

THE SUPREME COURT OF SOUTH CAROLINA

Appellate Case No. 2024-001608

(From the Court of Appeals)

(From the Administrative Law Court, Docket No. 23-ALJ-22-0429-AP)

DeQuincey G. Simmons,

Appellant,

v.

South Carolina Department of Employment and Workforce, and

Bridgestone Americas Tire Operations, LLC,

Respondents.

PETITION FOR WRIT OF CERTIORARI

Respectfully Submitted By:

DeQuincey G. Simmons

Appellant Pro Se

2503 Hiers Ct.

Hephzibah, GA 30815

Dated: July 2, 2026

RECEIVED

JUL 06 2026

S.C. SUPREME COURT

THE SUPREME COURT OF SOUTH CAROLINA

Appellate Case No. 2024-001608

(From the Court of Appeals)

(From the Administrative Law Court, Docket No. 23-ALJ-22-0429-AP)

DeQuincey G. Simmons,

Appellant,

v.

South Carolina Department of Employment and Workforce, and

Bridgestone Americas Tire Operations, LLC,

Respondents.

APPELLANT'S MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Appellant DeQuincey G. Simmons respectfully moves this Court for an order permitting him to proceed with the enclosed Petition for Writ of Certiorari without the prepayment of the standard appellate docketing or filing fees. In support of this motion, Appellant states as follows:

1. This appellate matter stems directly from an ongoing dispute regarding unemployment benefits.
2. Due to the prolonged nature of this litigation and the underlying economic circumstances, Appellant is currently not working and is unable to pay the costs of these proceedings without sacrificing the basic necessities of life.
3. Appellant is a self-represented, pro se litigant acting in good faith to correct a severe procedural due process violation committed by the lower appellate court.
4. Appellant believes he is entitled to the redress sought in the accompanying Petition for Writ of Certiorari based upon the undeniable logical and factual contradictions documented in the record below.

WHEREFORE, Appellant respectfully requests that this Court grant this Motion for Leave to Proceed In Forma Pauperis, waive the standard appellate filing fees, and permit his Petition for Writ of Certiorari to be docketed for full review.

Respectfully submitted,

DeQuincey G. Simmons

Appellant Pro Se

2503 Hiers Ct.

Hephzibah, GA 30815

Dated: July 2, 2026

DeQuincey Simmons
7/2/2026

THE SOUTH CAROLINA SUPREME COURT

Appellate Case No. 2024-001608

(From the Court of Appeals)

(From the Administrative Law Court, Docket No. 23-ALJ-22-0429-AP)

DeQuincey G. Simmons,

Appellant,

v.

South Carolina Department of Employment and Workforce, and

Bridgestone Americas Tire Operations, LLC,

Respondents.

APPELLANT'S PETITION FOR WRIT OF CERTIORARI

I. QUESTIONS PRESENTED FOR REVIEW

1. Did the Court of Appeals commit a reversible structural error and violate Appellant's Constitutional Right to Procedural Due Process by maintaining a dismissal for "failure to file," while explicitly documenting its absolute administrative refusal to examine physical, tracking-verified evidence of that compliance?
2. Did the Court of Appeals abuse its discretion by adopting a speculative, timing-based theory advanced by Respondents, thereby entering a factual finding regarding the adequacy of a physical filing that the Court simultaneously claimed it never received or inspected?

II. Factual and Procedural History

This pro se appellate matter arises from an ongoing unemployment dispute spanning over two and a half years. The current procedural controversy centers entirely on an uncorrected internal electronic docketing blindspot within the Court of Appeals, mirroring an identical clerical failure previously adjudicated and corrected in this very litigation by Judge Milton G. Kimpson.

RECEIVED

JUL 08 2026

S.C. SUPREME COURT

The critical sequence of events is established by objective third-party documentary evidence:

- **October 27, 2025 (Electronic System Failure):** The Clerk of the Court of Appeals notified Appellant via email that electronically submitted exhibits could not be opened due to file format limitations. This established a structural technical issue, not a failure to act by Appellant.
- **October 29, 2025 (The Dual-Filing Execution):** Moving immediately to troubleshoot the digital format failure, Appellant executed the physical backup step required to cure the digital exhibit defect. Appellant prepared and dispatched six bound copies (blue and white binders) of the corrected Record on Appeal and Appellant's Brief via United States Postal Service (USPS) Priority Mail.
- **October 30, 2025 (The Formal Notice):** The Court issued its formal deficiency letter outlining formatting issues—directives Appellant had already proactively anticipated and physically executed twenty-four hours prior.
- **October 31, 2025 (Verified Delivery):** USPS Tracking Confirmation (No. 42029201376995055136678853029) explicitly documents that the Court of Appeals front desk/mailroom at 1220 Senate Street signed for and took physical custody of Appellant's binders at 4:24 PM.
- **November 19, 2025 (Respondents' Premature Move):** Relying solely on a temporary electronic docket delay, Respondents rushed to file a Joint Motion to Dismiss, speculatively asserting that Appellant "made no attempt" to comply, despite the physical binders sitting inside their own mailboxes since October 31.
- **March 31, 2026 (The Refusal to Act):** The Court of Appeals entered an administrative dismissal order (image_0d59b4.jpg). Crucially, the order explicitly noted: *"Pursuant to Rule 221(c), SCACR, the Court will not take any action on the motion to reconsider filed January 5, 2026."*
- **June 5, 2026 (The Boilerplate Denial):** The Court of Appeals denied Appellant's Petition for Rehearing (image_0ce8b9.jpg), stating it was *"unable to discover that any material fact or principle of law has been either overlooked or disregarded."*

III. LEGAL ARGUMENT

Argument I: The Court of Appeals' Factual Findings Are a Logical Impossibility.

