

The South Carolina Court of Appeals

DeQuincey G. Simmons, Appellant,

v.

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

RECEIVED

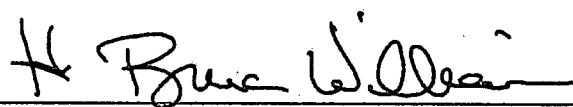
JUL 06 2026

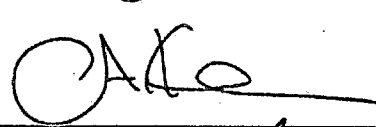
S.C. SUPREME COURT

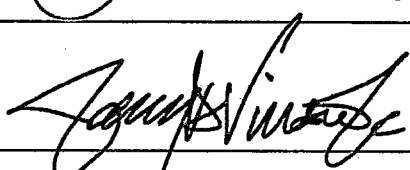
Appellate Case No. 2024-001608

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

 C.J.

 J.

 J.

Columbia, South Carolina

cc:

DeQuincey G. Simmons

Benjamin Thomas Cook, Esquire

Benjamin Tradd Hepner, Esquire

The Honorable Ralph King Anderson, III

FILED
Jun 05 2026

The South Carolina Court of Appeals

DeQuincey G. Simmons, Appellant,

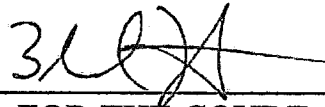
v.

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

Appellate Case No. 2024-001608

ORDER

Appellant has failed to correct the record on appeal, as required by Rule 210 of the South Carolina Appellate Court Rules (SCACR), and this Court's order dated December 22, 2025. Accordingly, this matter is dismissed. Pursuant to Rule 221(c), SCACR, the Court will not take any action on the motion to reconsider filed January 5, 2026. The remittitur will be sent as provided by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

cc:

DeQuincey G. Simmons
Benjamin Thomas Cook, Esquire
Benjamin Tradd Hepner, Esquire
The Honorable Ralph King Anderson, III

FILED
Mar 31 2026

IN THE SOUTH CAROLINA COURT OF APPEALS

Appellate Case No. 2024-001608

DeQuincey G. Simmons, Appellant

v.

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

APPELLANT'S PETITION FOR REHEARING AND MOTION TO REINSTATE APPEAL PURSUANT TO RULE 242 AND RULE 260, SCACR

I. INTRODUCTION

Appellant respectfully petitions this Court for rehearing pursuant to Rule 242, SCACR, and moves to reinstate this appeal pursuant to Rule 260, SCACR.

The dismissal entered on March 31, 2026, for "failure to correct the record on appeal" is based on a factual error. The Court's conclusion that Appellant failed to correct the record is contradicted by documented evidence showing that the corrected Record on Appeal was timely prepared, mailed, and delivered.

This case has already involved a prior judicial finding that a court's statement of non-filing was incorrect due to a filing error. The present dismissal reflects a similar failure to recognize documented submissions.

II. STATEMENT OF FACTUAL ERROR (FOUR-PHASE COMPLIANCE TIMELINE)

The Court's dismissal rests on the incorrect conclusion that Appellant failed to correct the record. The record demonstrates otherwise.

Phase 1 – Clerk Notification (October 27, 2025)

The Clerk notified Appellant that electronically submitted exhibits could not be opened. This established a technical issue with file format, not a failure to file.

Phase 2 – Clerk Communication (October 29, 2025)

Appellant contacted the Clerk's Office and received actual notice of the issue. This occurred prior to the formal deficiency letter dated October 30, 2025.

Phase 3 – Mailing of Corrected Record (October 29, 2025)

On that same day, Appellant prepared and mailed six bound copies of the corrected Record on Appeal, including blue and white binders, to the Court and to counsel for Respondents via United States Postal Service Priority Mail. Appellant includes the Staples receipt for the preparation of the bound Record on Appeal solely as supporting documentation of the previously asserted mailing and delivery timeline

Phase 4 – Confirmed Delivery (October 31, 2025)

Tracking records confirm delivery of the mailed materials to 1220 Senate Street, Columbia, South Carolina, at the front desk or mailroom on October 31, 2025.

