

IN THE COURT OF APPEALS
STATE OF SOUTH CAROLINA

DeQuincey G. Simmons,
Appellant,
v.

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

RECEIVED

JAN 05 2026

SC Court of Appeals

Appellate Case No. 2024-001608

MOTION TO RECONSIDER AND CLARIFY

COMES NOW the Appellant, DeQuincey G. Simmons, respectfully requesting that this Honorable Court reconsider and clarify its unsigned Order dated December 22, 2025. This request is made pursuant to Rule 240 of the South Carolina Appellate Court Rules (SCACR), on the basis that the December 22 Order contains factual misstatements, a procedurally improper tone, and overlooks substantial evidence of timely compliance already provided and filed on the record.

I. PROCEDURAL BACKGROUND

1. On October 24, 2025, Appellant electronically submitted his Appellant's Brief and Record on Appeal to the Court at **11:59 PM**, which the Court acknowledged by email on **October 27, 2025**, stating explicitly:
"The Court has received your filing."
2. On October 29, 2025, Appellant called the Clerk's Office at **2:11 PM** to confirm that hardcopies were en route and to inquire about the exhibits. During this 6-minute call, the Clerk stated that while the Court received the filing, the *Exhibits* PDF could not be opened — not that the materials were missing.
3. On the same day, **October 29, 2025**, Appellant mailed three separate corrected, bound submissions via USPS Certified Mail — containing the Appellant's Brief, Record on Appeal (in Form 15 format), corrected proof of service, and exhibits — to:
 - o The Court of Appeals (USPS Tracking No. 9505 5136 6788 9548 41),
 - o Respondent Cook, SCDEW (Tracking No. 9505 5136 6788 5302 9548 65),
 - o Respondent Hepner, Bridgestone (Tracking No. 9505 5136 6788 5302 9548 89).
4. These packages were delivered on **October 31, 2025**, as confirmed by USPS tracking and **official post office receipts** (attached as Exhibits).
5. On **December 1, 2025**, Appellant filed his **Response in Opposition to Respondents' Joint Motion to Dismiss**, fully laying out these facts and attaching all supporting documentation.

II. ISSUES WITH THE COURT'S DECEMBER 22, 2025 ORDER

The Court's unsigned Order issued "s/ For the Court" on December 22, 2025, contains several concerning inaccuracies and statements that require clarification:

A. Improper Tone and Lack of Judicial Signature

- The Order is unsigned by any identified judge or panel.
- The signature line "s/ For the Court" fails to identify the judicial authority behind the directive, raising due process concerns.
- Appellant respectfully requests clarification regarding **which judge or panel reviewed the filings and issued the Order.**

B. Unfounded Questioning of Appellant's Veracity

- The Order states:
"We question the veracity of Appellant's assertions."
- This language is highly inappropriate and unsupported, particularly where Appellant provided:
 - USPS-certified tracking and receipts,
 - An email confirmation from the Court,
 - A recorded call log with the Clerk's Office,
 - And physical evidence of timely compliance.
- It is unreasonable to suggest dishonesty merely because the mailing occurred one day prior to the Court's deficiency letter. Appellant was **proactively correcting deficiencies** before formal notice.

C. All Three Parties Claiming Non-Receipt Is Statistically Unlikely

- The Court and both Respondents claim to have **not received** the October 29 mailings, despite:
 - USPS tracking showing **confirmed delivery**,
 - The packages being **weighed, substantial, and certified**,
 - And each address being verified and used in prior communications.
- The Court's Order appears to accept these non-receipt claims without inquiry, effectively allowing opposing parties to influence judicial perception based on unverified assumptions.

III. LEGAL SUPPORT & PROCEDURAL FAIRNESS

Under **Ex Parte Capital U-Drive-It**, 369 S.C. 1 (Ct. App. 2006), and **Hollifield v. WLH Enterprises**, 386 S.C. 408 (Ct. App. 2009), South Carolina courts have consistently held that dismissal is not warranted where an appellant has made good-faith efforts to comply with procedural rules and submitted curative filings within deadlines.