The Court of Appeals' procedural position completely neutralizes itself. In its preliminary orders, the Court asserted that it *"never received the documents Appellant purportedly sent to correct the deficiencies"*. Yet, the Court subsequently maintained its dismissal on the grounds that Appellant failed to properly clear up the formatting defects.

This is a logical impossibility. If an appellate court's official position is that a physical package was never received or opened, that court possesses zero firsthand knowledge of the package's contents. It cannot independently evaluate the *adequacy* of a submission it simultaneously claims it does not have. By concluding that the October 29 mailing did not satisfy the deficiency order without ever opening the delivery box, the Court of Appeals relied on blind speculation rather than an examined record.

Argument II: The Court Erred by Adopting the Respondents' Speculative "Piggyback" Timing Theory.

In their January 2026 Return, Respondents never provided sworn testimony or evidence that the packages delivered to their offices on October 31 were empty or non-compliant. Instead, they advanced a purely speculative timeline theory: because Appellant's binders were postmarked on October 29—one day before the formal October 30 letter was printed—the mailing could not possibly be responsive to the court's requirements.

The Court of Appeals adopted this exact timing rationale to question Appellant's veracity. This was a clear abuse of discretion. The Court ignored the foundational link: the October 27 email from the Clerk's office alerting Appellant to the electronic file error. Appellant was actively correcting a known digital exhibit format issue. Respondents used a temporary administrative delay in electronic docket scanning to claim "it objectively appears" Appellant did not comply. The Court's reliance on this inference, while ignoring a verified USPS signature from its own front desk, constitutes a severe miscarriage of justice.

Argument III: The Court of Appeals Openly Documented Its Own Denial of Due Process.

Procedural due process guarantees a litigant notice and a *meaningful opportunity to be heard*. The Court of Appeals explicitly stripped Appellant of this right. In the March 31, 2026 order (image_0d59b4.jpg), the Court wrote in plain text: *"the Court will not take any action on the motion to reconsider filed January 5, 2026."*

The January 5 motion was the exact procedural vehicle where Appellant submitted his third-party USPS tracking histories, phone logs, and delivery certifications. By proactively documenting its refusal to act upon or open that motion, the Court of Appeals created its own factual blind spot. When the Court subsequently claimed on June 5, 2026, that it was *"unable to discover"* any material facts overlooked, it spoke an administrative truth: it could not discover the tracking numbers because it had explicitly barred the January 5 motion from judicial review. A court cannot lock the gate to an evidentiary submission and then dismiss a case because the evidence is missing.

Argument IV: Violation of the Established Law of the Case.

This litigation history already contains a binding determination on this exact issue. On April 29, 2024, Judge Milton G. Kimpson (then presiding in the Administrative Law Court) vacated a prior dismissal attempt in this exact case, admitting: *"This statement was incorrect. Because of a filing error, the Court did not discover that Appellant had, in fact, filed..."*

Judge Kimpson expressly ruled that a pro se litigant's physical USPS receipts and tracking sheets constitute *sufficient evidence of compliance*, and that good faith efforts to navigate electronic system failures must be recognized. The Court of Appeals

operated in direct defiance of this established history, discarding physical delivery proofs in favor of an unreconciled, automated electronic tracking system.

IV. RELIEF REQUESTED

Appellant respectfully requests that the Supreme Court of South Carolina:

1. **Grant** this Petition for Writ of Certiorari;
2. **Vacate** the March 31, 2026 Dismissal Order and the June 5, 2026 Rehearing Denial issued by the Court of Appeals;
3. **Reinstate** the appeal and order the Court of Appeals to reconcile its electronic docket with the physical materials delivered to its front desk on October 31, 2025; and
4. **Grant** any further relief this Court deems just and equitable to protect the due process rights of pro se litigants against clerical automation failures.

Respectfully submitted,

DeQuincey G. Simmons

Appellant Pro Se

2503 Hiers Ct.

Hephzibah, GA 30815

De Quincey Simmons
7/2/2026

Dated: July 2, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 2 day of July, 2026, I served a true and correct copy of the foregoing Appellant's Petition for Writ of Certiorari upon all counsel of record by placing same in the United States Mail, first-class postage prepaid, addressed to:

Benjamin T. Cook, Esquire

South Carolina Department of Employment and Workforce

Post Office Box 8597

Columbia, SC 29202

Benjamin T. Hepner, Esquire

Little Mendelson, P.C.

110 E Court Street, Suite 201

Greenville, SC 29601

DeQuincey G. Simmons

DeQuincey Simmons
7/2/2026

SEAL-IT.

DeQuincey Simmons
2503 Hiers CT
Hephzibah, GA
30815

Place
Postage Here
Apposer le
postage ici

RECEIVED,

JUL 03 2026

S.C. SUPREME COURT

Supreme Court Clerk
1231 Gervais Street
Columbia, SC 29201

UNITED STATES
POSTAL SERVICE

Retail

G

US POSTAGE PAID

\$17.70

Origin: 30806
07/02/26
1204890803-23

USPS GROUND ADVANTAGE®

3 Lb 4.80 Oz
RDC 01

C020

SHIP
TO:



1231 GERVAIS ST
COLUMBIA SC 29201-3206

USPS SIGNATURE® TRACKING #



9534 9136 7193 6183 8072 41



Handle with Care • Prenez soin