

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Thomas A. Russo, Circuit Court Judge

Case No. 2013-CP-32-1272

US Foodservice, Inc. and Ace
American Insurance Company
c/o Gallagher Bassett
Services, Inc.

Respondent,

v.

Alexander Guice,

Appellant.

MOTION TO PROCEED IN FORMA PAUPERIS

Alexander Guice, the Appellant, hereby moves this Court to grant this motion to proceed in Forma Pauperis and to waive the cost associated with filing this appeal. The reasons for granting this motion are set forth in the attached memorandum in support.

November 13, 2013

Alexander Guice
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Pro Se

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Attorney for Respondents

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MEMORANDUM IN SUPPORT

- 1. Appellant is Unemployed.** The Court should grant the motion based on the Appellant's inability to afford the cost associated with filing the appeal due to the Appellant's financial circumstances. In particular, the Appellant has been unemployed and unable to obtain gainful employment since the Appellant was unlawfully discharged by U.S. Foodservice, Inc., the named co-respondent in this matter, on November 2, 2005, more than eight (8) years, for "permanent lifting restrictions" and "no position available". The permanent lifting restrictions were incurred upon the Appellant as a direct result of injuries sustained in the admitted work-related injury which occurred on May 5, 2005. The Appellant barely maintains independent living through receipt of entitled federally funded Department of Veterans Affairs (VA) Disability benefits, where the monthly amount of benefits received by the Appellant, approximately \$1,366.00, is comparable to minimum wage and the stated amount is at or below the poverty line. Please find enclosed a copy of the termination notice from the respondent enclosed herein as "**EXHIBIT A**".
- 2. The Court Should Grant the Motion to Proceed In Forma Pauperis to prevent jeopardizing the Appellant's Welfare.** The Court should grant the Appellant's motion to prevent any further undue hardship upon the Appellant, as the Appellant strongly believes he should have a meaningful opportunity to challenge the order of the lower court, before this Court, and denying the motion presently before the Court would jeopardize the Appellant's already extreme financial hardship and place an additional burden upon the Appellant.
- 3. Conclusion**

The Motion to Proceed in Forma Pauperis should be granted because;

1. The Appellant is unemployed and cannot afford the filing cost; and
2. The Court should grant the Motion to Proceed In Forma Pauperis to prevent jeopardizing the Appellant's welfare.

November 13, 2013

Respectfully submitted,



Alexander Guice

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Appellant, *pro se*



ROUTE TO:
 1) Human Resources
 2) Payroll (if applicable)

EMPLOYEE STATUS NOTICE (rev 03/2005)

Effective Date	Employee ID (8 digits)	Name (First)	(Middle Initial) (Last)
11/05	121674	Alexander	Guice
Reason(s)	STIP % (if applicable)		
IO9 - NO POSITION AVAILABLE	Permanent lifting restrictions		

Section 1 Action(s): Termination

Section 2 Comments/Special Processing: Termination of Employment- Released from Doctor with permanent lifting restrictions not comparable with job duties

Job Information - Present (A)		Job Information - Proposed (B)	
Business Unit (5 digits)	Job Code (5 chars)	Business Unit (5 digits)	Job Code (5 chars)
USF - Conway, S.C. site			
Position # (8 digits)	Grade	Position # (8 digits)	Grade
Delivery Driver			
Job Title		Job Title	
Same			
Department # (10 digits) and name		Department # (10 digits) and name	
Transportation			
Location (4 digits) and name		Location (4 digits) and name	
Conway, S.C.			

Section 4 General Employment Information - Complete if new hire, rehire, or changing

Reg/Temp:	Empl Class:	Union Code:	Employee Type:
<input type="checkbox"/> Regular	<input type="checkbox"/> Standard (blank)	<input type="checkbox"/> Non-Union	<input type="checkbox"/> Salaried
<input type="checkbox"/> Temporary	<input type="checkbox"/> Commission	<input type="checkbox"/> Union	<input type="checkbox"/> Hourly
Full time / Part time:	<input type="checkbox"/> Stepdown	Union Code:	<input type="checkbox"/> Exception Hourly (only commissioned)
<input type="checkbox"/> Full time Std Work Hours	<input type="checkbox"/> Incentive		
<input type="checkbox"/> Part time Std Work Hours			
Current Pay Group:	Current Tax Location (4 digits):	Proposed Pay Group:	Proposed Tax Location (4 digits):

Section 5 Compensation - Current (A) and Proposed (B)

Comp Rate Code	<input type="checkbox"/> NAANNL(annual)	Comp Rate Code	<input type="checkbox"/> NAANNL(annual)
	<input type="checkbox"/> NAHRLY(hourly)		<input type="checkbox"/> NAHRLY(hourly)
Comp Rate (annual amount or hourly rate)	Target Bonus %	Comp Rate (annual amount or hourly rate)	% Chg
			Target Bonus %
Additional Pay - Present (A)	Additional Pay - Proposed (B)		
Car Allowance: <input type="checkbox"/> Yes <input type="checkbox"/> No	Amount/pay period: \$	Car Allowance: <input type="checkbox"/> Yes <input type="checkbox"/> No	Amount/pay period: \$
Other (describe): <input type="checkbox"/> Yes <input type="checkbox"/> No	Amount/pay period: \$	Other (describe): <input type="checkbox"/> Yes <input type="checkbox"/> No	Amount/pay period: \$

Section 6 APPROVALS (some changes may require only some of the signatures indicated)

Immediate Supervisor Mike Sanders	Date: 11/2/05	Division HR <i>K. Pollard</i>	Date: 11-2-05
R A Bennett <i>RAB</i>	Date: 11/2/05	Zone or Region President (for exceptions or regional staff changes)	Date:
Division President <i>[Signature]</i>	Date:	Region HR VP (for exceptions or regional staff changes)	Date:
Approvals for DIVISION TRANSFERS - Sending Division	Date:	Processed by HR <i>[Signature]</i>	Date: 11/4/05
Division HR (sending division)	Date:	Processed by Payroll	Date:

"EXHIBIT A"

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American Insurance Company
c/o Gallagher Bassett Services, Inc. Respondent,

v.

Alexander Guice, Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal and Motion to proceed in *forma pauperis* on US Foodservice, Inc., and Ace American Insurance Company, c/o Gallagher Bassett Services, Inc. by depositing a copy of it in the United States Mail, postage prepaid, on November 13, 2013 addressed to the attorney of record, Erin L. Hantske, Post Office Box 650007, Mt. Pleasant, South Carolina 29465 on November 13, 2013.

November 13, 2013



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c/o Gallagher Bassett Services, Inc.

Respondent,

v.

Alexander Guice,

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal, the order from the lower court, and six copies of a Motion to proceed in *forma pauperis* on the Court of Appeals by depositing the same in the United States Mail, postage prepaid, on November 13, 2013 addressed to SC Court of Appeals, Clerk of Court, Post Office Box 11629, Columbia, South Carolina 29211 on November 13, 2013.

November 13, 2013



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