These facts establish that the corrected record was not only prepared and mailed, but physically delivered to the Court.

III. THE COURT'S ERROR

The dismissal is based on the assertion that Appellant failed to correct the record on appeal. This conclusion is contradicted by the documented sequence of events showing preparation, mailing, and delivery of the corrected record.

The absence of the materials from the Court's internal docket does not negate confirmed delivery. The dismissal therefore rests on an incomplete factual basis.

IV. PRECEDENT: PRIOR JUDICIAL ADMISSION OF FILING ERROR

This is not the first instance in this litigation where a court has incorrectly concluded that Appellant failed to file or respond.

On April 29, 2024, in the Administrative Law Court, Judge Milton G. Kimpson expressly admitted that a prior court statement claiming Appellant had not filed a response was incorrect due to a filing error. The Court acknowledged that it had failed to discover a filing that had in fact been submitted.

Judge Kimpson further held that Appellant's United States Postal Service receipts and tracking sheets constituted sufficient evidence of compliance. The Court recognized that Appellant, as a pro se litigant, made a good faith effort to comply with procedural requirements and concluded that it was satisfied that service had been properly completed.

This prior ruling establishes that court records may fail to reflect filings that were actually submitted, and that physical mailing evidence is sufficient to establish compliance. The present dismissal reflects the same type of error previously acknowledged and corrected in this case.

V. PATTERN OF CLERICAL FAILURE AND PROCEDURAL MISCHARACTERIZATION

The present dismissal reflects a pattern already documented in this case, where filings supported by physical evidence are not reflected in the Court's internal record.

In the Administrative Law Court, Respondents relied on claims of non-service despite the existence of mailing evidence. The Court ultimately rejected those claims after reviewing the physical proof.

Similarly, in this matter, Appellant has provided documented proof of mailing and delivery of the corrected Record on Appeal, yet the dismissal is based on the absence of that material from the Court's internal docket.

This creates a recurring issue where physical delivery is established and documentary proof exists, yet the filing is treated as if it does not exist.

As seen previously in this case, Respondents relied on indirect service mechanisms and inconsistencies to argue non-compliance. Here, procedural technicalities and system limitations are being used in a similar manner despite objective evidence demonstrating compliance.

This reflects a failure to reconcile documented submissions with the Court's internal processing system.

VI. TIMELY COMPLIANCE WITH MARCH 13, 2026 ORDER

Following the Court's March 13, 2026 correspondence, Appellant filed a Notice of Compliance on March 23, 2026, within the time allowed.

That filing reaffirmed that the corrected Record on Appeal had already been prepared, mailed, and delivered, and that Appellant remained in compliance with the Court's directives.

The March 13 correspondence indicated that the Court would decline to take action on Appellant's prior motion. As a result, the documented evidence of delivery and compliance was not addressed.

The dismissal was entered without substantive consideration of confirmed delivery, prior acknowledgment of filing issues, and Appellant's timely compliance within the final deadline.

VII. DUE PROCESS CONSIDERATIONS

Dismissal under these circumstances results in the exclusion of documented evidence and timely filings from consideration.

Appellant has consistently acted in good faith, submitted required materials, and responded within all deadlines. The dismissal based on an incomplete record deprives Appellant of a full and fair opportunity to be heard.

VIII. FINANCIAL HARDSHIP AND DUPLICATION BURDEN

Appellant is a pro se litigant in an unemployment matter that has been ongoing for over two years.

Requiring duplication of previously prepared and delivered binders would impose an unnecessary financial burden. Appellant respectfully requests that the Court recognize prior submissions or permit compliance without requiring duplicate costs.

