

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from the South Carolina Administrative Law Court

Administrative Law Court Docket No.: 26-HA-000439

Nishka Burns

Petitioner/Appellant,

v.

**SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE;
and TRI-COUNTY ADULT DAY SERVICES,**

Respondents.

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SC Court of Appeals

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Petitioner/Appellant, **Nishka Burns**, hereby appeals to the South Carolina Court of Appeals from the Order of the South Carolina Administrative Law Court granting Respondent South Carolina Department of Employment and Workforce's Motion to Dismiss.

The Order appealed from was entered by the South Carolina Administrative Law Court on **June 24, 2026**, in Administrative Law Court Docket No. **26-HA-000439**.

This appeal arises from the Administrative Law Court's dismissal of Petitioner/Appellant's Petition for Judicial Review of the South Carolina Department of Employment and Workforce Office of Appellate Panel decision concerning unemployment benefits, the misconduct determination, and the resulting overpayment determination involving Petitioner/Appellant and Tri-County Adult Day Services.

Petitioner/Appellant seeks review of the Administrative Law Court's dismissal based upon the following procedural errors:

1. The Administrative Law Court granted SCDEW's Motion to Dismiss on June 24, 2026, before Petitioner/Appellant's time to respond had expired.
2. SCDEW filed its Motion to Dismiss on June 8, 2026. Petitioner/Appellant received the Motion to Dismiss on June 17, 2026, and was provided until June 28, 2026, to submit a response.
3. Petitioner/Appellant timely prepared and mailed a Response to the Motion to Dismiss on June 23, 2026, with service to the parties and the Administrative Law Court.
4. At the time the Administrative Law Court entered the Order granting dismissal on June 24, 2026, Petitioner/Appellant's response deadline had not expired, and Petitioner/Appellant's response had not yet been received, filed, or considered.
5. Petitioner/Appellant did not become aware that the Administrative Law Court had entered the dismissal order until June 29, 2026, after returning to retrieve mail following a period of displacement from the home.
6. Petitioner/Appellant acted diligently and in good faith throughout the proceedings and should have been afforded the opportunity for her timely response to be considered before dismissal was entered.

WHEREFORE, Petitioner/Appellant respectfully requests that the South Carolina Court of Appeals review the Administrative Law Court's Order of Dismissal and grant appropriate relief, including reversal of the dismissal and reinstatement of Petitioner/Appellant's Petition for Judicial Review.

Respectfully submitted this 14th day of July, 2026.

Respectfully,

Nishka Burns
Petitioner/Appellant
Claimant ID 12042490
704-294-1746
256 Dewey Thomas Rd;
Cheraw SC, 29520

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CERTIFICATE OF SERVICE

I certify that on **June 23, 2026**, I served a true and correct copy of my Response to the Motion to Dismiss and related documents upon the parties of record by depositing the same in the United States Mail, properly addressed and with sufficient postage affixed. Service was made upon:

*Office of General Counsel
S.C. Department of Employment and
Workforce
Post Office Box 8597
Columbia SC 29202*

*TriCounty Adult Day Services
169 Calvery Rd
Cheraw, SC 29520*

*South Carolina Administrative Law Court
Edgar A. Brown Building
1205 Pendleton St., Ste. 224
Columbia, SC 29201*

The copy sent to the South Carolina Administrative Law Court was mailed by express mail with tracking/signature confirmation.

CERTIFICATE OF SERVICE

I certify that on **July 17, 2026**, I served a true and correct copy of my Response to the Motion to Dismiss and related documents upon the parties of record by depositing the same in the United States Mail, properly addressed and with sufficient postage affixed. Service was made upon:

*Office of General Counsel
S.C. Dew
Post Office Box 8597
Columbia SC 29202*

*South Carolina Administrative Law Court
Edgar A. Brown Building
1205 Pendleton St., Ste. 224
Columbia, SC 29201*

*TriCounty Adult Day Services
169 Calvery Rd
Cheraw, SC 29520*

*South Carolina Court of Appeals
Clerk's Office
P.O. Box 11629
Columbia, SC 29211*

The copy sent to the *South Carolina Court of Appeals* was mailed by express mail with tracking/signature confirmation.

Nishka Burns
Petitioner/Appellant, Pro Se

rs
Deucey Thins Rd
SC 29520



Retail



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RDC 99

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255 Dewey Thruway Rd
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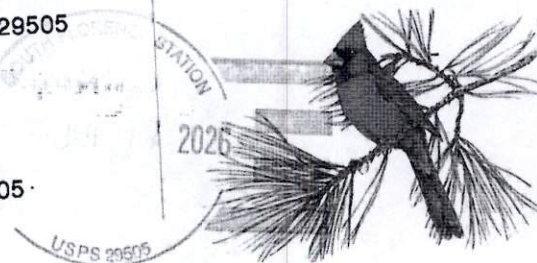


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Cheraw SC 29520

N. Burns
256 Dewey Thomas
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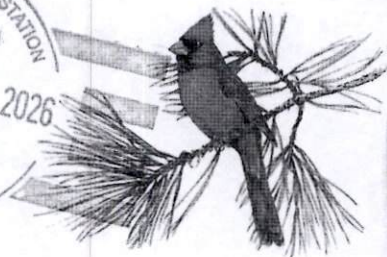
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South Carolina Dept of Workforce
~~Chocoma SC~~ SC DEW
Po Box 8599 Po Box 8597
Columbia, SC 29208

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FROM:

N. Burns
256 Deely Thomas
Chew SC 29520

CERTIFIED MAIL



7022 3330 0001 5656 0571

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