees not to complete a transaction for which they do not have specific approval. Appellant knew she was required to seek approval for transactions above her \$100,000 limit because she had sought approval for a transaction two days prior and instructed her coworker to seek approval on the day in question. Appellant then deliberately violated the employer's reasonable expectations by using a manager's credentials without permission to approve a transaction beyond her limit. Appellant has failed to prove convincingly that the Panel's

decision finding she was discharged for misconduct is unsupported by substantial evidence. Further, Appellant has failed to establish any reason why the Panel's decision should be disturbed. Therefore, this Court should affirm.

Respectfully Submitted,



Benjamin T. Cook (SC Bar # 102216)
SC Department of Employment and Workforce
Post Office Box 8597
Columbia, SC 29202
803.737.0395 (phone)
803.737.0124 (fax)
Legal@dew.sc.gov

**Attorney for Respondent SC Department of
Employment and Workforce**

January 16, 2024

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Bridgette M. Chabot,
Appellant,

vs.

SC Department of Employment and
Workforce and Wells Fargo,
Respondent (s).

DOCKET No: 23-ALJ-22-0379-AP

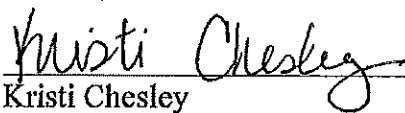
PROOF OF SERVICE

I hereby certify that I have served the Respondent's Brief the above-captioned matter by depositing it in the United States Mail, postage prepaid, on January 16, 2024 to the below named parties at their addresses of record:

Bridgette M. Chabot
211 Bittersweet Ln
Myrtle Beach SC 29579

Wells Fargo
PO Box 7340
Garden City NY 11530

January 16, 2024



Kristi Chesley
Legal Assistant to Ben Cook
SC Department of Employment and Workforce
Post Office Box 8597
Columbia, SC 29202
803.737.0395 (phone)
803.737.0124 (fax)
legal@dew.sc.gov

STATE OF SOUTH CAROLINA

ADMINISTRATIVE LAW COURT

APPEAL FROM THE SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT &
WORKFORCE APPELLATE PANEL

Bridgette Chabot,
Appellant

Docket # 23-ALJ-22-0379-AP

APPELLANT'S REPLY BRIEF

vs.

South Carolina Department of
Employment and Workforce and
Wells Fargo & Co.,
Respondent(s),

Bridgette Chabot
211 Bittersweet Lane
Myrtle Beach, SC 29579
Claimant

Ben Cook
Office of General Counsel-SCDEW
P.O. Box 8597
Columbia, SC 29202
803-737-0395
legal@dew.sc.gov
Attorney for Respondent DEW

Wells Fargo & Co
P.O. Box 7340
Garden City NY 11530
Employer

STATEMENT OF ISSUES ON APPEAL

- I. DOES SUBSTANTIAL EVIDENCE SUPPORT THE APPELLATE PANEL'S DECISION HOLDING APPELLANT DISQUALIFIED FROM RECEIVING UNEMPLOYMENT BENEFITS WHERE NO MISCONDUCT CAN BE DETERMINED/FOUND?
- II. ARE APPELLANT'S REMAINING ISSUES WITH MERIT AND SHOULD THE COURT ACKNOWLEDGE/CONSIDER THEM?

STATEMENT OF THE CASE AND FACTS

Bridgette Chabot, the Appellant, hired in January 27, 2020 as a Bank Teller and terminated on May 9, 2023 by her Branch Manager Tracy McCarthy. Bridgette Chabot was terminated for "Falsification of Bank Records" regarding the circumstances of using Manager Ariana Nati's employee number to approve a transaction without Nati's consent. (*ROA, page58, lines11-20*) Tracy McCarthy was out of the office on vacation and she allowed her delegate, (stand-in Manager) to go on vacation at the same time. (*ROA, page28*).

There was no manager present February 2, 2023 in which the transaction in question took place- which resulted in the Appellant Chabot's termination. (*ROA, page25*) Upon Tracy McCarthy's return to the office, the following week, McCarthy received the emails from her colleague and Manager Ariana Nati, McCarthy contacted the District Manager Shannon Murphy and called HR who started an investigation into the use of Nati's employee number on the transaction on February 2, 2023. (*ROA, page51 lines18-26*). In the Branch that February 2, 2023 were 2 Bank Tellers: the Appellant Bridgette Chabot, Tyler Faizo and 1 Banker. (*ROA, page117*) The Appellant was terminated May 9, 2023 by Tracy McCarthy. (*ROA, page52, lines3-6*). The Appellant filed for unemployment benefits on May 9, 2023. (*ROA, page11-13*). Department of Employment mailed a notice on May 30, 2023, stating the Appellant was "ineligible for benefits from 05/07/2023 to 09/23/2023" with the determination reason being the Appellant was "discharged for misconduct." (*ROA, page83*) The Appellant appealed initial disqualification of unemployment benefits (*ROA, page27-34*) and a Hearing Before the Appeal Tribunal was scheduled (*ROA, page36-39*) and executed by Telephone Conference on June 27, 2023 from 11:30am-12:15 with SC Department of Employment and Workforce Administrative Hearing Officer Cassandra Huggins. Present at trial was Attorney Jesse Goode, representing the Employer, the Employer's witness Tracy McCarthy and Appellant, Bridgette Chabot. (*ROA, page42-46*) July 7, 2023, the Appellant received notice that as a result of the trial, Hearing Officer Huggins holds the claimant disqualified for receiving benefits. (*ROA, page113*) July 17, 2023, the Appellant appealed this decision to the Appellate Panel. (*ROA, page115-117*) August 15, 2023, the Appellate Panel mailed their decision to "affirmed

the determination.” (ROA, page121) The Appellant filed a Notice of Appeal on September 13, 2023 to Appeal her case to the South Carolina Administrative Law Court.

