

Record on Appeal and Statement of Authorities

In the Court of Appeals of South Carolina

Appellate Case No. 2024-001795

James M. Harley, Appellant,

v.

South Carolina Department of Employment and Workforce and Bradshaw Automotive Group, Inc., Respondents

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1. Record on Appeal

Clerk's Record (Volume I)

- Docket sheet and case caption
- Initial unemployment claim and SCDEW determinations
- Notices of appeal
- ALC order and Panel decision
- Any procedural motions and orders central to the issues
- Resignation and rescission communications
- Accommodation correspondence and ADA-related communications
- Any discovery/disclosures relevant to the issues
- Any other pleadings, responses, and orders cited in the Appellant's brief

Transcripts (Volume II)

- Tribunal hearing (Nov. 18, 2020) transcript



- Appellate Panel hearing (Jan. 20, 2021) transcript

Exhibits (Volume III)

- Exhibit 1: Accommodation request emails (Jan 30, 2020; Jan 31, 2020)
- Exhibit 2: Resignation and rescission communications (Jan 31, 2020; Feb 5, 2020)
- Exhibit 3: HR communications and responses
- Exhibit 4: ADA communications and reasonable accommodation documents
- Exhibit 5: ALC Panel findings and final order
- Exhibit 6: PUA framework and related guidance (UIPL 16-20, Change 5)
- Exhibit 7: Any other exhibits cited in the brief

2. Table of Authorities (Provisional)

Cases

- McEachern v. S.C. Emp. Sec. Comm'n, 370 S.C. 553, 635 S.E.2d 644 (Ct. App. 2006)
- Faile v. S.C. Emp't Sec. Comm'n, 267 S.C. 536, 230 S.E.2d 219 (1976)
- Carson v. S.C. Dep't of Natural Res., 371 S.C. 114, 638 S.E.2d 45 (2002)
- Timms v. Timms, 286 S.C. 291, 333 S.E.2d 74 (Ct. App. 1985)
- EEOC v. Sears, Roebuck & Co., 233 F.3d 432 (7th Cir. 2000)
- Tarquinio v. Johns Hopkins U. Applied Physics Lab, 141 F.4th 568 (4th Cir. 2025)
- Original Blue Ribbon Taxi Corp. v. S.C. Dept. of Motor Vehicles, 380 S.C. 600, 670 S.E.2d 674 (Ct. App. 2008)
- Gibson v. Florence Country Club, 282 S.C. 384, 318 S.E.2d 365 (1984)

Statutes

- S.C. Code Ann. § 1-23-610(B)
- S.C. Code Ann. § 1-23-380(A)(5)
- S.C. Code Ann. § 41-35-1106
- S.C. Code Ann. § 41-35-1200
- 42 U.S.C. § 12112
- 29 C.F.R. pt. 1630

Rules

- South Carolina Rules of Appellate Procedure (SCRAP)

3. Statement of the Case

This appeal challenges a final order of the South Carolina Administrative Law Court (ALC) affirming the denial of unemployment benefits to James M. Harley. Harley filed a claim after his employment with Bradshaw Automotive Group, Inc. (the Employer) was terminated. SCDEW initially denied benefits, finding Harley had voluntarily quit without good cause. Harley appealed, contending (1) his resignation was rescinded before its effective date and the



separation was employer-initiated; (2) the resignation was involuntary due to intolerable working conditions and failure to accommodate under the Americans with Disabilities Act (ADA); and (3) Harley was eligible for Pandemic Unemployment Assistance (PUA) under CARES Act guidelines. The ALC affirmed the denial. Harley seeks judicial review under S.C. Code Ann. § 1-23-380(A)(5).

4. Statement of the Issues

1. Whether Harley's resignation and its revocation were properly treated as a voluntary quit under South Carolina law, given that the rescission occurred before the effective date and before any irreversible employer action.
2. Whether the record supports a constructive-discharge theory under the ADA—i.e., failure to accommodate and a hostile work environment—such that Harley's resignation was involuntary and for good cause.
3. Whether Harley's eligibility for Pandemic Unemployment Assistance (PUA) under CARES Act guidelines was properly analyzed and applied.

