

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Sulaimon Brown,

Appellant,

v.

South Carolina Department of Employment
and Workforce and Coastal Bus Line, LLC,

Respondent(s).

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

ORDER

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SEP 29 2026

SC Court of Appeals

STATEMENT OF THE CASE

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed on May 15, 2026, by Sulaimon Brown (Appellant). This matter was assigned to the undersigned on May 29, 2026. Appellant challenges the final determination issued by the Appellate Panel (Panel) at the South Carolina Department of Employment and Workforce (Department or Respondent), in which the Panel found that Appellant was disqualified from receiving unemployment benefits upon finding he voluntarily left employment without good cause from his employer, Coastal Bus Line, LLC (Coastal or Employer). The Record on Appeal (Record) was filed on June 29, 2026. Appellant filed a Motion for Sanctions and Default Judgment on June 30, 2026. On July 6, 2026, this Court denied the motion.¹ Appellant filed his initial brief on July 21, 2026. The Department filed its brief on August 10, 2026. Appellant filed a reply brief on August 17, 2026. After careful consideration of the Record, the parties' briefs, and the applicable law, the Court affirms the Panel's decision.

BACKGROUND

Appellant began working for Coastal as a bus driver on March 28, 2025. On February 6,

¹ On July 10, 2026, Appellant filed a Motion for Reconsideration of that Order. The motion restates the grounds raised in Appellant's June 30, 2026 Motion for Sanctions and Default Judgment and identifies no point overlooked or misapprehended. Appellant contends that Rule 34(A) SCALCR, requires the Department to file and serve the Record within twenty days of the Notice of Assignment. However, this is incorrect. Rule 36(A) requires that the Record on Appeal be filed within thirty days of the Notice of Assignment in appeals of Department decisions. The Notice of Assignment stated the June 29, 2026, deadline correctly. Thirty days from the issuance of the Notice of Assignment fell on Sunday, June 28, 2026, and the period therefore ran to Monday, June 29, 2026. Rule 3(A), SCALCR. The motion is denied. Appellant also filed an Emergency Motion for Extension of Time to File Appellant Brief on July 10, 2026. Nevertheless, Appellant thereafter filed his brief on July 21, 2026 in accordance with the Court's July 6, 2026 order. Accordingly, this motion is moot.



2026, Coastal notified Appellant that his route had been modified to add one student and that the revised route would begin February 9, 2026. On February 9, 2026, at approximately 6:47 AM, Appellant arrived at the new stop and determined that the passenger was a disabled student. Appellant informed his base that he was refusing to transport the student because he was not a certified special needs driver, no monitor or attendant was assigned to the bus, and there was no booster seat or safety harness. Appellant's supervisor then instructed Appellant to return to the yard to discuss the matter. At 7:13 AM, Appellant returned the bus to the yard and departed without speaking to a supervisor. Appellant did not appear for his scheduled 9:00 AM charter route. At 10:36 AM, Appellant filed a claim for unemployment insurance (UI) benefits. Appellant did not report for his scheduled afternoon charter or route that day. At 1:32 PM, Appellant received a message stating, "Coastal Bus Line removed you from CBL All Staff."

By letter dated February 9, 2026, and received by Appellant on February 11, 2026, Coastal's Director of Operations notified Appellant of his "immediate termination with Coastal Bus Line for failure to complete assigned work, failure to follow directives, and failure to report for charter and afternoon route (no-call/no-show) on Monday, February 9, 2026." The letter advised that Appellant's final paycheck would include all work completed through February 6, 2026. The separation was processed by Coastal on February 11, 2026.

The Department's claims adjudicator issued a determination on February 18, 2026, finding Appellant eligible for benefits on the ground that he was discharged without good cause. Coastal appealed to the Department's Appeal Tribunal (Tribunal) that same day. Following an evidentiary hearing on March 17, 2026, the Tribunal reversed the determination, finding Appellant voluntarily quit his employment without good cause. The Tribunal's determination was issued March 20, 2026. Appellant appealed the decision to the Panel on March 23, 2026. The Panel affirmed the Tribunal's decision on May 6, 2026. This appeal followed.

ISSUE ON APPEAL

Whether substantial evidence supports the Panel's finding that Appellant is indefinitely disqualified from receiving unemployment benefits because he voluntarily left employment without good cause?

