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Nov 19 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Chief Administrative Law Judge

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

Appellate Case No. 2024-001608

DeQuincey G. Simmons,

Appellant

v.

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

Respondents

JOINT MOTION TO DISMISS

Respondents the South Carolina Department of Employment and Workforce (“Department”) and Bridgestone Americas Tire Operations (“Bridgestone”), pursuant to Rule 240 of the South Carolina Appellate Court Rules, hereby respectfully jointly move this Court to dismiss Appellant’s appeal because of Appellant’s failure to timely address the deficiencies identified and described in this Court’s October 30, 2025, deficiency letter. This motion is made upon the following grounds.

This case originated as an appeal to the Administrative Law Court (“ALC”) by Appellant from a decision issued by the Department’s Appellate Panel “(Panel)” disqualifying Appellant from receiving unemployment benefits for sixteen weeks upon a finding he was discharged for cause connected to his former employment. The Panel issued its initial decision on July 19, 2023. Appellant then appealed the Panel’s decision on October 20, 2023, to the ALC.

The ALC dismissed Appellant’s appeal on July 29, 2024, and this appeal followed. On September 20, 2024, fifty-three days after the ALC’s final decision in this matter, Appellant filed and served a Notice of Appeal to this Court.

After numerous filings, this Court set a deadline for Appellant to file the Record on Appeal no later than October 24, 2025. At 11:59 PM on October 24, 2025, Appellant purportedly filed the Record on Appeal. (October 24, 2025, Email from Appellant attached as **Exhibit A**). Appellant did not copy counsel for Respondents on his initial filing and, instead, sent his purported Record on Appeal to counsel for Respondents in the early morning on October 25, 2025, after the October 24th deadline. (*Id.*)

On October 30, 2025, this Court issued a Deficiency Letter to Appellant outlining several deficiencies in Appellant’s purported Record on Appeal (the “Deficiency Letter”). (Deficiency Letter, attached as **Exhibit B**). Pursuant to the Court’s directive in the Deficiency Letter, Appellant had “ten (10) days” from “the date of th[e] letter” to correct the issued identified therein “or th[e] matter would be dismissed[.]” (*Id.*)

Appellant has not submitted any corrected filings to this Court. Likewise, he has not made any attempt to correct any of the issues identified in the Court’s October 30th letter.

More than ten (10) days have passed since this Court issued the Deficiency Letter. Thus, Appellant has failed to timely address/correct the issues which this Court instructed him to correct; therefore, dismissal of this action is proper.

Accordingly, Respondents request that this Court dismiss this appeal, with prejudice.

Respectfully Submitted,

/s/ Benjamin T. Cook
Benjamin T. Cook (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

November 19, 2025

Attorney for Respondent
SC Dept. of Employment and Workforce

/s/ Benjamin T. Hepner
Benjamin Hepner((Bar No. 102734)
Littler Mendelson, P.C.
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(864) 775-3200 (phone); (864) 484-8663 (fax)
bhepner@littler.com

Attorney for Respondent
Bridgestone Americas Tire Operations, LLC

EXHIBIT C

From: [DeQuincey Simmons](#)
To: [Cook, Ben](#)
Cc: [Hepner, Benjamin](#)
Subject: Fwd: DeQuincey Simmons v. SCDEW – Appellate Case No. 2024-001608
Date: Saturday, October 25, 2025 12:05:02 AM
Attachments: [Record on Appeal.pdf](#)

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

From: **DeQuincey Simmons** <dequinceysimmons@gmail.com>
Date: Fri, Oct 24, 2025 at 11:59 PM
Subject: DeQuincey Simmons v. SCDEW – Appellate Case No. 2024-001608
To: Court Of Appeals Filings <ctappfilings@sccourts.org>

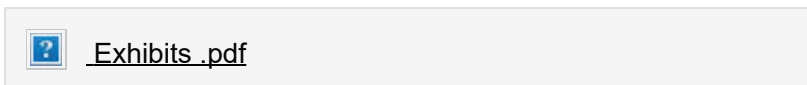
Good afternoon,

Please accept the attached filings for Appellate Case No. 2024-001608, DeQuincey G. Simmons v. South Carolina Department of Employment and Workforce and Bridgestone Americas Tire Operations, LLC. Enclosed are both the Appellant's Brief and the Record on Appeal. I will also submit one bound paper copy of each document, as required by Rule 267, SCACR. Thank you for your attention to this matter. Sincerely, DeQuincey G. Simmons

Certificate of Service

Appellate Case No.: 2024-001608
DeQuincey G. Simmons, Appellant,
v.
South Carolina Department of Employment and Workforce and Bridgestone Americas Tire Operations, LLC, Respondents.

I, DeQuincey G. Simmons, certify that I have this day October 24, 2025 served the attached Appellant's Brief and Record on Appeal upon the All



parties by placing a copy in the United States Mail, with first-class postage

EXHIBIT B



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

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October 30, 2025

DeQuincey G. Simmons
2503 Hiers Ct.
Hephzibah GA 30815

Re: DeQuincey Simmons v. SCDEW
Appellate Case No. 2024-001608

Dear Mr. Simmons:

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

- The accompanying proof of service is not in compliance with the SCACR. Your proof of service should be substantially in the format shown by Form 7 in Appendix C to part II of the SCACR. You must provide the names and addresses of the Respondents.
- You must serve and file a record on appeal substantially in the format shown by Form 15 in Appendix C to part II of the SCACR.
- The record on appeal must include the designated matters to be included in the record on appeal from all parties.

Very truly yours,

CLERK

cc: Benjamin Thomas Cook, Esquire
Benjamin Tradd Hepner, Esquire