IX. RELIEF REQUESTED

Appellant respectfully requests that this Court:

1. Grant rehearing pursuant to Rule 242, SCACR
2. Vacate the dismissal entered on March 31, 2026
3. Reinstate the appeal pursuant to Rule 260, SCACR
4. Recognize the previously delivered record as sufficient compliance
5. Alternatively, allow compliance without requiring duplicative financial burden

EXHIBITS

Exhibit A – Clerk Email dated October 27, 2025
Exhibit B – Phone Log dated October 29, 2025
Exhibit C – Staples Receipt and USPS Mailing Receipt
Exhibit D – USPS Tracking Confirmation (October 31, 2025 Delivery)
Exhibit E – December 1, 2025 Filing
Exhibit F – January 5, 2026 Motion
Exhibit G – March 23, 2026 Notice of Compliance
Exhibit H – April 29, 2024 Administrative Law Court Order

CERTIFICATE OF SERVICE

I certify that a copy of this Petition for Rehearing and Motion to Reinstate Appeal was served on counsel for Respondents by U.S. Mail and/or email on this 14, day of April, 2026.

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

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

DeQuincey G. Simmons
2503 Hiers Ct
Hephzibah, GA 30815





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 A

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

2 attachments

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

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

Exhibit ~~B~~ A



Exhibit B

[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

--

< 1 >



Exhibit C

PICKUP CONFIRMATION

Page 1 of 1

CUSTOMER INFORMATION

Customer Name: **Simmons, Dequincey**

Alt Pickup Name: **Simmons, Dequincey**

Company:

Phone: +1 (706) 495-0738

Email: DEQUINCEYSIMMONS@GMAIL.COM

Rewards #: 6393493215

ORDER INFORMATION

Order #: **2247335843**

Number of Jobs: **1**

Date Created: **Oct 28, 2025 02:59 PM EDT**

Sub Total: **\$30.24**

Order Total: **\$30.24**

ORDER DETAILS

JOB NO.	QTY	PRODUCT NAME	BIN #
70125482	6	Finishing Only	

Exhibit C

Simmons, Dequincey
Company Name
Phone +1 (706) 495-0738
Pickup Person Simmons, Dequincey

Special Instructions

Order #

INTERNAL ONLY



2247335843

Due Date Oct 29, 2025 12:00 PM EDT	
Source Solution_Builder	
Origin Facility CC0512	City, State Augusta, GA
Est. Run Time 25m	
Delivery Method Pickup	Delivery Type Pickup

No preview image available	Bind component	
	# of Sets: 6	Pages Per Set: 1
	Job Name Finishing Only	
	File Name	
	Preflight	File Notes

Finishing Only

Total Pages: 6

Finishing Options: Finishing Only

Back Cover - Clear Cover	Black Coil Bind Bind Side: Left Comments: Black Coil Bind	Front Cover - Clear Cover
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Total Job(s) In Order Jobs in Facility Job #
1 **Job 1 of 1** **70125482**



Customer Name
Simmons, Dequincey

1 of 1



UNITED STATES POSTAL SERVICE

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®	1		\$11.50
Columbia, SC 29202			
Weight: 1 lb 10.70 oz			
Expected Delivery Date			
Sat 11/01/2025			
Tracking #:			
✓ 9505 5136 6788 5302 9548 41			
Insurance			\$0.00
Up to \$100.00 included			
Affixed Postage			\$10.80
Affixed Amount: \$10.80			
Total			\$0.70
SP Brst Cncr	36	\$0.90	\$32.40
Priority Mail®	1		\$11.50
Greenville, SC 29601			
Weight: 1 lb 9.00 oz			
Expected Delivery Date			
Sat 11/01/2025			
Tracking #:			
✓ 9505 5136 6788 5302 9548 65			
Insurance			\$0.00
Up to \$100.00 included			
Affixed Postage			\$10.80
Affixed Amount: \$10.80			
Total			\$0.70
Priority Mail®	1		\$11.50
Columbia, SC 29201			
Weight: 1 lb 8.90 oz			
Expected Delivery Date			
Sat 11/01/2025			
Tracking #:			
✓ 9505 5136 6788 5302 9548 89			
Insurance			\$0.00
Up to \$100.00 included			
Affixed Postage			\$10.80
Affixed Amount: \$10.80			
Total			\$0.70
Grand Total:			\$34.50

Exhibit ~~AC~~ C

Exhibit (11) D

USPS Tracking®

FAQs >

X

Feedback

Your item has been delivered and is available at a PO Box at 7:43 am on October 31, 2025 in COLUMBIA, SC 29202.