STANDARD OF REVIEW

The Department is an agency under the Administrative Procedures Act (APA). *See Gibson v. Florence Country Club*, 282 S.C. 384, 386, 318 S.E.2d 365, 367 (1984) (finding the

Department's predecessor, the Employment Security Commission, subject to the APA). The ALC hears appeals from agency decisions pursuant to section 1-23-600(D) (Supp. 2025) of the APA. Accordingly, the APA's standard of review as set forth in section 1-23-380 of the South Carolina Code (Supp. 2025) governs these appeals. *See* S.C. Code Ann. § 1-23-600(E) (Supp. 2025). When acting in its appellate capacity, the Court's review is generally limited to the record. S.C. Code Ann. § 1-23-380(4) (Supp. 2025); *see also* Rule 36(G), SCALCR ("The Administrative Law Judge will not consider any fact which does not appear in the Record."). The standard used by appellate bodies to review agency decisions is found in subsection 1-23-380(5) of the South Carolina Code (Supp. 2025). That section states:

(a) The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (i) in violation of constitutional or statutory provisions;
- (ii) in excess of the statutory authority of the agency;
- (iii) made upon unlawful procedure;
- (iv) affected by other error of law;
- (v) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
- (vi) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(b) In interpreting a statute or regulation, the court shall not defer to the agency's interpretation of the statute or regulation and instead shall interpret the statute or regulation de novo.

S.C. Code Ann. § 1-23-380(5) (Supp. 2025) (amended by Small Business Regulatory Freedom Act, 2026 Session Laws, Act No. 251 (effective June 30, 2026)).

The South Carolina Supreme Court has observed that "[s]ubstantial evidence is not a mere scintilla; rather, it is evidence which, considering the record as a whole, would allow reasonable minds to reach the same conclusion as the agency." *Friends of the Earth v. Pub. Serv. Comm'n of S.C.*, 387 S.C. 360, 366, 692 S.E.2d 910, 913 (2010) (citation omitted); *see also Bilton v. Best Western Royal Motor Lodge*, 282 S.C. 634, 641, 321 S.E.2d 63, 68 (Ct. App. 1984). A decision

will not be set aside simply because reasonable minds may differ on the judgment. *Lark v. Bi-Lo, Inc.*, 276 S.C. 130, 136, 276 S.E.2d 304, 307 (1981). The fact that the record, when considered as a whole, presents the possibility of drawing two inconsistent conclusions from the evidence does not prevent the agency's findings from being supported by substantial evidence. *Waters v. S.C. Land Res. Conservation Comm'n*, 321 S.C. 219, 226, 467 S.E.2d 913, 917 (1996). In applying the substantial evidence rule, “a reviewing court will not overturn a finding of fact by an administrative agency ‘unless there is no reasonable probability that the facts could be as related by a witness upon whose testimony the finding was based.’” *Sea Pines Ass'n for Prot. of Wildlife, Inc. v. S.C. Dep't of Natural Res.*, 345 S.C. 594, 603-04, 550 S.E.2d 287, 292 (2001) (quoting *Lark*, 276 S.C. at 136, 276 S.E.2d at 307). When applying the substantial evidence rule, the factual findings of the administrative agency are presumed to be correct. *Rodney v. Michelin Tire Co.*, 320 S.C. 515, 466 S.E.2d 357 (1996). Furthermore, the reviewing court is prohibited from substituting its judgment for that of the agency as to the weight of the evidence on questions of fact. *Grant v. S.C. Coastal Council*, 319 S.C. 348, 461 S.E.2d 388 (1995). Finally, the party challenging an agency action carries the burden of proving convincingly that the agency's decision is not supported by substantial evidence. *Waters*, 321 S.C. at 226, 467 S.E.2d at 917.

Notwithstanding the substantial evidence rule, a reviewing court is not foreclosed from deciding questions of law. *See Gibson v. Ameris Bank*, 420 S.C. 536, 542, 804 S.E.2d 276, 279 (Ct. App. 2017) (“[Q]uestions of law may be decided with no particular deference to the trial court...” (quoting *U.S. Bank Tr. Nat'l Ass'n v. Bell*, 385 S.C. 364, 373, 684 S.E.2d 199, 204 (Ct. App. 2009))); *see also Flexon v. PHC-Jasper, Inc.*, 413 S.C. 561, 569, 776 S.E.2d 397, 402 (Ct. App. 2015). This Court will review and address a properly raised error of law committed by the lower tribunal.