1. The Hearing Officer questions Tracy McCarthy on the Thursday, February 2, 2023 transaction; “who was the teller that actually completed the transaction?” Tracy McCarthy answers, “Tyler Faizo.” (ROA, page53, lines20-22). The Appellant corroborates that the transaction she was terminated for was Tyler Faizo’s transaction. (ROA page60, lines 17-20) 2. Bridgette Chabot and Tyler Faizo hold the same job title as Bank Teller with the same job description and same compensation. (ROA, page29). 3. Both Tracy McCarthy, Branch Manager and her “delegate”/stand-in manager were both on vacation and not present during the week nor the day of the transaction in question. (ROA, page28) 4. The policy in question, “Approver Not Present” policy is not formally trained to employees. This is the policy cited that the Appellant allegedly violated that resulted in her termination. The “Approver Not Present” policy is a policy that is not exercised normally-as testified by McCarthy (ROA page76 lines12-16) and corroborated by the Appellant. (ROA, page66-67, lines25-26, 1-7) 5. There is contention between McCarthy’s and Chabot’s testimony during trial. McCarthy testifies repeatedly about footage (surveillance video) of the Appellant trying to call Ariana Nati on the phone Thursday, February 2, 2023 and that the Appellant did not make any attempts to call anyone else. (ROA page51, lines27-29) The Hearing Officer continues to question McCarthy on the alleged surveillance footage, footage of which that was not entered in to evidence and it not found in the Record of Appeal. (ROA, page54 lines3-4 and lines8-9). The Appellant testifies that this is not true and that the footage should reveal it was Tyler Faizo who tried to call Ariana Nati on Thursday (ROA page60 lines20-23 & ROA pg59, lines27-28). When the Appellant brings to question the footage that is not entered in to evidence/record, “I would be happy for somebody to subpoena that video and watch it,” The Hearing Officer replies, “Well, ma’am, that would of have had to be done prior to the hearing today by you.” (ROA page61 lines8-11) Although the footage is not entered in to evidence or on record and the Chabot establishes contention over what the footage captured and the hearsay testimony of the footage by McCarthy, the Hearing Officer pursues questioning McCarthy over the surveillance footage not entered in to evidence, “So when the claimant couldn’t reach Ms. Nati on that Thursday, what should she have done?” (ROA, page54 lines3-4) The Hearing Officer does not question McCarthy on what Tyler Faizo should of done when he didn’t get a hold of Ariana Nati. 6. Attorney Cook violates the Admin Law Court’s Official Rules that state: “The statement [of the case] shall not contain contested matters.” (pg34) Cook falsely claims in the “Facts” of his Respondent Brief that Appellant

“used [Ariana’s employee number] to complete the transaction.” (*Respondent Brief pg3, from here, Respondent Brief will be abbreviated as RB*) Opinion is not a substitute for fact. Appellant Chabot consistently testifies Tyler Faizo completes the transaction in which she was terminated for which can be found multiple times in the Record Of Appeal and in Trial. (*ROA pg25, ROA pg60 lines17-20, ROA pg61 line4, ROA pg61 line28, ROA pg117*) . McCarthy testifies during trial, “The email that Ariana received stated that stated, initiator Tyler.” (*ROA, pg76 line2-3*) The Appellant establishes in trial she was terminated over the transaction completed by Tyler Faizo on February 2, 2023. **The Hearing Officer does not question McCarthy on Tyler Faizo’s role or responsibility for the transaction.** 7. Although Tracy McCarthy testifies on surveillance footage not found in the Record of Appeal, **the Hearing Officer does not establish if McCarthy actually watched the surveillance video.** (and McCarthy insinuates that she did not watch it, “According to the footage that they reviewed.” (*ROA pg54 lines10-11*)) 8. When the Hearing Officer asks why the Appellant Chabot advised Tyler Faizo to call someone for his transaction, Appellant Chabot answers: “just to touch base with [Nati] just to let her know [an email of transaction] was coming,” (*ROA, page69 line3-5*) Appellant made no attempt to contact anyone to obtain transaction approval on Thursday, Feb2 because it was not her transaction (*ROA, page61, lines3-4*) 9. Although the Appellant testified that she retrieved Ariana Nati’s employee number for Tyler; employee numbers posted publicly at Tracy McCarthy’s desk (*ROA, page62 lines19-22*), the Appellant Chabot did not complete the transaction, as thoroughly established during the trial by both McCarthy and the Appellant’s testimonies. 10. On Tuesday, January 31, 2023, Appellant Chabot called Branch Manager Ariana Nati to review a \$300k transaction which Nati did not review (*ROA, pg59 lines16-17*) but advised the Appellant, “You can use my numbers any time. I trust your judgement” is what she said. Verbatim.” (*ROA, pg72 lines28-29*). McCarthy testifies, “What [Bridgette Chabot] had told me was that when she talked to [Nati] on Tuesday and reviewed the transaction from Tuesday, that the Manager [Nati] told her she trusted her judgment and that she could proceed with the transaction, to which Bridgette explained to me that she thought that meant that she trusted her judgment on any transaction.” (*ROA, pg54 lines18-23*). 11. To reiterate, Appellant was fired for the Thursday, Feb2 transaction, not the Jan31 transaction.

ARGUMENT

I. Standard of Review

The Panel’s Decision to uphold the Appellant’s disqualification of benefits (*ROA, page121-123*) is driven by the biased narrative the Hearing Officer drove during trial. The Department is an agency governed by the

Administrative Procedures Act (APA). See *Gibson v. Florence Country Club*, (1984), Under the APA, a reviewing court:

The court may reverse or modify the decision if substantial rights of the Appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are: (e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

II. There is no substantial evidence supporting Appellant Chabot completed or is responsible for her co-worker's transaction.

Attorney Cook argues: "The possibility of drawing two inconsistent conclusions from the evidence does not mean the agency's conclusion is unsupported by substantial evidence." The issue here is that Wells Fargo and McCarthy did not provide ANY evidence during trial to support Appellant Chabot's termination; there is no substantial evidence in trial or on record that she completed the transaction she was terminated for, but testimony of McCarthy to the contrary (*ROA pg53 line20-22 & pg76 line2-3*), there is no substantial evidence that the Appellant acted with deliberate misconduct but testimony from McCarthy to the contrary (*ROA, pg54 lines18-23*) To substantiate something is to prove its truth, unless Attorney Cook has a different definition. There is only a hearsay witness, a hearsay testimony, alleged footage not entered into trial and hearsay testimony on footage that the Employer's witness did not even watch. (*ROA pg54 lines10-11*) The trial does not explore or establish which teller is at fault for the transaction or what Tyler Faizo's responsibility was over the transaction due to the Hearing Officer's bias and drive of the narrative although Appellant raised these issues in her initial appeal letter (*ROA pg25*). Chabot writes in her appeal, "Tyler asked me for help, so I obliged because there was no other employee available... Tyler Faizo is responsible for his own transactions in his cashbox. Reviewing a transaction for a peer is a common practice. Why was I held responsible for his transaction?" (*ROA pg117*) Attorney Cook accuses the Appellant, "[Chabot] was the one that used Nati's credentials to approve the transaction," (*RB, page8*) this allegation is completely unfounded and not determined during trial nor found in the Record of Appeal. A transaction is not approved until completed, also this transaction was not technically approved; it was emailed to Ariana Nati, an approver. Again, the Employer's witness McCarthy (*ROA pg53 line20-22 & pg76 line2-3*) and Chabot (*ROA pg60 lines17-20*) both establish the contrary, by establishing it was Tyler Faizo's transaction and the transaction was completed by Tyler. Attorney Cook's presumptuous allegations in his argument in his brief are purely made for his own convenience.