Here, Appellant has:

②

- Filed all required documents,
 - Corrected all deficiencies,
 - Provided delivery proof,
 - Acted in good faith,
 - And responded to the motion to dismiss in a timely manner.
-

IV. REQUEST FOR RELIEF

Appellant respectfully requests the following:

1. That this Honorable Court **reconsider** the factual findings contained in its December 22, 2025 Order.
2. That the Court **acknowledge Appellant's timely compliance** with the October 30, 2025 deficiency notice, based on:
 - USPS-certified deliveries,
 - Email confirmation of receipt,
 - And the December 1, 2025 Response in Opposition.
3. That the Court **clarify the judicial authority** behind the unsigned Order.
4. That the Court **remove or amend language** suggesting dishonesty by the Appellant where no evidence supports such a finding.
5. That the Court **proceed with the appeal on the basis of the current, corrected record** already on file, to avoid unnecessary delay and waste of judicial resources.
6. That the Court **admonish Respondents** for submitting a motion to dismiss based on provably false assertions that Appellant "made no attempt" to comply, despite the existence of certified USPS tracking, a filed Response, and physical mail receipt records.

EXHIBIT LIST

Exhibit A – USPS Tracking and Certified Mail Receipts

Hardcopies of the Appellant's corrected Record on Appeal, Appellant's Brief, exhibits, and proof of service were mailed on October 29, 2025, and delivered to:

- South Carolina Court of Appeals
 - Attorney Ben Cook (SCDEW)
 - Attorney Ben Hepner (Bridgestone)
- Each package is supported by USPS tracking numbers and physical receipts.
-

Exhibit B – Email Confirmation from Court of Appeals (October 27, 2025)

An email sent from the Court of Appeals to Appellant confirming that the Court **received the Appellant's filing**, but noting that the **Exhibits PDF could not be opened**.

This directly contradicts any later statement that the Court never received the submission.

Exhibit C – Phone Call Log (October 29, 2025, 2:11 PM)

Call duration: **6 minutes**

Call placed to the South Carolina Court of Appeals Clerk's Office.

During this call, Appellant was informed that:

- The filing was received,
 - The Exhibits PDF could not be opened,
 - And that hardcopies would resolve the issue.
- This conversation was consistent with the October 27 email.

V. CONCLUSION

Appellant respectfully reiterates that he has complied with all required procedures, filed all documents, and provided irrefutable proof of mailing and delivery. The December 22, 2025 Order misstates critical facts, adopts the opposing party's narrative without scrutiny, and raises procedural concerns about judicial oversight. Appellant urges this Honorable Court to reconsider and clarify the record so that this appeal — now in its third year — may proceed fairly and on the merits.

Respectfully submitted,
DeQuincey G. Simmons
2503 Hiers Ct.
Hephzibah, GA 30815
Pro Se Appellant

DeQuincey Simmons
12/31/2025

Dated: December 31, 2025



FOREST HILLS
 3301 WRIGHTSBORO RD
 AUGUSTA, GA 30909-9998
 www.usps.com

10/29/2025

02:04 PM

TRACKING NUMBERS

9505 5136 6788 5302 9548 41
 9505 5136 6788 5302 9548 65
 9505 5136 6788 5302 9548 89

TRACK STATUS OF ITEMS WITH THIS CODE
 (UP TO 25 ITEMS)