DISCUSSION

The public policy underlying the unemployment insurance program is to provide benefits only to those who are unemployed through no fault of their own. S.C. Code Ann. § 41-27-20 (2021). Thus, an insured worker is eligible to receive benefits only if the Department finds he “has separated, through no fault of his own, from his most recent bona fide employer.” S.C. Code Ann. § 41-35-110(5) (2021). “‘Fault’ [in this context] is not limited to something that is blameworthy, culpable, or wrong,” but rather, “must be construed as meaning failure or volition.” *Stone Mfg. Co. v. S.C. Emp't Sec. Comm'n*, 219 S.C. 239, 246-247, 64 S.E.2d 644, 646 (1951) (citations

omitted). Whether an employee's separation is vindicated by good cause is largely an issue of fact to be determined on a case-by-case basis in accordance with the facts presented. *See, e.g., Wellington v. S.C. Emp't Sec. Comm'n*, 281 S.C. 115, 117, 314 S.E.2d 37, 39 (Ct. App. 1984) (regarding eligibility requirements as resting, in large part, upon the circumstances of each case).

An insured worker is ineligible for benefits if the Department finds he left work voluntarily, without good cause. S.C. Code Ann. § 41-35-120(1) (2021). Good cause is not defined by statute or regulation, yet our Supreme Court has found "good cause" to exist when the basis for separation is reasons "attributable to or connected with" the employment. *Stone Mfg. Co.*, 219 S.C. at 257, 64 S.E.2d at 647; *see also*, 81 C.J.S. Social Security and Public Welfare § 417 (April 2026 Update) ("[i]n order to constitute good cause, the circumstances which compel the decision to leave employment must be real, not imaginary; substantial, not trifling; and reasonable, not whimsical. There must be some compulsion produced by extraneous and necessitous or compelling circumstances."). Good cause is measured under an objective standard and is generally not found where an employee fails to expend efforts affording the employer a reasonable opportunity to address the underlying condition prompting departure. 76 Am. Jur. 2d *Unemployment Compensation* § 42 (April 2026 Update) ("An employee is required to make reasonable efforts to preserve her job rights in order to receive unemployment benefits."). The claimant carries the burden of proving good cause. *See* 81A C.J.S. *Unemployment Compensation* § 501 (April 2026 Update) ("Where the statute denies compensation to one who leaves a job voluntarily without good cause, a claimant who has voluntarily abandoned a job has the burden of proving good cause.").

Importantly, the Panel makes the final factual determinations. Those findings are presumed correct and will be set aside only if unsupported by substantial evidence. *See Kearse v. State Health and Human Servs. Fin. Comm'n*, 318 S.C. 198, 200, 456 S.E.2d 892, 893 (1995). More particularly, the Panel is the ultimate finder of fact in cases before the Department, and this Court may not substitute its judgment for that of the Panel as to the weight of the evidence on questions of fact. *See generally Merck v. S.C. Emp't Sec. Comm'n*, 290 S.C. 459, 351 S.E.2d 338 (1986); *see also Grant*, 319 S.C. at 353, 461 S.E.2d at 391. The question then is whether the evidence in the Record was cogent enough for a reasonable person to be able to reach the same conclusion as the Panel. *See Friends of the Earth*, 387 S.C. at 366, 692 S.E.2d at 913; *Lark*, 276 S.C. at 135, 276 S.E.2d at 306 ("Substantial evidence is not a mere scintilla of evidence nor the evidence viewed blindly from one side of the case, but is evidence which, considering the Record as a whole, would

allow reasonable minds to reach the conclusion that the administrative agency reached or must have reached in order to justify its action.”) (internal quotation marks and citations omitted).