Since the trial established this was Tyler Faizo's transaction and Faizo completed the transaction, Faizo should of been held accountable in accordance with Wells Fargo's own disciplinary policy. "you are solely responsible for what happens in your cashbox." (*ROA pg75 line14*) "Prior to this transaction, I was told specifically by HR Wells Fargo employee, Phillip Mayo, in a telephone conversation on October 14, 2022, that each teller is responsible for their own cashbox and even if some other employee tells them to do a transaction, it is their sole responsibility for whatever transactions occur and are completed in their cashbox." (*ROA pg29*), **The Hearing Officer does not question or explore Wells Fargo's own disciplinary policy toward who is ultimately responsible for transactions: a peer or the teller who actually completed the transaction. Just another of the many instances in which the Hearing Officer erred and failed to provide a fair trial. (Although it was brought to light in the initial appeal by the Appellant before trial.)** The Hearing Officer questions Tracy McCarthy on the Thursday, February 2, 2023 transaction; "who was the teller that actually completed the transaction?" Tracy McCarthy answers, "Tyler Faizo." (*ROA, page53, lines20-22*). The Appellant corroborates "it was Tyler's customer and Tyler's transaction. I stepped away from the computer. Tyler printed the cashier's check to complete his transaction for his customer [on Thursday]." (*ROA page60, lines 17-20*)

Tyrell Davis v. SC DEW & Walmart Assoc. Docket No. 12-ALJ-22-0046-AP "there is no evidence that the Appellant was involved in the actual transaction that entered the information into the register..." In this case, the Appellant insisted although he assisted his co-worker, he did not complete the transaction he was terminated for. "Substantial evidence does not exist to support the Appellate Panel's finding of gross misconduct by Appellant."

Attorney Cook also falsely states: "Appellant argues that the Tribunal erred in allowing the full Wells Fargo policy for processing an assisted approval to be entered into evidence" (*RB pg9*). Chabot did not object to Wells Fargo entering the Approval policy in to evidence (*ROA pg78 lines10-13*), Chabot only pointed out in her Initial Brief that the Hearing Officer led the Employer's witness to enter the policy and that the Hearing Officer did not offer Chabot to enter new evidence, including a subpoena for the surveillance footage that was testified upon extensively during trial, however, was not entered into evidence. In addition, why is the Employer's Attorney Goode allowed to represent the Employer without filing proper paperwork in time (*ROA pg43, lines3-4 & pg44, lines11-13, 18-19*) and the Employer's attorney led by the Hearing Officer to enter new evidence in trial (*ROA pg78 lines7-9*) but only Chabot is held to a standard of making timely deadlines and the subpoena for imperative evidence is not offered only that it had to be done "prior to the hearing" (*ROA pg59 line27-28*) when requested by the Appellant? Chabot is

only showing the juxtaposed position the Hearing Officer held toward the Employer vs. a pro se litigant because she was clearly biased and erroneous. In addition to the Hearing Officer's other blatant bias during trial which is covered in the Appellant's initial brief.

Christopher Rumph v. SC DEW & Ceilco Partnership, Docket No. 14-ALJ-22-045 establishes that a "hearing officer must be impartial. S.C. Code Ann. Regs. 47-5 1(C)(1) grants the hearing officer the ability to examine and cross-examine witnesses, however, "this ability does not extend to allow a hearing officer to serve as the advocate of the Department's position while simultaneously rendering an impartial final decision."

II. There is no substantial evidence to support the Panel's decision finding the Appellant Chabot conducted deliberate misconduct.

Section 41-35-120(2)(a) defines misconduct as follows:

[Misconduct] is limited to conduct evincing such wilful and wanton disregard of an employer's interests as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee, or in the carelessness or negligence of such a degree or recurrence as to manifest equal culpability, wrongful intent, or evil design, or to show an intentional and substantial disregard of an employer's interests or of the employee's duties and obligations to his employer.

The only evidence presented is the Approver Policy which is written as if an Approver is present. The only portion of the policy that covers when there is an Approver Not Present is #4: Which says to type in an employee ID, check the "Approver Not Present" checkbox, comment where necessary and the approver will receive an automatically generated email. (ROA pg104) This policy outline does not cover what a bank teller should do when there is no Approver available, just an outline on an Approver not being present. Nor was there any prior training on how to utilize the policy. This created an extraordinary circumstance explained by McCarthy: "Typically, there's usually someone here to approve those transactions." (ROA pg76 line15-16) Both McCarthy, on behalf of Wells Fargo and the Appellant Chabot both corroborate a testimony in which the policy in question was not a reasonable and well-known policy and not exercised regularly (ROA pg66-67 lines25-26, pg72 line13-14) If this was a regular and well-known policy than why did Tyler Faizo ask for help in the first place?

McCarthy testifies during trial, "The email that Ariana received stated that stated, initiator Tyler." (ROA, pg76 line2-3) The Appellant establishes in trial she was terminated over the transaction completed by Tyler Faizo on February 2, 2023 and testifies that "[Tyler] printed the cashier's check. I had confirmed with him on June 7th via text message that there was no disciplinary action for Tyler whatsoever. He was coached on how they wanted him to use the [Approver Not Present] policy-" Interrupted by Hearing Officer: "Ma'am, I'm asking you a very specific question and you are going off in many different directions-" (Some transcription missing from written transcription, please see EXHIBIT B, Audio of the

trial @ 30:25 timestamp.) As the policy is not a well-known policy and not exercised regularly, with no formal training to Wells Fargo employees, a Branch Manager, Ariana Nati, set up a precedent on how to utilize the policy. On Tuesday, January 31, 2023, Appellant Chabot called Branch Manager Ariana Nati to review a \$300k transaction which Nati did not review but advised the Appellant, "You can use my numbers any time. I trust your judgement" is what she said. Verbatim." (ROA, pg72 lines28-29).

