

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appellate Case No. 2026-002155

APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

The Honorable Crystal M. Rookard, Administrative Law Judge

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.

INITIAL BRIEF OF APPELLANT

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Todd's Ice Cream, Inc. v. S.C. Employment Security Commission, 281 S.C. 254, 315 S.E.2d 373 (Ct. App. 1984)

Statutes and Regulations:

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STATEMENT OF ISSUES PRESENTED FOR REVIEW

Did the Administrative Law Court err as a matter of law and violate due process by issuing an initial scheduling order that expanded the agency's filing window to thirty days, directly defying the mandatory twenty-day expedited track required for Unemployment Insurance appeals under South Carolina Code of Regulations Section 28-3.1(B) and ALC Rule 34(A)?

Did the Administrative Law Court commit a reversible error of law by classifying Appellant's separation as a voluntary quit under S.C. Code Ann. Section 41-35-120(1) when the uncontradicted physical record contains a formal corporate termination letter generated by the Employer dated Day One, proving an employer-initiated, involuntary discharge under *Samuel v. SCESC*?

Did the Administrative Law Court commit an error of law by permitting the agency to substitute non-binding, out-of-state jurisprudence to circumvent South Carolina's statutory framework, thereby unlawfully shifting the burden of proof away from the employer to establish misconduct under S.C. Code Ann. Section 41-35-120(2)?

Did the Administrative Law Court violate established South Carolina public policy by ruling that a commercial driver lacks objective good cause to separate from employment when forced to choose between job retention and a direct violation of special education student safety mandates under S.C. Code Ann. Section 59-67-470 and Regulation 43-80?

Is the Administrative Law Court's finding that the employer did not communicate a notice of discharge before Appellant left the yard clearly erroneous under S.C. Code Ann. Section 1-23-380(5)(a)(v) when the record contains a physical termination letter dated February 9, 2026, and an unverified system timestamp was used to override uncontradicted documentary evidence?

STATEMENT OF THE CASE

This matter arises from a claim for Unemployment Insurance benefits filed by Appellant, Sulaimon Brown, on February 9, 2026, following his involuntary separation from Coastal Bus Line, LLC. On February 17, 2026, a SCDEW Claims Adjudicator issued an initial determination approving benefits upon finding that a discharge in connection with the work was not justified. The Employer appealed the determination, and an evidentiary hearing was held before a SCDEW Appeals Referee on March 17, 2026. On March 20, 2026, the Appeals Referee reversed the initial determination, finding that Appellant voluntarily quit his employment without good cause. Appellant timely appealed to the SCDEW Appellate Panel, which affirmed the Referee's decision on May 6, 2026.

Appellant timely filed a Notice of Appeal with the South Carolina Administrative Law Court on May 15, 2026. The matter was assigned to the Honorable Crystal M. Rookard on May 29, 2026. On June 30, 2026, Appellant filed a Motion for Sanctions and Default Judgment on the grounds that the agency failed to timely file and serve the record under the expedited fast-track rules. The ALC denied the motion on July 6, 2026. Appellant filed a Motion for Reconsideration and an Emergency Motion for Extension of Time on July 10, 2026.

Appellant filed his initial brief on July 21, 2026, the Department filed its brief on August 10, 2026, and Appellant filed a Reply Brief on August 17, 2026. On September 16, 2026, the ALC issued its Final Decision and Order affirming the SCDEW Appellate Panel and denying Appellant's procedural motions. This appeal timely follows.

The Administrative Law Court issued its Final Order on September 16, 2026. There was no oral argument held during the proceedings before the Administrative Law Court, and

transcript of an oral hearing exists. Consequently, Appellant is proceeding directly with the filing of this Initial Brief pursuant to the 30-day timeline under Rule 208, SCACR.

STATEMENT OF THE FACTS

Appellant was employed by Coastal Bus Line, LLC, as a CDL School Bus Driver in Charleston County from March 31, 2025, until February 9, 2026. Throughout his tenure, Appellant maintained an exemplary employment record with no history of lateness, absences, or disciplinary infractions. Appellant's regularly assigned route was a standard, non-special needs route transporting high school students.

On Friday, February 6, 2026, management provided Appellant with a modified route description to take effect on Monday, February 9, 2026, adjusting his morning report time from 6:40 AM to 6:00 AM. Management failed to inform Appellant that the modification required him to transport an elementary school student with severe special needs. On February 9, 2026, at approximately 6:47 AM, Appellant arrived at the newly designated stop and observed that the child was a special education student. Based on his professional training, commercial licensure requirements, and years of experience, Appellant recognized that the child could not legally or physically ride his assigned vehicle.