TRACK STATUS BY TEXT MESSAGE

Send tracking number to 28777 (2USPS)
 Standard message and data rates may apply

TRACK STATUS ONLINE

Visit <https://www.usps.com/tracking>
 Text and e-mail alerts available

PURCHASE DETAILS

Product	Qty	Unit Price	Price
Priority Mail® Columbia, SC 29202 Weight: 1 lb 10.70 oz Expected Delivery Date Sat 11/01/2025 Tracking #: ✓ 9505 5136 6788 5302 9548 41 Insurance Up to \$100.00 included Affixed Postage Affixed Amount: \$10.80	1		\$11.50
Total			\$0.70
SP Brst Cncr	36	\$0.90	\$32.40
Priority Mail® Greenville, SC 29601 Weight: 1 lb 9.00 oz Expected Delivery Date Sat 11/01/2025 Tracking #: ✓ 9505 5136 6788 5302 9548 65 Insurance Up to \$100.00 included Affixed Postage Affixed Amount: \$10.80	1		\$11.50
Total			\$0.70
Priority Mail® Columbia, SC 29201 Weight: 1 lb 8.90 oz Expected Delivery Date Sat 11/01/2025 Tracking #: ✓ 9505 5136 6788 5302 9548 89 Insurance Up to \$100.00 included Affixed Postage Affixed Amount: \$10.80	1		\$11.50
Total			\$0.70
Grand Total:			\$34.50

Exhibit A



dequincey simmons <dequinceysimmons@gmail.com>

DeQuincey Simmons v. SCDEW – Appellate Case No. 2024-001608

Court Of Appeals Filings <ctappfilings@sccourts.org>

Mon, Oct 27, 2025 at 11:26 AM

To: Dequincey Simmons <dequinceysimmons@gmail.com>, Court Of Appeals Filings <ctappfilings@sccourts.org>

Exhibit B

The Court has received your filing. A stamped copy is attached for your records.

The 'Exhibits' filing has not been filed, being that it is not in a correct attachable pdf. Format.

Thank you!

From: Dequincey Simmons <dequinceysimmons@gmail.com>

Sent: Saturday, October 25, 2025 12:00 AM

To: Court Of Appeals Filings <ctappfilings@sccourts.org>

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

*** **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

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

--- **CONFIDENTIALITY NOTICE** --- This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

1/2/26, 10:00 AM

Gmail - DeQuincey Simmons v. SCDEW -- Appellate Case No. 2024-001608

Exhibit B

2 attachments

 **Simmons v. SCDEW - POS.pdf**
188K

 **Simmons v. SCDEW - ROA.pdf**
20785K



Exhibit C

Usage overview > Dequincey

Dequincey

(706) 495-0738

Oct 24 - Nov 23, 2025

Data Messages Calls

Total calls:

2553 minutes

Q (803) 734-1890

Showing 1 record
[Download all records](#)

Date (Pacific) ▾	Number ▾	Destination ▾	Minutes ▾	Type ▾
10/29/2025 02:11 PM	(803) 734-1890	to Columbia/SC	6 Min	--

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.

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SC Court of Appeals

I, **DeQuincey G. Simmons**, certify that on this **31 day of December, 2025**, I served a true and correct copy of the following document:

“Appellant’s Motion to Reconsider and Clarify”

upon all parties of record by placing a copy in the United States Mail, first-class postage prepaid, properly addressed to:

Benjamin T. Cook, Esquire
South Carolina Department of Employment and Workforce
Post Office Box 8597
Columbia, SC 29202

Benjamin T. Hepner, Esquire
Littler Mendelson, P.C.
110 E Court Street, Suite 201
Greenville, SC 29601

Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

I declare under penalty of perjury that the foregoing is true and correct.



DeQuincey G. Simmons
2503 Hiers Ct.
Hephzibah, GA 30815
Pro Se Appellant

DeQuincey Simmons
12/31/2025

Date: December 31, 2025

DeQuincy Simmons
2563 Hiers Ct
Hephzibah, GA 30815

Retail



U.S. POSTAGE PAID
FCM LG ENV
AUGUSTA, GA 30906
JAN 02, 2026

20201

\$7.20

RDC 89 47

92324M508259-23

CERTIFIED MAIL



9569 0730 5270 0015 2463 08

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SG Court of Appeals

Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