Get More Out of USPS Tracking:

USPS Tracking Plus®

COLUMBIA, SC 29202
October 31, 2025, 7:43 am

COLUMBIA, SC 29201
October 31, 2025, 7:42 am

COLUMBIA SC PROCESSING CENTER
October 30, 2025, 11:24 am

Exhibit (S) D²

October 30, 2025, 8:33 am

ATLANTA GA DISTRIBUTION CENTER
October 30, 2025, 7:22 am

ATLANTA GA DISTRIBUTION CENTER
October 30, 2025, 6:04 am

AUGUSTA, GA 30909
October 29, 2025, 6:07 pm

AUGUSTA, GA 30909
October 29, 2025, 1:59 pm

Hide Tracking History

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^



Exhibit (D)³

Your item was delivered in or at the mailbox at 9:39 am on October 31, 2025 in GREENVILLE, SC 29601.

Get More Out of USPS Tracking:
USPS Tracking Plus®

GREENVILLE, SC 29601
October 31, 2025, 9:39 am

GREENVILLE, SC 29601
October 31, 2025, 6:10 am

GREENVILLE, SC 29602
October 31, 2025, 4:14 am

GREENVILLE SC DISTRIBUTION CENTER
October 30, 2025, 7:33 pm

October 30, 2025, 6:55 pm

October 30, 2025, 4:51 pm

ATLANTA GA DISTRIBUTION CENTER
October 30, 2025, 2:57 pm

ATLANTA GA DISTRIBUTION CENTER
October 30, 2025, 6:04 am

Exhibit D⁴

AUGUSTA, GA 30909
October 29, 2025, 6:07 pm

AUGUSTA, GA 30909
October 29, 2025, 2:01 pm

Hide Tracking History

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (https://faq.usps.com/s/article/Where-is-my-package)

See More ∨

×

Your item was delivered to the front desk, reception area, or mail room at 4:24 pm on October 31, 2025 in COLUMBIA, SC 29201.

Get More Out of USPS Tracking:

USPS Tracking Plus®

COLUMBIA, SC 29201
October 31, 2025, 4:24 pm

COLUMBIA, SC 29201
October 31, 2025, 7:07 am

COLUMBIA, SC 29201

Exhibit  D⁵

October 31, 2025, 6:56 am

COLUMBIA SC PROCESSING CENTER
October 31, 2025, 3:17 am

October 31, 2025, 2:43 am

COLUMBIA SC PROCESSING CENTER
October 31, 2025, 2:38 am

COLUMBIA SC PROCESSING CENTER
October 30, 2025, 11:24 am

October 30, 2025, 8:33 am

ATLANTA GA DISTRIBUTION CENTER
October 30, 2025, 7:22 am

ATLANTA GA DISTRIBUTION CENTER
October 30, 2025, 6:04 am

AUGUSTA, GA 30909
October 29, 2025, 6:07 pm

AUGUSTA, GA 30909
October 29, 2025, 2:02 pm

Hide Tracking History

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Dec 01 2025

SC Court of Appeals

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.

Appellate Case No. 2024-001608

APPELLANT'S RESPONSE IN OPPOSITION

TO RESPONDENTS' JOINT MOTION TO DISMISS**

Appellant **DeQuincey G. Simmons** respectfully submits the following response in opposition to Respondents' Joint Motion to Dismiss filed November 19, 2025. Respondents' motion is factually inaccurate, procedurally improper, and legally unsupported under the South Carolina Appellate Court Rules. The motion should be **denied in full**, and the appeal should proceed.

