THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED
SEP 29 2026
SC Court of Appeals

Sulaimon Brown, Appellant,

v.

South Carolina Department of Employment and Workforce, and

Coastal Bus Line, LLC,

Respondents.

APPEAL FROM THE ADMINISTRATIVE LAW COURT

The Honorable Crystal M. Rookard, Administrative Law Court Judge.

ALC Docket No. 26-ALJ-22-0165-AP

NOTICE OF APPEAL

TO: THE RESPONDENTS ABOVE NAMED...

STATEMENT OF GROUNDS FOR APPEAL

The Appellant, Sulaimon Brown, appearing *pro se*, respectfully appeals September 16, 2026, Final Decision and Order of the Administrative Law Court issued by the Honorable Crystal M. Rookard, Administrative Law Court Judge, dated September 29, 2026, in ALC Docket No. 26-ALJ-22-0165. The final order is severely affected by arbitrary and capricious errors of law, gross procedural due process violations, and an outright refusal to review the actual physical evidence in the record [1-23-380]:

I. Procedural, Jurisdictional, and Due Process Violations Committed by ALJ Rookard

1. **The ALJ committed an egregious error of law by issuing a structurally non-compliant Initial Scheduling Order that directly violated S.C. Code Ann. § 41-35-750.** Under binding South Carolina statutory law, all Unemployment Insurance appeals must be adjudicated in a strict summary, expedited track to prevent catastrophic financial hardship to the worker [1-3.1, 1-3.4]. Pursuant to **South Carolina Code of Regulations § 28-3.1(B)** and **ALC Rule 34(A)**, the agency is strictly mandated to file and serve the Official Record within an expedited fast-track window of twenty

(20) days. The ALJ had no statutory authority to rewrite the rules from day one, and by granting SCDEW an expanded civil track allowance of thirty (30) days, the ALJ committed a reversible due process error.

2. **The ALJ committed a gross abuse of discretion and a mistake of fact by retroactively constructing an unearned "timeline cushion" for SCDEW.** The physical record proves that SCDEW took physical delivery of Appellant's Notice of Appeal on May 19, 2026. By calculating the agency's deadline solely from the May 29, 2026 Notice of Assignment, the ALJ granted SCDEW an additional ten (10) days of practical preparation time. To compound this error, the ALJ subsequently applied **ALC Rule 4(B)** to retroactively back-credit a digital processing cue mailed on June 29, ignoring the uncontradicted fact that the record remained entirely missing and completely unavailable to the public, the Clerks, and the Appellant well into the afternoon of June 30, 2026. This arbitrary ruling insulated the agency from mandatory default sanctions and violated Appellant's right to a fair, open judicial review under **S.C. Code Ann. § 1-23-380** [1-23-380].

3. **The ALJ structurally abandoned her judicial duties and violated due process by refusing to address, rule upon, or dispose of Appellant's**

timely filed interim motions. On July 10, 2026, Appellant filed a *Motion for Reconsideration of Order Denying Default Judgment* and an *Emergency Motion for Extension of Time*. The ALJ completely ignored these active filings, failed to issue required written decisions, and instead bypassed the unresolved timeline challenges to issue a premature final merits order on September 16, 2026. Bypassing mandatory procedural determinations to bury timeline objections is a reversible error of law [1-23-380].

II. Substantive Errors of Law, Burden-Shifting, and Erroneous Reliance on Foreign Law

4. **The ALJ committed a severe error of law by completely redefining "voluntariness" to ignore a physical, written firing letter.** Under long-standing South Carolina Supreme Court precedent, an employee cannot be charged with a voluntary quit unless they possess the subjective intent to end the employment relationship and take actions with "unavoidable ramifications" (*Samuel v. SCESC*, 1985). Appellant returned his vehicle exactly as ordered by management over the two-way radio. The ALJ committed a reversible error by labeling this a "voluntary quit," choosing to completely ignore the black-and-white physical reality of an immediate corporate termination letter generated by the Employer, signed by the

Director of Operations, and explicitly dated Day One (February 9, 2026) (ROA p. 16; PDF p. 20).