In this case, it is uncontested that Appellant refused to transport the student, returned to base, and left the work site at 7:13 AM without speaking to a supervisor. Appellant also failed to report for his 9:00 AM charter route. Further, Appellant filed a claim for UI benefits three hours and twenty-three minutes after leaving the worksite, and approximately three hours before he received a message removing him from the Coastal staff roster.² “An employee may be charged with quitting a job by action or inaction with unavoidable ramifications.” *Samuel v. S.C. Emp’t Sec. Comm’n*, 285 S.C. 476, 477, 330 S.E.2d 300, 301 (1985). Appellant argues that the February 9 letter from Coastal discharged him before he left the worksite. However, the letter states in part that Appellant was terminated for “failure to report for charter and afternoon route (no-call/no-show) on Monday, February 9, 2026.” The letter arose after Appellant failed to appear for his 9:00 AM charter and afternoon assignments. Appellant has conceded that he did not receive the letter until February 11, 2026, and the Department processed the separation that same day. Additionally, Appellant alleges that a 6:00 AM radio call occurred between the owner and Appellant, where the owner allegedly stated Appellant was “done” and that his route was “covered.” Appellant’s supervisor testified that Appellant was instructed to return to the base to discuss the situation. The Panel acknowledged that the record was in dispute but found the greater weight of credible evidence established that Appellant severed the employment relationship.³

Assuming Appellant held a sincere and reasonable belief that transporting the disabled student would have been unlawful, that belief alone does not establish good cause. Good cause is measured objectively, and an employee must afford the employer a reasonable opportunity to address the condition prompting departure. 76 Am. Jur. 2d *Unemployment Compensation* § 42.

² Appellant argues that the 10:36 AM timestamp is “unverified” and “speculative” due to potentially differing time standards or delays. Appellant offered no evidence in support of this assertion, and the argument is conclusory. See Rule 37(B), SCALCR (“Broad general statements may be disregarded by the Court.”); *Potter v. Spartanburg Sch. Dist.* 7, 395 S.C. 17, 24, 716 S.E.2d 123, 127 (Ct. App. 2011) (“An issue is deemed abandoned if the argument in the brief is not supported by authority or is only conclusory.”). Further, in Appellant’s Application for Leave to Appeal to the Appellate Panel, Appellant wrote “[t]he judge ignored testimony that proves I was verbally fired at 6:40am before I filed for UI at 10:36am.”

³ Appellant further contends the Panel erred in finding the Employer “did not provide him with official notification of discharge,” pointing to the February 9 letter. Read in context, that finding concerns the Appellant’s state of mind at the moment he left the work site. Based on the February 9 letter, the Panel expressly found that the Employer “processed the Claimant’s separation and sent him a letter via email on February 11, 2026.” Therefore, it was reasonable for the Panel to conclude that the Employer had not communicated an official notice of discharge before Appellant abandoned the worksite.

Appellant was directed to report to the office to discuss the very issue he had raised. Had he done so, the Employer would have had the opportunity to reassign the route, supply an attendant, or otherwise resolve the dispute. Coastal maintains it was following the student's individualized education program (IEP), which indicated the need for a seat belt, and that the bus was equipped with seat belts. Appellant instead left the worksite, applied for benefits within hours, and did not report for his 9:00 AM charter or the remainder of his assignments that day.⁴ Though a claimant's underlying concern may be legitimate, that does not excuse the failure to pursue available remedies before separating. *See Geohaghan v. S.C. Dep't of Emp't & Workforce*, 439 S.C. 14, 885 S.E.2d 422 (Ct. App. 2023).

As a result, a reasonable person could conclude, as the Panel did, that Appellant voluntarily left employment without good cause. Based on the foregoing, the Court concludes that substantial evidence exists to support the Department's determination that Appellant is indefinitely disqualified from receiving unemployment benefits because he voluntarily quit his employment without good cause. *See Friends of the Earth*, 387 S.C. at 366, 692 S.E.2d at 913 (holding a decision is supported by "substantial evidence" when the record as a whole allows reasonable minds to reach the same conclusion as the agency). Ultimately, even if the evidence is viewed in a different light than the Panel, the law prohibits the Court from substituting its judgment as to the weight of the evidence. *See Grant*, 319 S.C. at 353, 461 S.E.2d at 391.

ORDER

IT IS THEREFORE ORDERED that Appellant's Motion for Reconsideration of Order Denying Default Judgement, Sanctions, and Dismissal is **DENIED** and the Department's determination is **AFFIRMED**.

AND IT IS SO ORDERED.



The Honorable Crystal M. Rookard
South Carolina Administrative Law Judge

September 16, 2026
Columbia, South Carolina

⁴ Because substantial evidence supports the Panel's finding that Appellant's separation was voluntary, the Court does not reach Appellant's argument that the burden shifted to the Employer to establish misconduct.

CERTIFICATE OF SERVICE

I, Ryan T. Kowalski, 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, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).



Ryan T. Kowalski
Staff Attorney

September 16, 2026
Columbia, South Carolina

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