McCarthy testifies, "What [Bridgette Chabot] had told me was that when she talked to [Nati] on Tuesday and reviewed the transaction from Tuesday, that the Manager [Nati] told her she trusted her judgment and that she could proceed with the transaction, to which Bridgette explained to me that she thought that meant that she trusted her judgment on any transaction." (ROA, pg54 lines18-23). Chabot testifies, "Well, I did receive her approval on January 31." (ROA pg63 line20) Chabot testifies, "I'm not sure why I [or Tyler] would need a verbal consent from her on the second transaction, which was worth half of the amount of the first transaction [Nati] she never reviewed." (ROA pg64 lines21-24). Chabot's phone call to Manager Nati on January 31, 2023 was used to bolster and re-characterize Chabot's actions (actions being to help and advise Tyler Faizo) on February 2. Chabot testifies she told Nati on January 31, "I just wanted to touch base with you and make sure. [Nati] said, "I trust your judgement. You can use [my number] any time. So [Nati] did not ask to review the transaction." (ROA pg59 lines14-16) Chabot testifies that she made a suggestion to Tyler Faizo, "well, I guess we can use [Ariana's] number because she told me two days ago that we could [use] it." (ROA pg69 lines18-20) Although Chabot suggests to her peer, Tyler Faizo, that he could utilize Ariana's employee number, he had a free will to exercise his own judgement on his transaction before he completed it.

If the policy was a regular and well-known policy, why did McCarthy and Wells Fargo train their Bank Tellers on how to use the policy after this transaction took place? Chabot testifies, "They clarified [the Approver Not Present policy] after this transaction took place. They told us that they would like us to call somebody and get them on the phone before using their employee ID, but that was only coached to us after the transaction took place." (ROA pg67 lines12-15). If the policy was a regular and well-known policy, why did Wells Fargo not discipline the fellow teller, Tyler Faizo who completed the transaction but trained him on how they wanted him to use the policy AFTER this transaction took place? (Some transcription missing from written transcription, please see EXHIBIT B, Audio of the trial @ 30:25

timestamp.) The Hearing Officer erred in not exploring if there was indeed, misconduct by asking these questions which were presented in Chabot's initial appeal letter before trial. (*ROA pg25-31*)

Attorney Cook alleges that the Appellant "used Nati's credentials to approve the transaction," (*BR pg8*) which (again!) is false. A final approval of a transaction is obviously when the teller responsible COMPLETES said transaction. Since Tyler Faizo holds the same job title, job description and compensation (*ROA pg29*), why would one bank teller be expected to know the policy and how to utilize it, but not the actual teller who, established by trial, completed the transaction?

Attorney Cook states "Appellant deliberately chose to use a manager's credentials without permission to authorize a transaction," (*RB pg10*) which again, is false. Attorney Cook maintains that the Appellant had no authorization to use Ariana Nati's employee number, however, after establishing that the policy in question is not a reasonable and well-known policy, not trained to employees, in which a teller, Tyler Faizo obviously did not know how to use the policy and was subsequently trained on how to use the policy after this transaction took place; it shows one in a managerial role, Branch Manager Ariana Nati, advised the Appellant on how to exercise the policy and set up a precedent on how to use the policy.

The Hearing Officer erred in trial by not questioning McCarthy if she felt Chabot's responsibility in the transaction displayed misconduct. As Chabot wrote in her initial appeal letter (*ROA pg30*) before trial: "On March 15, 2023... I went straight to my manager, Tracy McCarthy and asked her if I was going to be terminated for this, "falsifying bank records" ..Tracy answered, "no, I don't think so, you'll probably just get some coaching."" "Tracy herself told me on February 6, 2023, that she knew I "had the best interest of the customer at heart," that there was "nothing to worry about" as far as Mr.Lopez was concerned as he was a regular customer. She reiterated this to me on February 8, 2023 when she informed me "they" ...were filing a "falsifying bank records" claim against me. Tracy also reassured me on both occasions that she told Ariana that I did not use Ariana's employee ID in any type of malicious way." (*ROA pg30*)

IV. The Appellant's remaining issues are with merit and should be considered by the Court.

As contrary to Attorney Cook's belief that "arguments were not raised or ruled upon by the Panel and therefore, not preserved for this Court's review." (*RB, pg11*) All issues raised by Chabot in her initial brief, were all found in the Record of Appeal, in accordance with the Admin. Law Court's Official Rules:

"Argument. ... A party may also include a separate statement of facts relevant to the issues presented for review, with reference to the record on appeal, which may include contested matters and summarize that party's contentions." (*page 25 of the ALC's Official Rules*)

The Appellant Chabot could not raise to the Panel a concern for Wells Fargo's attorney to file proper paperwork, a letter of representation before trial, if the Appellant did not find that out until she had the Record of Appeal. The Appellant was not on the recorded phone line when the Hearing Officer made the decision to enter the Employer's attorney, Mr. Goode's, information for him.

Although a Hearing Officer should be expected to question witnesses, even repeatedly, there is a stark difference between repeatedly questioning someone and harassing them with the same questions, seven times (*ROA pg67 lines26-27; pg69 lines9-10; line15; line20-21; pg69 line1-2; pg70 line3-4; line 18-19*), in an attempt to raise a desired answer from a witness. When questioning McCarthy, the Hearing Officer seems neutral and pleasant. As soon as she turns to question the Appellant, the Hearing Officer starts immediately with interrupting the Appellant's objection to Tracy McCarthy's hearsay testimony when the Appellant states after McCarthy's testimony "I just want to state that is false-" [interrupted by Hearing Officer] (*ROA pg57 line19*) and continues to be abrasive throughout the remainder of the Appellant's testimony. As heard on the audio of the trial. (*Exhibit B*) If the Hearing Officer was fair and balanced as she was supposed to be, why did she not explore issues brought forth by the Appellant during trial and thoroughly examined in accusations that the Appellant was "deliberate" in her alleged breaking of policy? Attorney Cook argues that the Appellant did not raise any issues of bias to the Panel (*BR pg12*), Why would the Appellant risk upsetting an already biased Hearing Officer and Panel? The Hearing Officer leads Wells Fargos' attorney to enter in new evidence but displays disgruntled tone (*Exhibit B*) when the Appellant asks to subpoena the surveillance footage of Tyler Faizo completing the transaction. The Hearing Officer and Appellate Panel err with their bias toward a pro se litigant, exploiting the Appellate's ignorance in legal proceedings as she has never been terminated from any job in her life.

