

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Barbara T. Chappelle,)
Appellant,)
)
vs.)
)
SC Department of Employment and)
Workforce and Greenville County)
Disabilities & Special Needs,)
Respondent,)
_____)

Docket No. 13-ALJ-22-0288-AP

RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
In The Administrative Law Court

APPEAL FROM SOUTH CAROLINA
DEPARTMENT OF EMPLOYMENT
AND WORKFORCE APPELLATE
PANEL

Barbara T. Chappelle
100 Shemwood Rd., Apt 35E
Greenville, SC 29605
Claimant

Maura Dawson, Esq.
Legal Department-Dept. of Employment and Workforce
PO Box 8597
Columbia, SC 29202
803-737-0395
legal@dew.sc.gov
Attorney for Respondent

Greenville County Disabilities & Special Needs
c/o Sandra Walsh
PO Box 17467
Greenville, SC 29606
Employer

RECEIVED
DEC 16 2013
SC Court of Appeals

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Barbara T. Chappelle,)
)
 Appellant,)
)
 v.)
)
 South Carolina Department of Employment)
 Workforce and Greenville County)
 Disabilities and Special Needs Board,)
)
 Respondents.)
)

Docket No. 13-ALJ-22-0288-AP

ORDER OF DISMISSAL

This matter is before the Administrative Law Court (Court or ALC) on the appeal of Barbara T. Chappelle (Appellant) filed on June 6, 2013. The case was assigned on June 28, 2013. On July 8, 2013, the Court issued an Order Governing Procedure which required that the Brief of Appellant to be filed within twenty (20) days after the Record on Appeal was filed as set forth in the ALC Rules of Procedure. On July 26, 2013, the Department of Employment and Workforce (Department or DEW) filed a Motion for a Ten (10) Day Extension of Time to File the Record on Appeal (Motion). The Court granted the Motion and DEW filed the Record on Appeal on August 7, 2013. Therefore, the Appellant's brief was due twenty (20) days after August 7, 2013, 2012, or August 27, 2013. As of the date of this Order of Dismissal, the Court has not received the Appellant's brief or a timely Motion to Extend Time to File a Brief.

Pursuant to ALC Rule 38, an Administrative Law Judge may dismiss an appeal for "the failure to comply with any of the time limits provided in these rules or by order of the Court." This delay is well beyond the time period set forth in the Rules of Procedure for the Administrative Law Court. In addition, the Appellant has failed to comply with the Order of Procedure issued in this case. As the Appellant has been afforded ample time to file his Brief and

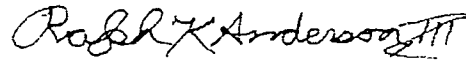
FILED

October 23, 2013
SC ADMIN. LAW COURT

has not notified the ALC of any extenuating circumstances regarding his failure to file, I conclude that this matter should be dismissed.

IT IS THEREFORE ORDERED that this appeal is DISMISSED.

AND IT IS SO ORDERED.



Ralph King Anderson, III
Chief Administrative Law Judge

October 23, 2013
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, E. Harvin Belser Fair, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).

E. Harvin Belser Fair

E. Harvin Belser Fair
Judicial Law Clerk

October 23, 2013
Columbia, South Carolina

November 25, 2013

Attention: Court of Appeals

Subject: Order of Dismissal Docket No. 13-ALJ-22-0288-AP

To Whom This May Concern:

I have read Rules 203-268 as instructed by your office and has sent what I feel is the correct correspondence to successfully get my appeal going. I by any chance this is incorrect and more is needed please feel free to call me at 864-483-2446. Your attention to this matter is highly appreciated and I would like to thank you in advance.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Chappelle". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Barbara Chappelle

November 12, 2013

Attention: Honorable Ralph King Anderson III

Subject: Reconsideration Letter
Docket No. 13-ALJ-22-0288-AP

Dear Judge Anderson,

In pursuit of obtaining my employment benefits, I truly believed that I had submitted all documentation that was needed. I very much thought my case was being reviewed for a final decision by the courts. Unfortunately I was incorrect and absent of a briefing in which I had to receive literature on for an explanation. It's very much similar to the same letter I submitted to all parties. Due to the fact that I am inexperienced with no legal advice and unaware of court proceeding I hope and pray that my case could and would be reconsidered. I have attached what I believe to be a briefing. If you have any questions, concerns, or a need for any correspondence please feel free to reach me at 864-483-2446. I thank you in advance for your attention to this matter and it is highly appreciated.