I. INTRODUCTION

Respondents incorrectly assert that Appellant "failed to correct deficiencies" and "made no attempt" to comply with the Court's October 30, 2025 deficiency letter. This statement is **false, misleading**, and directly contradicted by **USPS-certified delivery proof**, attached as Exhibits.

Appellant **timely mailed corrected, bound copies** of both:

1. the **Record on Appeal**, and
2. the **Appellant's Brief**,

to:

- the South Carolina Court of Appeals.
- Respondent Cook (SCDEW), and
- Respondent Hepner (Bridgestone).

All materials were delivered by **October 31, 2025**, well before the Joint Motion was filed.

Respondents' failure to check their own mail or communicate with their own mailroom does not justify dismissal of an entire appeal.

II. USPS DELIVERY CONFIRMS APPELLANT FULLY COMPLIED

A. Delivery to the Court of Appeals (1220 Senate Street)

USPS Tracking No. **42029201376995055136678853029** shows:

- **Delivered:** October 31, 2025
- **Location:** *Front Desk / Reception / Mail Room*
- **Address:** Columbia, SC 29201
- **Time:** 4:24 PM

This proves the Court *received Appellant's corrected bound copies* within the 10-day window.

B. Delivery to Attorney Ben Cook (SCDEW)

USPS Tracking No. **42029202859795055136678853029** shows:

- **Delivered:** October 31, 2025
- **Location:** *PO Box / Mail Facility*
- **Address:** Columbia, SC 29202
- **Time:** 7:43 AM

C. Delivery to Attorney Ben Hepner (Bridgestone)

USPS Tracking No. **42029601490595055136678853029** shows:

- **Delivered:** October 31, 2025
- **Location:** *Mailbox*

- **Address:** Greenville, SC 29601
- **Time:** 9:39 AM

III. RESPONDENTS' ASSERTION THAT "NO CORRECTIONS WERE MADE" IS FALSE

Respondents claim Appellant:

- "did not submit any corrected filings," and
- "made no attempt to correct the issues."

This is **directly contradicted** by:

1. The Court's own mailing address showing receipt on October 31, 2025;
2. USPS-certified proof showing **all parties were served**; and
3. Appellant's corrected, bound submissions that comply with Rule 267.

Respondents' statements constitute **misrepresentations** of the factual record.

The Court should reject arguments premised on misinformation.

IV. APPELLANT FULLY COMPLIED WITH THE DEFICIENCY NOTICE

The Court's October 30, 2025 letter required:

1. A corrected proof of service (Rule 267)

Appellant served both attorneys individually.
Appellant served the Court.
A corrected Form 7-compliant certificate was included.

2. A Record on Appeal in Form 15 format

Delivered October 31, 2025.
Bound, properly captioned, and color-coded per Rule 267.

3. Designated matters included from all parties

Appellant included all pleadings, exhibits, orders, and motions.

Every deficiency listed was corrected.

Respondents' motion does not dispute the **content** of Appellant's corrected filings; it only alleges that nothing was filed — which is disproven.

V. RESPONDENTS' MOTION IS PREMATURE AND PROCEDURALLY DEFECTIVE

Respondents filed their Joint Motion on November 19, 2025, without:

- Allowing the Court adequate time to process the physical materials;
- Confirming receipt with the Court's mailroom;
- Contacting Appellant before filing;
- Checking their own internal mail distribution;
- Reviewing actual USPS delivery confirmations.

Respondents filed their motion **in the dark**, based solely on a temporary docket delay — not on fact.

Appellant should not be penalized for delays in Court scanning or staff processing.

VI. DISMISSAL IS AN EXTREME REMEDY AND NOT WARRANTED

South Carolina appellate courts repeatedly hold:

Cases should not be dismissed for curable technical defects where the appellant made a good-faith effort to comply.

See, e.g.:

- *Ex parted Capital U-Drive-It*, 369 S.C. 1 (Ct. App. 2006)

- *Hollifield v. WLH Enterprises*, 386 S.C. 408 (Ct. App. 2009)

Appellant acted:

- in good faith,
- within the deadline,
- with proof of delivery, and
- in full compliance with the Court's instructions.