The Hearing Officer's predisposition toward the Employer and the her drive of the narrative directly resulted in the Appellate Panel to side with her decision. **Granted Appellant Chabot was unknowledgeable in how to conduct legal proceedings as a pro se litigant, this does not mean the Employer is right by default.**

The Appellant only admits to her role in the transaction, which was looking over Tyler's transaction and given up a suggestion on how to complete the transaction when no Manager was present, nor reachable in their extraordinary circumstance. Tyler Faizo, fellow bank teller, did not have to complete the transaction. But

the question remains why was one bank teller expected to know this reasonable and well-known policy but not the other teller when they both hold the same job title?

Cory Blackwell v. SC DEW & Specialty Vermiculite Corp. Docket No. 11-ALJ-22-0226-AP "The Employer and the Department had an obligation to further explore these claims in the hearing to determine the reasonableness of the Appellant's conduct but largely chose not to. Therefore, the court finds that there is not substantial evidence in the record indicating the Appellant's conduct, as it relates to the Employer, was unreasonable under the circumstances."

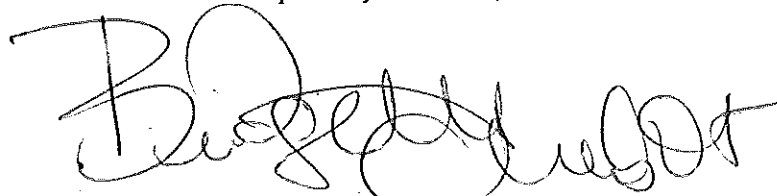
[Appellant takes issue with the verbiage used by the Appellate Panel of "Finding of Facts" (*BR pg6*) when no facts have actually been determined. To conjure a desired outcome by the illusion of the "finding of facts" which includes coming to a conclusion based on a hearsay testimony of an Employer's witness who was not present and testimony of surveillance footage that is not entered in to evidence nor found in Record of Appeal. That is hardly a "finding of facts" especially when the Employer's witness has an inconsistent testimony (driven by the bias of the Hearing Officer) and Tracy McCarthy never testifies that she actually watched this surveillance footage in determining the Appellant's termination.] Definition of "Fact" is "a thing that is known or proved to be true."

CONCLUSION

The DEW denied the Appellant Unemployment Benefits based on establishing fault with Appellant

Bridgette Chabot. Whether other issues are disregarded, the fact remains that there is no substantial evidence to find Chabot completed the transaction, nor that she acted with deliberate misconduct and furthermore, the trial was impartial and bias. Page 29 of the Admin. Law Court's Official Rules cites "Consistent with law, the administrative law judge is authorized to do all things necessary and proper to the performance of the foregoing and to promote justice" and Justice, indeed, is all the Appellant is asking for by asking this decision to deny unemployment benefits for the Appellant to be reversed.

Respectfully Submitted,



Bridgette Chabot, Appellant
211 Bittersweet Lane
Myrtle Beach, SC 29579
240.626.7543
BridgetteChabot@gmail.com

Jan 26 / 2024

January 26, 2024

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Bridgette Chabot

Appellant/Petitioner,

vs.

SC DEW & Wells Fargo & Co

Respondent.

Docket No. 23-ALJ-22 0379-AP

PROOF OF SERVICE

I hereby certify that I have served the Reply Brief
(Description of the document) in the above-captioned matter by depositing it in the
United State Mail, postage prepaid, on Jan 26, 2024 (Month/Day/Year) to the
below named parties at their address of record:

SC Admin Law Court

Name Edgar A. Brown Building
1205 Pendleton St., Ste 224
Address
Columbia, SC 29201
City/State/Zip

Ben Cook / Office of General Counsel-
SC DEW

Name
P.O. Box 8597
Address
Columbia, SC 29202
City/State/Zip

Wells Fargo & Co

Name
P.O. Box 7340
Address
Garden City, NY 11530
City/State/Zip

Name

Address

City/State/Zip

Bridgette Chabot
(Print Your Name)

Bridgette Chabot
(Your Signature)

211 Bittersweet Lane
(Street)

Myrtle Beach SC 29579
(City, State, Zip Code)

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Bridgette M. Chabot,

Appellant,

v.

South Carolina Department of Employment and
Workforce and Wells Fargo & Company, Inc,

Respondents.

Docket No. 23-ALJ-22-0342-AP

FINAL ORDER

This matter is before the Administrative Law Court (ALC or court) pursuant to a Notice of Appeal filed on September 13, 2023 by Bridgette M. Chabot (Appellant). The Appellant seeks judicial review of the South Carolina Department of Employment and Workforce Appellate Panel's decision affirming the Appeal Tribunal's decision holding the Appellant disqualified from receiving benefits for twenty (20) weeks, effective May 7, 2023 through September 23, 2023, with a corresponding monetary reduction, upon finding she was discharged for misconduct connected with her employment.

On November 16, 2023, the court granted the Appellant Motion for Continuance giving the Appellant twenty (20) days to file the Appellant's brief. On December 6, 2023, the Appellant filed her brief with the court. On December 18, 2023, the court granted the Department's request for an additional twenty (20) days to file the Respondent's brief. On January 16, 2024, the Department filed the Respondent's brief with the court. On January 19, 2024, the Appellant filed a Motion for Default Judgment because the Respondent did not file a timely brief. On January 26, 2024, the Department filed a response to the Appellant's motion, requesting the court dismiss the Appellant's motion because the Appellant's argument is manifestly without merit. The Department argues that because the Appellant filed her brief on December 6, 2023, pursuant to SCALC Rule 37A, the Respondent's brief would have been due by December 26, 2023. Due to holiday leave, the Department filed a Motion for Extension of Time requesting an additional twenty (20) days to file the Respondent's brief, making the Respondent's brief due January 15, 2024. However, because Monday, January 15, 2024 was a holiday, in accordance with SCALC Rule 3A, the time period runs until the end of the next day which is not a holiday, in this case, January 16, 2024.

FILED
FEB 08 2024
Administrative Law Court
191

After careful consideration of the parties' briefs, the record, and the applicable law, the court finds that substantial evidence in the record supports the Appellate Panel's determination. Accordingly, the Appellate Panel's decision is affirmed.