Sincerely,



Barbara Chappelle

November 12, 2013

Attention: Honorable Ralph King Anderson III
Subject: Briefing

Dear SC Administrative Law Court,

This case is based upon if I voluntarily quit my job or if I was terminated. The facts of this case are plain and very clear. I contracted pneumonia from the employer patient that I cared for as a part of my job description. I would mention his name but I would not be in compliance with the HIPPA laws. I can tell you he was hospitalized for a week as well as I. All policies and procedures were followed as in calling and informing my supervisor Deborah Young that I was presently in the emergency room and in the process of being admitted. Her response was okay keep me updated, that much we both agree on. The dispute is her letter that was submitted not on company letter head indicating that I had not returned any calls. This is absolutely incorrect, in fact I was leaving Deborah the messages and she refused to return my calls. The fact of the matter is I was hired to work every other weekend for Greenville County Disabilities and Special Needs as a part time employee with no medical benefits. If the time cards were to be submitted they will clearly show I worked forty to sixty hours weekly. Contrary to the thirty two hours a month I was hired to work. Deborah Young my supervisor or an human resource representative would call me day or night to send me where a need was to be filled. This surely indicates that communication had never been an issue. To assume that I quit my job is unacceptable. I was a role model employee, no disciplinary actions, write ups or attendance issues and was always available when needed. It would have made no sense to quit my job I truly enjoyed caring for the people. I had no reason to feel that my job was in jeopardy. Once released from the hospital I made the necessary calls to secure my job and left several detailed messages with Deborah Young indicating what the doctor instructions were and what was required. Needless to say she never returned a call to express concern or controversy, as if my job was even in question. The termination letter I received was a huge blow. I was a diligent, committed employee up until my hospitalization with pneumonia not to mention the 18,000 unpaid hospital bill. The opposition to my benefits is unbelievable. Pneumonia is a serious illness and should not be taken lightly. I feel as though because of my extended hospital stay I had become a liability versus an asset. And without warning terminated me in hopes I would just go away. I feel strongly about my case and how it is and has been handled. I have been pursuing my employment benefits since December 7, 2012. I'm a year into this and have hopes of the truth being revealed and I'm compensated fairly with my own monies. I thank you for your time it is highly appreciated. If you need to reach me for any inquiries or concerns please feel free to call me @ 864-483-2446.

Sincerely,


Barbara Chappelle



Greenville County
Disabilities
and Special Needs Board

February 24, 2010

Ms. Barbara Chappelle
1 Wrigley Street
Greenville, SC 29608

Dear Ms. Chappelle,

This is to inform you that your employment with Greenville County Disabilities and Special Needs Board has been terminated, effective February 07, 2010.

According to information submitted by Deborah Young, CTH Coordinator, you failed to report to work for three or more consecutive days and failed to notify appropriate supervisory staff of the intent to be absent. In accordance with Agency policy, employees who fail to report to work for three consecutive days and fail to notify appropriate supervisory staff of the intent to be absent will be considered to have voluntarily resigned his/her employment.

If you have any questions regarding this notice, you may contact me at (864) 679-0220 ext. 3535.

Sincerely,

Anthony J. Johnson
Director of Human Resources

Cc: Dawn Crawford, Director of Residential Programs

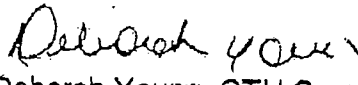
SC Dept. of
Employment & Workforce

DEC 21 2012

Received Benefits Div.

February 17, 2010

Barbara Chappell was hired to work every other weekend 2nd shift. On January 8, 2010 Barbara called in stated that she was in the ER and was not able to come in to work that weekend. On her next schedule weekend to work, which was January 23 and 24, she called that Saturday and left a message at 11:11 am stated she would not be able to come in. Her next schedule weekend was February 6 and 7, which she did not work. She has not returned any phone calls.