Dismissal here would contradict the principles of due process and equal access to justice.

VII. REQUESTS FOR RELIEF

Appellant respectfully requests that the Court:

1. **DENY Respondents' Joint Motion to Dismiss.**
2. **ACCEPT Appellant's corrected Record on Appeal and Brief as timely filed.**
3. **DIRECT the Clerk to update the docket to reflect receipt of mailed materials.**
4. **ADMONISH Respondents for misrepresenting the factual record.**

(Optional, but justified.)

VIII. CONCLUSION

Appellant timely filed **all required materials**, corrected all deficiencies, and served all parties. Respondents' motion relies on incorrect assumptions and inaccurate statements, contradicted by USPS-verified proof.

For these reasons, Appellant respectfully requests that the Court **deny the Joint Motion to Dismiss in its entirety** and allow the appeal to proceed.

Respectfully submitted,

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

DeQuincey Simmons
12/1/2025

**IN THE COURT OF APPEALS
STATE OF SOUTH CAROLINA**

RECEIVED

DeQuincey G. Simmons,
Appellant,

JAN 05 2026

v.

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

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:

- 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:

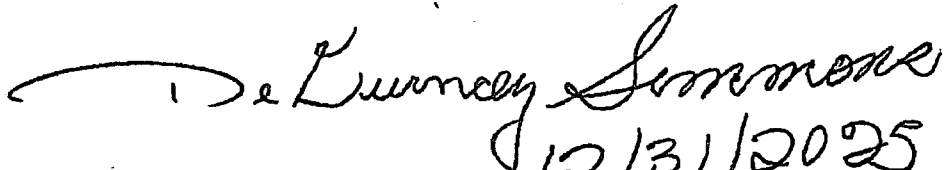
- The filing was received,
- The Exhibits PDF could not be opened,
- And that hardcopies would resolve the issue.

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


12/31/2025

Dated: December 31, 2025

RECEIVED

Mar 23 2026

SC Court of Appeals

IN THE COURT OF APPEALS
STATE OF SOUTH CAROLINADeQuincey G. Simmons,
Appellant,

v.

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

Appellate Case No. 2024-001608

****APPELLANT'S NOTICE OF COMPLIANCE WITH
MARCH 13, 2026 ORDER**

(WITHOUT WAIVER OF PRIOR COMPLIANCE)**

Appellant, DeQuincey G. Simmons, respectfully submits this Notice of Compliance in response to the Court's March 13, 2026 correspondence directing Appellant to file a corrected record on appeal and proof of service.

Appellant states as follows:

1. Prior Compliance with Record and Service Requirements.

Appellant previously prepared and mailed corrected, bound hard copies of the Record on Appeal, including all exhibits and a corrected proof of service, to the Court and to all Respondents' counsel of record.

2. Service by Certified Mail with Confirmed Delivery.

The corrected Record on Appeal and accompanying proof of service were sent via United States Postal Service certified mail to all required recipients. Tracking records confirm delivery to each addressed recipient.

3. Documentation Previously Provided to the Court.

Appellant has already provided the Court with supporting documentation, including certified mail receipts, tracking confirmations, and related evidence demonstrating that the corrected Record on Appeal and proof of service were timely mailed and delivered.

4. Electronic Submission Issue Clarified.

Any prior deficiency referenced by the Court arose from an electronic submission limitation, specifically relating to the attachment format of exhibits. The corrected hard-copy Record on Appeal was thereafter mailed in full compliance with applicable requirements.

5. **Reaffirmation of Compliance.**

Appellant reaffirms that all required materials—including the corrected Record on Appeal and proof of service—have been completed, mailed, and delivered to all parties and to the Court.

6. **Notice Provided to Demonstrate Continued Participation.**

Appellant submits this Notice to demonstrate continued participation and compliance with the Court's directive, while maintaining that the required filings have already been properly completed and served.

