

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

**RECEIVED**

**Jan 09 2026**

**SC Court of Appeals**

DeQuincey G. Simmons,

Appellant

v.

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

Respondents

**RESPONDENTS' RETURN TO APPELLANT'S MOTION TO  
RECONSIDER AND CLARIFY**

Respondents South Carolina Department of Employment and Workforce (the "Department") and Bridgestone Americas Tire Operations ("Bridgestone") (Department and Bridgestone collectively the "Respondents") hereby submit this Return to Appellant's Motion to Reconsider and Clarify, which Appellant mailed on December 31, 2025 ("Motion").

Appellant's Motion asks this Court to reconsider and clarify its December 22, 2025, Order directing Appellant to correct deficiencies that this Court identified in Appellant's

prior filings which were outlined in the Court's October 30, 2025, correspondence to Appellant.

Ultimately, Appellant's Motion presents no legitimate issue for this Court and otherwise fails to demonstrate that Appellant is entitled to any of the relief he seeks in the Motion. As such, Respondents respectfully submit that Appellant's Motion is manifestly without merit and should be summarily denied.

## **I. INTRODUCTION**

The procedural history for this appeal is lengthy, and it began when Appellant filed a Notice of Appeal in September 2024, which purported to appeal an order issued on September 1, 2006. Pertinent here, the Court served Appellant (and Respondents) with correspondence on October 30, 2025, explaining that several of Appellant's filings were defective. The October 30, 2025, correspondence noted that Appellant's(1) proof of service for the record on appeal was not properly formatted; (2) record on appeal was not properly formatted; (3) the record on appeal did not contain all designated matters. Pursuant to that correspondence, Appellant had ten (10) days to address those deficiencies, while the Court noted that any failure to timely correct those defects would result in dismissal of this appeal.

Appellant did not respond to that correspondence. Accordingly, Respondents filed a Motion to Dismiss on November 19, 2025, requesting dismissal of this action for Appellant's failure to comply with this Court's directives in its October 30, 2025, deficiency letter. Notably, the electronic case file for this appeal contains no filings from October 30, 2025, to November 19, 2025, when Respondents filed their Motion to Dismiss.

On December 1, 2025, Appellant filed a return to Respondents' Motion to Dismiss referring to documents he purportedly mailed on October 29, 2025 – a day before this Court served its October 30, 2025, letter on the parties – as evidence of his compliance with the Court's directives outlined in the October 30, 2025, letter.

This Court ultimately denied Respondents' Motion to Dismiss via its December 22, 2025, Order. The Court, in its December 22, 2025, Order, directed Appellant to “serve and file the corrected record on appeal and proof of service within ten days of the date of [the] letter,” and further noted that “[f]ailure to comply will result in dismissal of the appeal.”

Appellant then filed the instant Motion. In the Motion, Appellant asks the Court to reconsider the factual findings and amend the language of the December 22, 2025, Order; to “acknowledge” his purported compliance with the Court's October 30, 2025, correspondence, to “clarify the judicial authority” of the signatory to the December 22, 2025, Order, and to admonish Respondents for the arguments in their Motion to Dismiss filed on November 19, 2025.

## **II. ARGUMENT**

Appellant's Motion fails to raise any legitimate legal issue or present any credible argument that he is entitled to any of the relief he seeks in the Motion. Thus, Appellant's Motion is manifestly without merit and should be summarily denied.

As an initial matter, Respondents do not have any issue with the orders issued thus far in this action and there is no basis for this Court to “clarify,” reconsider or otherwise modify any of its prior orders. In particular, as before, there is nothing procedurally improper about the signature on the Order. *See* Rule 240(j), SCACR. The December 22,

2025, Order clearly is properly signed by a judge of this Court.<sup>1</sup> Hence, there is no need for the Court to “clarify” the authority of the signatory of that order.

Similarly, Appellant’s request to “acknowledge Appellant’s timely compliance with the October 30, 2025, deficiency notice” is unfounded. As outlined hereinabove, Appellant did not file anything with this Court from October 30, 2025, until his December 1, 2025, return. Thus, it objectively appears that he in fact has not complied with this Court’s directives as outlined in the October 30, 2025, deficiency letter.

Appellant’s request to “remove or amend” the language of this Court’s December 22, 2025, Order also is without merit. In particular, this Court aptly noted that Appellant’s purported evidence of his compliance with the October 30, 2025, deficiency notice was mailed the *day before* that correspondence was served on the parties. It strains credulity for Appellant to rely upon documents purportedly mailed the *day before* the Court’s October 30, 2025, deficiency letter was served on the parties as evidence of his compliance with the directives in the October 30, 2025, deficiency letter.

Moreover, Appellant *did not* file anything with this Court indicating he corrected the defects identified by this Court as outlined in the Court’s October 30, 2025, deficiency letter, and the first filing after that correspondence was Respondents’ Motion to Dismiss filed on November 19, 2025. For all intents and purposes, Respondents were unaware Appellant made any attempt to file any documents with this Court demonstrating that he

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<sup>1</sup> This issue is one that Appellant has previously raised to this Court regarding prior orders from this Court which the Court summarily denied. Respondents respectfully submit the Court should do the same here.

corrected the deficiencies identified in this Court's October 30, 2025, deficiency letter, as he was ordered to do. Thus, not only is there no basis for this Court to admonish Respondents – as Appellant argues for in his Motion – there likewise is no evidence that Appellant has in fact complied with the directives in this Court's October 30, 2025, deficiency letter, which warrants dismissal of this action.

Finally, Appellant's filing *still* does not address the deficiencies which this Court again raised in the Court's December 22, 2025, Order. Thus, he once again has failed to comply with an order from this Court, which as the Court's December 22, 2025, Order clearly states "will result in dismissal of the appeal." The time for Appellant to comply with the directives in the Court's December 22, 2025, Order has passed. Moreover, regardless of any arguments made by Appellant, Respondents and the Court ultimately lack a record on appeal with which to proceed despite Mr. Simmons having ample opportunity to provide one, as is his responsibility in this case. Hence, dismissal of this appeal is appropriate.

Based on the foregoing reasons, Appellant's Motion is manifestly without merit and should be summarily denied and this appeal should be dismissed.

### **III. CONCLUSION**

For all the foregoing reasons, Respondents respectfully request that this Court deny Appellant's Motion and dismiss this appeal based upon Appellant's failure to timely comply with an order from this Court.

Respectfully Submitted,

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January 10, 2025