BACKGROUND

The Appellant worked for Wells Fargo & Company, Inc., (Employer) from January 27, 2020 to May 9, 2023, most recently as a bank teller. The Employer discharged the Appellant for falsifying bank records by using a manger's credentials to approve a customer's transaction in excess of the Appellant's approved limit. The Appellant was authorized to approve customer transactions up to \$100,000. On January 31, 2023, the Appellant had a customer transaction of \$300,000. The branch manager was out of the office that week, so the Appellant contacted the North Myrtle Beach branch manager, who authorized the Appellant to use her credentials to approve the transaction. On February 2, 2023, a regular customer came into the Appellant's branch. A coworker attempted to perform the transaction, but realized he needed authorization for a \$156,000 transaction. The Appellant informed the coworker to contact a manager for authorization. While the coworker was attempting to reach a manager, the Appellant assisted the customer by questioning the customer about his transaction. The coworker was unable to reach a manager by phone. The Appellant entered the North Myrtle Beach branch manager's credentials to approve the transaction and notated that the approver not present. The coworker printed the cashier's check for the customer. The Appellant handed the cashier's check to the customer. The North Myrtle Beach branch manager received an email that her credentials were used and notified the district manager. The Employer conducted an investigation interviewing all of the parties involved and reviewing surveillance video and documentation. Upon conclusion of the investigation, the Employer discharged the Appellant.

STANDARD OF REVIEW

The Department is an "agency" under the Administrative Procedures Act (APA). *See Gibson v. Florence Country Club*, 282 S.C. 384, 386, 318 S.E.2d 365, 367 (1984) (finding that the Employment Security Commission, a predecessor of the Department, was an agency within the meaning of the APA). Accordingly, the APA's appellate standard governs appeals from Department decisions. *See* S.C. Code Ann. § 1-23-380 (Supp. 2020); S.C. Code Ann. §1-23-600(D) (Supp. 2020); *Gibson*, 282 S.C. at 386, 318 S.E.2d at 367.

Section 1-23-380(5) of the South Carolina Code provides the standard of review to be

utilized by appellate bodies, including the ALC, when reviewing Department decisions:

The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

S.C. Code Ann. § 1-23-380(5) (Supp. 2020); S.C. Code Ann. § 1-23-600(E) (Supp. 2020) (directing administrative law judges to conduct appellate review in the same manner as prescribed in Section 1-23-380).

This court's review in appellate cases is limited to the record. *See* S.C. Code Ann. § 1-23-380(4) (Supp. 2020); SCALC Rule 36(G). "'Substantial evidence' is not a mere scintilla of evidence nor the evidence viewed blindly from one side of the case, but is evidence which, considering the record as a whole, would allow reasonable minds to reach the conclusion that the administrative agency reached" *Lark v. Bi-Lo, Inc.*, 276 S.C. 130, 135, 276 S.E.2d 304, 306 (1981). "The limited substantial evidence standard of review is intended only to assure that the [agency's] action is properly supported and that, therefore, no abuse of delegated authority occurred." *Fast Stops, Inc. v. Ingram*, 276 S.C. 593, 595, 281 S.E.2d 118, 119 (1981). Thus, the fact that the record, when considered as a whole, presents the possibility of drawing two inconsistent conclusions from the evidence does not prevent the agency's findings from being supported by substantial evidence. *Waters v. S.C. Land Res. Conservation Comm'n*, 321 S.C. 219, 226, 467 S.E.2d 913, 917 (1996).

In applying the substantial evidence rule, the factual findings of the administrative agency are presumed to be correct. *Rodney v. Michelin Tire Corp.*, 320 S.C. 515, 519, 466 S.E.2d 357, 359 (1996). A reviewing court is prohibited from substituting its judgment for that of the agency as to the weight of the evidence on questions of fact for which there is room for a difference of intelligent opinion. *See Byerly Hosp. v. S.C. State Health & Human Servs. Fin. Comm'n*, 319 S.C.

225, 229, 460 S.E.2d 383, 386 (1995). Accordingly, “a reviewing court will not overturn a finding of fact by an administrative agency ‘unless there is no reasonable probability that the facts could be as related by a witness upon whose testimony the finding was based.’” *Sea Pines Ass’n for Prot. of Wildlife, Inc. v. S.C. Dep’t of Nat. Res.*, 345 S.C. 594, 603-04, 550 S.E.2d 287, 292 (2001). The party challenging an agency action on appeal has the burden of proving convincingly that the agency’s decision is unsupported by substantial evidence. *Waters*, 321 S.C. at 226, 467 S.E.2d at 917.

DISCUSSION

Subsection 41-35-120(2)(a) of the South Carolina Code requires disqualification from benefits for twenty (20) weeks, with a corresponding monetary reduction, when the Department finds a claimant has been discharged for misconduct connected with the employment. “Misconduct” is limited to conduct evincing such willful and wanton disregard of an employer’s interest as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee, or in the carelessness or negligence of such degree or recurrence as to manifest equal culpability, wrongful intent, or evil design, or to show an intentional and substantial disregard of the employer’s interest or of the employee’s duties and obligations to his employer. *Id.*

The record establishes that the Appellant used a branch manager’s credentials to approve a customer transaction that exceeded her authorized limit. The Appellant asserts that when she called the North Myrtle Beach branch manager on January 31, 2023 to get her approval for the \$300,000 transaction, the manager told her that she could use her number anytime because the manager trusted the Appellant’s judgment. Therefore, the Appellant thought she could use the manager’s credentials to approve regular customer’s transaction without verbal authorization from the manager. The Appellant also stated that the branch managers’ credentials for transaction approval were left at a desk for employees to access.

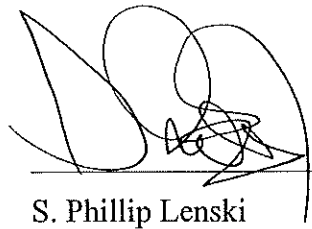
However, the Employer’s purpose for placing a limit on the Appellant’s (or any employee’s) ability to authorize transactions was to ensure a member of management reviewed a large transaction for approval to protect the Employer from liability. Further, based on the Appellant’s acknowledged contact with the North Myrtle Beach branch manager on January 31, 2023 and the Appellant’s instruction to the coworker to obtain management authorization, the Appellant knew the Employer’s policy and procedure. Additionally, the Appellate Panel did not

find credible the Appellant's statement that the branch manager the Appellant reported for harassment is the same branch manager who then gave the Appellant broad use of her credentials. The Appellant's failure to obtain approval from a manager to authorize a transaction in excess of her \$100,000 limit is a deliberate violation and disregard of the standards of behavior which the Employer had a right to expect. Therefore, based on the foregoing,

IT IS HEREBY ORDERED that the Department's determination is **AFFIRMED**.