WHEREFORE, Appellant respectfully provides this Notice of Compliance and requests that the Court proceed with consideration of this appeal based on the record and materials already submitted.

Respectfully submitted,

DeQuincey G. Simmons
2503 Hiers Court
Hephzibah, GA 30815
Phone: 706-495-0738
Email: dequinceysimmons@gmail.com

DeQuincey Simmons
3/23/2026

Exhibit(G)

RECEIVED

Mar 23 2026

SC Court of Appeals

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Compliance was served upon all counsel of record by United States Mail, properly addressed, on this 23 day of March 2026.

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

De Luncney Simmons
3/23/2026

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Dequincey G. Simmons,

DOCKET NO. 23-ALJ-22-0429-AP

Appellant/Petitioner,

vs.

ORDER

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

Respondent.

This matter is before the Administrative Law Court ("ALC" or Court") pursuant to a Motion to Dismiss filed by the South Carolina Department of Workforce ("SCDEW" or "Department") and Bridgestone Americas Tire Operations, LLC ("Bridgestone")(collectively, "Respondents) alleging that this appeal should be dismissed for lack of jurisdiction because the Appellant, Dequincey G. Simmons, failed to serve the employer, Bridgestone, with his Notice of Appeal. The Court issued an Order on March 22, 2024, holding a final ruling on Respondent's Motion to Dismiss in abeyance for fifteen (15) days to allow the Respondents to provide additional information to address concerns raised in the order. ¹

On or about April 4, 2024, the Court received Respondents' Joint Response to March 22, 2024 Order (Response), providing legal argument on the issues raised in the March 22, 2024 order, as well as an affidavit from Krisi Chesley, a Department employee responsible for "receiving, opening and processing" mail addressed to the Department's Office of General Counsel. Ms. Chesley's affidavit attests that while she received Appellant's Notice of Appeal on behalf of the Department, the Appellant failed to include an additional copy for service on Bridgestone. ²

¹ On or about April 1, 2024, the Court received documents from Appellant couched as "Motion to Clarify or Modify Judgment" requesting that the Court reconsider its March 22, 2024 order on the issue of service of the Notice of Appeal. Appellant's certificate of service indicates that this information was served on the Department and Bridgestone. .

² S.C. Code Ann. 41-35-750 provides an alternate method to serve a Notice of Appeal on other parties to an unemployment proceeding whereby a litigant may leave additional copies the notices with the Department and the Department will then mail the pleadings to the other parties. In its Motion to Dismiss, the Department provided an affidavit from a registered agent of Bridgestone, based in Charleston, SC, attesting that it had not received Appellant's Notice of Appeal but the Motion to Dismiss did not address the alternate method of service under section 41-35-750. In the Response, the

In its March 22, 2024, Order, the Court observed that “[a]s of the date of this Order, Appellant has not filed a response to Respondents’ Motion [to Dismiss].” This statement was incorrect. Because of a filing error, the Court did not discover that Appellant had, in fact, filed a Return to the Department’s Motion to Dismiss until sometime after it had issued the March 22, 2024 order. The Appellant’s Return was dated December 26, 2023, and attached thereto as exhibits are pictures of envelopes Appellant asserts contain his Notice of Appeal addressed to the Court and copies of the same addressed to the Department and to Bridgestone.³ Appellant further attached a copy of a receipt from the U.S. Postal Service showing that the envelopes were mailed on October 23, 2023.⁴ Finally, Appellant attached a copy of what appears to be a tracking sheet from the U.S. Postal Service listing the delivery date for the envelope addressed to Bridgestone as October 30, 2024. Significantly, the envelope to Bridgestone was addressed to, and therefore, delivered to, “Bridgestone Americas Tire Operations, LLC, P.O. Box 182366, Columbus, Ohio 43218-2366.(Ohio address)” This is the exact same address listed for Bridgestone which appears in the caption of the Appellate Panel decision from which Appellant appeals.⁵

Respondents provided the appropriate affidavit from a Department employee and also offered that section 41-35-750 was not applicable. Given its disposition of the Motion, the Court need not address this issue.