Deborah Young, CTH Coordinator

SQ Dept. of
Employment & Workforce

DEC 21 2012

Received Benefits Div.

NOTICE OF APPEAL HEARING BY TELEPHONE

Claimant's Name: BARBARA T CHAPPELLE Social Security Number: [REDACTED]
Claimant's Telephone Number: (864) 417-3823
Employer's Name: GREENVILLE Telephone Number: (864) 679-0220
Appeal Number: EUC-6747 Hearing Date: 03/12/13 Hearing Time: 11:15 AM
Month/Day/Year Hour/Minute-Eastern Time
Administrative Hearing Officer: BRYNN N. DEHAY for the South Carolina Department of

Employment and Workforce will conduct this hearing by means of a TELEPHONE CONFERENCE. The parties will be called by the Administrative Hearing Officer at the telephone numbers shown on this form. IF NO TELEPHONE NUMBER IS SHOWN OR THE NUMBER IS INCORRECT, YOU MUST CALL THIS TOLL FREE NUMBER (866) 269-5680 IMMEDIATELY TO INFORM US OF YOUR NUMBER SO THAT WE MAY INCLUDE YOU IN THE HEARING.

IF YOU HAVE NOT BEEN CALLED WITHIN 10 MINUTES AFTER THE SCHEDULED TIME OF THE HEARING, YOU MUST CALL (803) 737-2520. EITHER ANOTHER HEARING IS STILL IN PROGRESS OR WE ARE UNABLE TO CONTACT YOU. FAILURE TO CALL OR PARTICIPATE IN THE HEARING MAY RESULT IN YOUR INTERESTS BEING CONSIDERED ABANDONED.

THE HEARING WILL NOT BE POSTPONED EXCEPT FOR AN EMERGENCY. Contact a representative of the Department at (803) 737-2520, AT ONCE, if you cannot be present at the time scheduled and wish to request a postponement of the hearing. Also, if you require any special needs, such as an interpreter, please contact us prior to the hearing.

ISSUES

- Voluntary Quit
- Voluntary Retirement
- Timeliness of Appeal
- Discharge
- Absence from Hearing
- Fraud & Overpayment
- Availability
- Overpayment
- Job Offer & Referral
- Eligibility
- Other _____

EVIDENCE: This hearing is your only chance to testify and present evidence. Sworn testimony is required from witnesses with first-hand knowledge. Any documents that you want to be considered in this hearing must be mailed to the Appeal Tribunal at the address above, or faxed to (803) 737-0287. Only documents, such as business records (e.g. timesheets, employment policies or handbook, warnings, etc.) can be considered. In addition to the copy sent to the Appeal Tribunal, you must mail or fax copies to the opposing party. No testimony or evidence can be considered from witnesses who are not present. Documents sent to another address or fax number may not be considered.

SUBPOENAS: If a witness is reluctant to appear, you may apply for a subpoena through the Department's local office or the Appeal Tribunal at (803) 737-2520.

LEGAL REPRESENTATION: An attorney licensed to practice in South Carolina may represent you. It is your responsibility to obtain representation prior to the hearing. Fees charged to represent claimants are limited to the greater of \$125.00 or the claimant's weekly benefit amount per appearance.

BENEFITS: A claimant should continue to file for benefits during the appeal process. Weeks not claimed cannot be paid, even if the claimant is held eligible.

THIS NOTICE SUPERSEDES ANY PREVIOUS HEARING NOTICE YOU MAY HAVE RECEIVED. IF THE DATE ON THIS NOTICE IS LATER THAN THE DATE ON ANY OTHER NOTICE, YOU SHOULD ASSUME THAT THE PREVIOUS HEARING HAS BEEN POSTPONED AND FOLLOW THE INSTRUCTIONS ON THIS NOTICE.

Please note the hearing may result in an increase, decrease, or no change in the disqualification.

MAILING DATE: 03/01/2013