IT IS FURTHER ORDERED that the Appellant's Motion for Default Judgment is **DENIED**.

AND IT IS SO ORDERED.

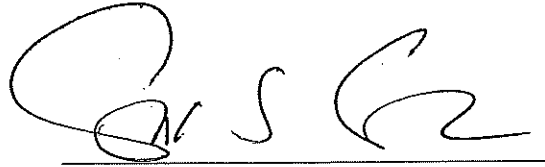


S. Phillip Lenski
Administrative Law Judge

February 8, 2024
Columbia, South Carolina

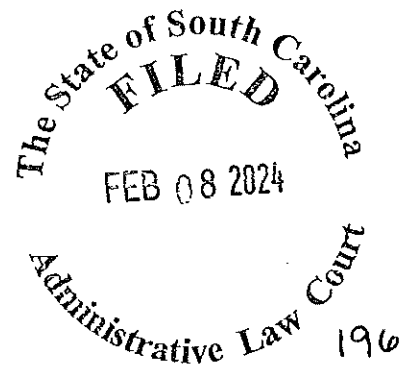
CERTIFICATE OF SERVICE

I, Erika S. Easler, 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, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).



Erika S. Easler
Judicial Law Clerk

February 8, 2024
Columbia, South Carolina



**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Bridgette M. Chabot,

Docket No. 23-ALJ-22-0379-AP¹

Appellant,

y.

**AMENDED FINAL
ORDER**

South Carolina Department of Employment and
Workforce and Wells Fargo & Company, Inc,

Respondents.

This matter is before the Administrative Law Court (ALC or court) pursuant to a Notice of Appeal filed on September 13, 2023 by Bridgette M. Chabot (Appellant). The Appellant seeks judicial review of the South Carolina Department of Employment and Workforce Appellate Panel's decision affirming the Appeal Tribunal's decision holding the Appellant disqualified from receiving benefits for twenty (20) weeks, effective May 7, 2023 through September 23, 2023, with a corresponding monetary reduction, upon finding she was discharged for misconduct connected with her employment.

On November 16, 2023, the court granted the Appellant Motion for Continuance giving the Appellant twenty (20) days to file the Appellant's brief. On December 6, 2023, the Appellant filed her brief with the court. On December 18, 2023, the court granted the Department's request for an additional twenty (20) days to file the Respondent's brief. On January 16, 2024, the Department filed the Respondent's brief with the court. On January 19, 2024, the Appellant filed a Motion for Default Judgment because the Respondent did not file a timely brief. On January 26, 2024, the Department filed a response to the Appellant's motion, requesting the court dismiss the Appellant's motion because the Appellant's argument is manifestly without merit. The Department argues that because the Appellant filed her brief on December 6, 2023, pursuant to SCALC Rule 37A, the Respondent's brief would have been due by December 26, 2023. Due to holiday leave, the Department filed a Motion for Extension of Time requesting an additional twenty (20) days to file the Respondent's brief, making the Respondent's brief due January 15, 2024. However,

¹ The Final Order issued on February 8, 2024 incorrectly listed the case Docket Number as 23-ALJ-22-0342-AP. This Amended Final Order is issued with the correct case Docket Number.

The State of South Carolina
FILED
FEB 13 2024
Administrative Law Court 197

because Monday, January 15, 2024 was a holiday, in accordance with SCALC Rule 3A, the time period runs until the end of the next day which is not a holiday, in this case, January 16, 2024.

After careful consideration of the parties' briefs, the record, and the applicable law, the court finds that substantial evidence in the record supports the Appellate Panel's determination. Accordingly, the Appellate Panel's decision is affirmed.

BACKGROUND

The Appellant worked for Wells Fargo & Company, Inc., (Employer) from January 27, 2020 to May 9, 2023, most recently as a bank teller. The Employer discharged the Appellant for falsifying bank records by using a manger's credentials to approve a customer's transaction in excess of the Appellant's approved limit. The Appellant was authorized to approve customer transactions up to \$100,000. On January 31, 2023, the Appellant had a customer transaction of \$300,000. The branch manager was out of the office that week, so the Appellant contacted the North Myrtle Beach branch manager, who authorized the Appellant to use her credentials to approve the transaction. On February 2, 2023, a regular customer came into the Appellant's branch. A coworker attempted to perform the transaction, but realized he needed authorization for a \$156,000 transaction. The Appellant informed the coworker to contact a manager for authorization. While the coworker was attempting to reach a manager, the Appellant assisted the customer by questioning the customer about his transaction. The coworker was unable to reach a manager by phone. The Appellant entered the North Myrtle Beach branch manager's credentials to approve the transaction and notated that the approver not present. The coworker printed the cashier's check for the customer. The Appellant handed the cashier's check to the customer. The North Myrtle Beach branch manager received an email that her credentials were used and notified the district manager. The Employer conducted an investigation interviewing all of the parties involved and reviewing surveillance video and documentation. Upon conclusion of the investigation, the Employer discharged the Appellant.

STANDARD OF REVIEW

The Department is an "agency" under the Administrative Procedures Act (APA). *See Gibson v. Florence Country Club*, 282 S.C. 384, 386, 318 S.E.2d 365, 367 (1984) (finding that the Employment Security Commission, a predecessor of the Department, was an agency within the meaning of the APA). Accordingly, the APA's appellate standard governs appeals from

Department decisions. *See* S.C. Code Ann. § 1-23-380 (Supp. 2020); S.C. Code Ann. §1-23-600(D) (Supp. 2020); *Gibson*, 282 S.C. at 386, 318 S.E.2d at 367.

Section 1-23-380(5) of the South Carolina Code provides the standard of review to be utilized by appellate bodies, including the ALC, when reviewing Department decisions:

The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

S.C. Code Ann. § 1-23-380(5) (Supp. 2020); S.C. Code Ann. § 1-23-600(E) (Supp. 2020) (directing administrative law judges to conduct appellate review in the same manner as prescribed in Section 1-23-380).