5. **The ALJ committed an error of law by dismissing the fact that the agency relied on unpersuasive, non-binding foreign jurisprudence to rewrite South Carolina statutes.** In their administrative defenses, the Respondents openly relied on general out-of-state encyclopedias (**81A C.J.S.**) and foreign cases from Alabama (*Henderson v. Allen*, 1993) and Missouri (*Miller v. Help at Home, Inc.*, 2006) to assert that Appellant bore an absolute, unshifting burden of proof. The ALJ fundamentally erred by letting the agency substitute foreign law to bypass South Carolina's strict burden-shifting rules. Under South Carolina law, once a contemporaneous written discharge letter is anchored in the record, the separation is an employer-initiated discharge, and the statutory burden of proof shifts *entirely* to the Employer under **S.C. Code Ann. § 41-35-120(2)** to prove willful misconduct.

6. **The ALJ committed a dangerous violation of South Carolina Public Policy by punishing a commercial driver for refusing to violate state transit laws.** The ALJ explicitly ruled that even if Appellant held a sincere

and lawful belief that transporting a special needs elementary child on an unequipped, uncertified high school bus was illegal, that belief "alone does not establish good cause" because he did not stay in a freezing, empty yard to discuss it. This is a profound error of law. An employee has no legal duty to obey an unlawful order that exposes them to massive civil liability or puts a disabled child in physical danger. Refusing a non-compliant directive is an absolute right under **S.C. Code Ann. § 59-67-470**and **S.C. Code Ann. Regs. 43-80**, and the ALJ erred by treating public safety compliance as job abandonment.

7. **The ALJ's factual findings violate the Substantial Evidence Rule and rely on a physical impossibility.** While a reviewing court under *Gibson v. Florence Country Club* (1984) and **S.C. Code Ann. § 1-23-380(5)** provides general deference on questions of fact, that deference does not permit a judge to accept an impossible conclusion [1-23-380]. The ALJ rubber-stamped the Panel's conclusion that the Employer "did not provide official notification of discharge" before Appellant left the yard, while simultaneously acknowledging that the Employer drafted, dated, and signed a formal, immediate termination letter on that exact same day, February 9, 2026 (ROA p. 16). Furthermore, the ALJ built her entire

timeline on an unverified, electronically batch-processed 10:36 AM timestamp that was explicitly contested during the administrative hearing. Overriding uncontradicted physical corporate documents in favor of self-serving verbal hearsay and unauthenticated electronic metadata is a clear violation of **S.C. Code Ann. § 1-23-380(5)(a)(v)** [1-23-380].

Dated: September 29, 2026

Respectfully submitted,

Sulaimon Brown

Sulaimon Brown, Appellant Pro Se

16310 Giddings Way

Ladson SC 29456

Phone: 347-584-3399

Email: sBrownAccountant@yahoo.com

RECEIVED
SEP 29 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED
SEP 29 2026
SC Court of Appeals

ALC Docket No. 26-ALJ-22-0165-AP

Sulaimon Brown, Appellant,

v.

South Carolina Department of Employment and Workforce, and

Coastal Bus Line, LLC, Respondents.

PROOF OF SERVICE / CERTIFICATE OF SERVICE

I hereby certify that on this __29___ day of __SEPTEMBER_____, 2026, I served a true and correct copy of the foregoing Appellate Package (comprising the standalone formal Notice of Appeal and the matching aggressive Statement of Grounds for Appeal) upon all parties to this action by hand delivery to Court of Appeals and Administrative Law Court and depositing true copies of the exact same in the United States Mail, **First-Class Certified Mail with return receipt requested**, postage fully prepaid, addressed to the respective legal counsel, employers, and courts of record exactly as follows:

1. FILING VENUE (ORIGINAL + 2 COPIES):
Clerk of Court
South Carolina Court of Appeals

1220 Senate Street
Columbia, SC 29201

2. LOWER COURT VENUE (1 COPY):

Clerk of Court

South Carolina Administrative Law Court

Edgar A. Brown Building

1205 Pendleton Street, Suite 224

Columbia, SC 29201

3. RESPONDENT AGENCY COUNSEL (1 COPY):

Office of General Counsel

South Carolina Department of Employment and Workforce

Post Office Box 8597

Columbia, SC 29202

4. RESPONDENT EMPLOYER (1 COPY):

Coastal Bus Line, LLC

4954 N. Hwy 17Awendaw, SC 29429-6167

Sulaimon Brown, Appellant Pro Se

16310 Giddings Way

Ladson, SC 29486

Phone: 347-584-3399

EMAIL: sBrownAccountant@yahoo.com