³ The enveloped addressed to the Court shown in the picture appears to be the envelope in the Court’s file.

⁴ Appellant’s certificate of service shows that he served the Return on the Department and Bridgestone. Assuming the pleading was served on the Respondents, they filed no reply to the Appellant’s Return.

⁵ The requirements of service of the Notice of Appeal are strict and must be followed in order to properly invoke the appellate jurisdiction of this Court. That being said, Appellant is a layperson who would not ordinarily have knowledge that proper service of a Notice of Appeal may be made by serving a corporation’s registered agent. From the Court’s perspective, the Department provided the Appellant with a service address for Bridgestone in Ohio and, based on the documents Appellant provided, it appears that Appellant served Bridgestone at that Ohio address. The affidavit of Beth Hellman attached to the Respondents’ Motion to Dismiss states that she is stationed in Davidson County, Tennessee and that she is “responsible for receiving, opening and processing mail addressed to Bridgestone’s registered agent in South Carolina and received by that agent at 6650 Rivers Avenue, North Charleston, SC 29206.” The affidavit continues to assert that “Bridgestone has not received any Notice of Appeal [from Appellant]...and Bridgestone has no record of ever having been served with a copy of the notice of appeal for that matter either by mail or hand delivery from Dequincy G. Simmons on Bridgestone’s registered agent in South Carolina.” Without more, the Court interprets this affidavit as addressing only service on Bridgestone via its registered agent in Charleston and not at the Ohio address furnished by the Department for Bridgestone. The Court further notes that the Department’s certificate of service on at least one of the documents filed in this case lists the Ohio address for Bridgestone.

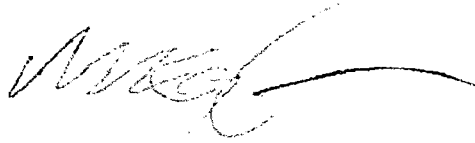
The Court believes that the Appellant, for the purposes of a motion to dismiss, has provided sufficient evidence that he served his Notice of Appeal on Bridgestone, at the address provided to him by the Department.⁶ Had the Court been aware of Appellant's Return at the time it considered Respondents' Motion to Dismiss, it would have denied the same. Although the Appellant's Return (as well as his Motion to Clarify or Modify Judgment) appears to have been served on the Department, the Respondents have not refuted Appellant's showing that he served Bridgestone at the Ohio address. The Respondents' Joint Response to March 22, 2024 Order addressed the Court's concern raised in is order but did nothing to refute Appellant's showing that he served Bridgestone at the Ohio address with the Notice of Appeal on October 23, 2023. Accordingly, based on the evidence provided by the Appellant indicating that he did serve his Notice of Appeal on the Department and Bridgestone, the Department's Motion to Dismiss should be denied.

THEREFORE, upon careful consideration of pleadings herein, to include Respondents' Motion to Dismiss, Appellant's Return, Respondents' Joint Response to March 22, 2024 Order and Appellant's Motion to Clarify or Modify Judgment, along with the various pictures of service envelopes attached thereto, the Court **DENIES** Bridgestone's Motion to Dismiss for Lack of Jurisdiction and the case will proceed as follows:

1. Respondents shall have 30 days from the date of this Order to submit the Record of Appeal;
2. Appellant will shall have twenty (20) days after service of the Record on Appeal to submit his initial brief to the Court with service on all parties;
3. Respondents shall submit their brief(s) twenty (20) days after the service of Appellant's brief;
4. Within ten (10) days after the service of Respondents' brief(s), Appellant may file a Reply brief.

⁶ The Court acknowledges that Appellant's certificate of service to his Notice of Appeal failed to list Bridgestone as having been served with the Notice of Appeal. Based on the documents, however, the Court is comfortable that Appellant did serve Bridgestone.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Milton G. Kimpson', with a long horizontal flourish extending to the right.

Milton G. Kimpson
Administrative Law Judge

April 29, 2024
Columbia, South Carolina