This court's review in appellate cases is limited to the record. *See* S.C. Code Ann. § 1-23-380(4) (Supp. 2020); SCALC Rule 36(G). "Substantial evidence" is not a mere scintilla of evidence nor the evidence viewed blindly from one side of the case, but is evidence which, considering the record as a whole, would allow reasonable minds to reach the conclusion that the administrative agency reached" *Lark v. Bi-Lo, Inc.*, 276 S.C. 130, 135, 276 S.E.2d 304, 306 (1981). "The limited substantial evidence standard of review is intended only to assure that the [agency's] action is properly supported and that, therefore, no abuse of delegated authority occurred." *Fast Stops, Inc. v. Ingram*, 276 S.C. 593, 595, 281 S.E.2d 118, 119 (1981). Thus, the fact that the record, when considered as a whole, presents the possibility of drawing two inconsistent conclusions from the evidence does not prevent the agency's findings from being supported by substantial evidence. *Waters v. S.C. Land Res. Conservation Comm'n*, 321 S.C. 219, 226, 467 S.E.2d 913, 917 (1996).

In applying the substantial evidence rule, the factual findings of the administrative agency are presumed to be correct. *Rodney v. Michelin Tire Corp.*, 320 S.C. 515, 519, 466 S.E.2d 357,

359 (1996). A reviewing court is prohibited from substituting its judgment for that of the agency as to the weight of the evidence on questions of fact for which there is room for a difference of intelligent opinion. *See Byerly Hosp. v. S.C. State Health & Human Servs. Fin. Comm'n*, 319 S.C. 225, 229, 460 S.E.2d 383, 386 (1995). Accordingly, “a reviewing court will not overturn a finding of fact by an administrative agency ‘unless there is no reasonable probability that the facts could be as related by a witness upon whose testimony the finding was based.’” *Sea Pines Ass’n for Prot. of Wildlife, Inc. v. S.C. Dep’t of Nat. Res.*, 345 S.C. 594, 603-04, 550 S.E.2d 287, 292 (2001). The party challenging an agency action on appeal has the burden of proving convincingly that the agency’s decision is unsupported by substantial evidence. *Waters*, 321 S.C. at 226, 467 S.E.2d at 917.

DISCUSSION

Subsection 41-35-120(2)(a) of the South Carolina Code requires disqualification from benefits for twenty (20) weeks, with a corresponding monetary reduction, when the Department finds a claimant has been discharged for misconduct connected with the employment. “Misconduct” is limited to conduct evincing such willful and wanton disregard of an employer’s interest as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee, or in the carelessness or negligence of such degree or recurrence as to manifest equal culpability, wrongful intent, or evil design, or to show an intentional and substantial disregard of the employer’s interest or of the employee’s duties and obligations to his employer. *Id.*

The record establishes that the Appellant used a branch manager’s credentials to approve a customer transaction that exceeded her authorized limit. The Appellant asserts that when she called the North Myrtle Beach branch manager on January 31, 2023 to get her approval for the \$300,000 transaction, the manager told her that she could use her number anytime because the manager trusted the Appellant’s judgment. Therefore, the Appellant thought she could use the manager’s credentials to approve regular customer’s transaction without verbal authorization from the manager. The Appellant also stated that the branch managers’ credentials for transaction approval were left at a desk for employees to access.

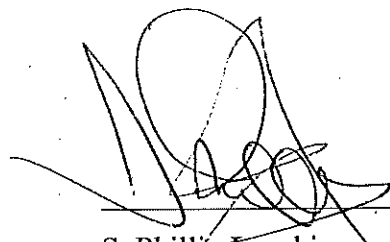
However, the Employer’s purpose for placing a limit on the Appellant’s (or any employee’s) ability to authorize transactions was to ensure a member of management reviewed a large transaction for approval to protect the Employer from liability. Further, based on the

Appellant's acknowledged contact with the North Myrtle Beach branch manager on January 31, 2023 and the Appellant's instruction to the coworker to obtain management authorization, the Appellant knew the Employer's policy and procedure. Additionally, the Appellate Panel did not find credible the Appellant's statement that the branch manager the Appellant reported for harassment is the same branch manager who then gave the Appellant broad use of her credentials. The Appellant's failure to obtain approval from a manager to authorize a transaction in excess of her \$100,000 limit is a deliberate violation and disregard of the standards of behavior which the Employer had a right to expect. Therefore, based on the foregoing,

IT IS HEREBY ORDERED that the Department's determination is **AFFIRMED**.

IT IS FURTHER ORDERED that the Appellant's Motion for Default Judgment is **DENIED**.

AND IT IS SO ORDERED.

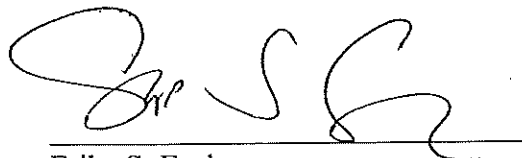


S. Phillip Lenski
Administrative Law Judge

February 13, 2024
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Erika S. Easler, 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, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).



Erika S. Easler
Judicial Law Clerk

February 13, 2024
Columbia, South Carolina



RECEIVED

Apr 29 2025

SC Court of Appeals

FORM 7
PROOF OF SERVICE FOR:
RECORD ON APPEAL
THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

Appellate Case No. 2024-000251

Case No. 2024-000251

Bridgette Chabot

Appellant,

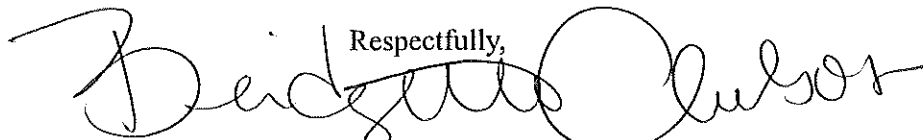
v.

SC Dept. of Employment & Workforce and Wells Fargo & Co., Inc.
Respondents.

PROOF OF SERVICE

I certify that I have served the **Record on Appeal** on SC Dept. of Employment & Workforce and on Wells Fargo & Co., by depositing a copy of it in the United States Mail, postage prepaid on April 29, 2025 addressed to their attorneys on record: Ben Cook ESQ, SC Dept. of Employment & Workforce, P.O. Box 8597 Columbia, SC 29202 and Wells Fargo's counsel Matthew Korn of Fisher & Phillips, LLP, 1320 Main Street, Ste 750, Columbia SC 29201.

Respectfully,



/s/Bridgette Chabot April 29, 2025

Bridgette Chabot,
Appellant & Pro Se Litigant
912 E. D Street, Brunswick, Maryland 21716
240.626.7543 BridgetteChabot@gmail.com

April 29 /
2025