5. Statement of Facts

- Harley worked for Bradshaw Automotive Group, Inc. from August 26, 2019, through a last day worked of February 29, 2020. He was paid through April 1, 2020.
- Harley resigned on January 31, 2020, with an effective date of February 29, 2020 (R. p. 132), indicating he needed to relocate to the Midwest but wished to continue work through February 29, 2020, to complete training.
- Harley sought a reasonable accommodation (speech-to-text software) due to a disability; accommodation requests were submitted January 30, 2020 (R. pp. 140–141) and January 31, 2020. HR reportedly did not respond until around February 19, 2020, after the resignation had already been submitted (R. p. 83, ll. 7–15).
- He attempted to rescind his resignation on February 5, 2020 (R. pp. 144–145), but the employer did not accept the withdrawal. The employer excluded Harley from the workplace (R. p. 177), and Harley filed for unemployment benefits on May 4, 2020.
- The ALC affirmed the Panel's decision denying unemployment benefits. Harley appeals to this Court.

6. Standard of Review

The Administrative Procedures Act governs this review. The Court's scope includes: (a) constitutional/statutory violations, (b) excess of statutory authority, (c) unlawful procedure, (d) errors of law, (e) substantial evidence, and (f) arbitrary or capricious or abuse of discretion. S.C. Code Ann. § 1-23-610(B) and § 1-23-380(A)(5). The "substantial evidence" standard applies to the ALC's factual findings, with de novo review for questions of law.

7. Argument

I. The Lower Tribunal Erred by Concluding Appellant Voluntarily Quit Because His Rescinded Resignation Resulted in an Employer-Initiated Termination



- Basic contract principles support revocation of an offer (resignation) unless the employer has accepted or relied on it to its detriment.
- Harley's resignation was dated January 31, 2020, but he rescinded it in writing on February 5, 2020 (R. pp. 144–145), before the effective date and before any irreversible employer action.
- The employer's refusal to honor the rescission and its exclusion of Harley from the workplace constitutes a discharge, not a voluntary quit. This conclusion contradicts contract principles and the sequence of events.
- *Relief requested:* Reversal of the ALC order and remand with instructions to award unemployment benefits.

II. The Employer's Intolerable Working Conditions Constituted a Constructive Discharge, Rendering the Resignation Involuntary

- Harley sought reasonable accommodation due to a documented disability, but the employer failed to engage in the interactive process, risking a finding of constructive discharge under ADA principles.
- The absence of timely engagement in the accommodation process can render continued employment untenable.
- *Relief requested:* Reversal or remand for further fact-finding consistent with ADA standards.

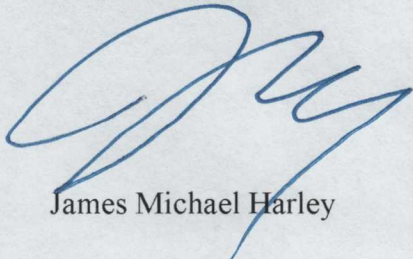
III. The Lower Tribunal Erred by Failing to Recognize Appellant's Eligibility for PUA Under CARES Act

- PUA is distinct from standard unemployment benefits and requires separate CARES Act criteria. The record should be evaluated under these criteria.
- *Relief requested:* Recognition of PUA eligibility if the facts support it.

8. Conclusion

Harley respectfully requests reversal of the ALC's denial of unemployment benefits and remand with instructions to award benefits consistent with the facts and applicable law, including consideration of ADA and PUA issues on the merits.

Respectfully Submitted,



James Michael Harley

Pro Se Appellant

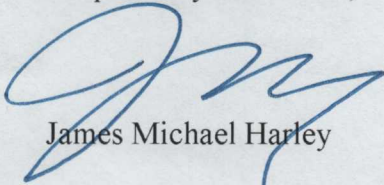
Certificate of Service

I certify that on January 6th, 2026, I served a true and correct copy of the Final Record on Appeal on the following counsel of record by U.S. Mail:

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Respectfully Submitted,



James Michael Harley
Pro Se Appellant

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Appendix

Attaching key exhibits cited in the brief, such as resignation and rescission communications, accommodation requests, HR communications, ADA-related documents, and the ALC order.

Supplemental Designation of Matter

- ALC R.pp.140–141 — Jan. 30, 2020 email requesting accommodation
- ALC R.p.132 — Jan. 31, 2020 resignation email
- ALC R.pp.144–145 — Feb. 5, 2020 email attempting to rescind resignation
- ALC R.p.83 ll. 7–15 — Testimony regarding HR response timeline
- ALC R.p.87 ll. 1–6 — Employer testimony on bullying investigation
- ALC R.p.98 ll. 21–25 — Employer acknowledgment of speech-to-text request
- ALC R.p.4 — Appellate Panel’s findings on resignation and accommodation
- ALC Order — Administrative Law Court’s final order affirming Panel decision

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