The standard route bus lacked mandated child safety restraint anchor systems, structural securements, and safety harnesses required for special education transport under state law. Furthermore, Appellant was not a certified special education driver, had not received state-mandated safety training, and no authorized adult monitor or attendant was present on the vehicle.

Appellant immediately utilized the two-way radio to notify the base of the safety and regulatory violations. The owner of Coastal Bus Line, LLC, responded over the radio,

explicitly threatening Appellant and ordering him to transport the child despite the non-compliant conditions. When Appellant stated that he could not legally execute an unsafe, non-compliant transit order, the owner explicitly told Appellant over the radio that he was "done" and that his route was being "covered." The owner ordered Appellant to immediately return the bus to the vehicle yard.

Appellant complied with the direct management instruction and returned the bus to the yard at approximately 7:13 AM. Upon arrival, the yard was dark, freezing, and entirely vacant, confirming that the owner had been communicating from an off-site location. Because he had been verbally informed over the radio that he was "done" and taken off the schedule, Appellant departed the yard.

At 10:36 AM, Appellant filed an administrative claim for unemployment benefits as an immediate act of economic survival. At 1:32 PM that afternoon, Appellant received a corporate text message confirming his absolute removal, stating: "Coastal Bus Line removed you from CBL All Staff." Two days later, on February 11, 2026, Appellant received a formal, physical corporate termination letter drafted and signed by the Director of Operations. Although received on February 11, the face of the corporate termination document is explicitly dated February 9, 2026, and states that Appellant was subject to "immediate termination." The Employer presented zero live witnesses and zero authenticated documentary evidence at the administrative hearing to rebut these physical facts.

STANDARD OF REVIEW

Judicial review of a final decision of the Administrative Law Court is strictly governed by Section 1-23-610 of the South Carolina Code of Laws. Under S.C. Code Ann. Section 1-23-610(B), the Court of Appeals may reverse or modify an ALC decision if the substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are affected by an error of law, are clear violations of constitutional or statutory provisions, or are clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record.

An appellate court reviews questions of statutory interpretation and administrative rules completely *de novo*, owing zero deference to an agency's erroneous interpretations of law (*Brown v. S.C. Dept. of Health and Environmental Control*, 2002). Furthermore, while the substantial evidence rule prevents a reviewing court from substituting its judgment for that of the agency on the weight of conflicting evidence, a decision must be set aside as a matter of law if it is rooted in a mere scintilla of uncorroborated evidence or factual assertions that are physically refuted by contemporaneous corporate documents in the record (*Todd's Ice Cream, Inc. v. S.C. Employment Security Commission*, 1984).

ARGUMENT

The Administrative Law Court committed a reversible error of law by failing to enforce the mandatory expedited tracking deadlines explicitly required for Unemployment Insurance appeals under South Carolina Code of Regulations Section 28-3.1(B) and ALC Rule 34(A).

The South Carolina General Assembly has explicitly commanded under S.C. Code Ann. Section 41-35-750 that all appellate proceedings involving the Department of Employment and Workforce must be heard and adjudicated in a summary and expedited manner. The public policy underlying this mandate is to ensure that low-wage workers are not subjected to prolonged financial starvation while their necessary subsistence benefits are frozen in administrative litigation. To give effect to this statutory mandate, South Carolina Code of Regulations Section 28-3.1(B) and ALC Rule 34(A) strictly require that the agency compile, file, and serve the official record within an expedited track restricted to twenty (20) days from the notice of case assignment.

In the present case, the ALC committed a clear error of law and violated Appellant's due process rights from the inception of the case by entering an incorrect Initial Scheduling Order that granted SCDEW an unauthorized thirty (30) day civil tracking window. Procedural rules established by the Administrative Law Court carry the full force and effect of law, and strict compliance is mandatory to protect the due process rights of the claimant (*Glover v. S.C. Dept. of Employment and Workforce*, 2015). By structurally expanding the agency's filing window, the ALJ granted an unconstitutional 10-day administrative cushion that directly frustrated the summary track requirements of Section 41-35-750.

Furthermore, the physical record reveals that SCDEW took physical delivery of Appellant's Notice of Appeal on May 19, 2026, yet the court failed to log the case assignment until May 29, 2026. By calculating the agency's filing deadline solely from the delayed assignment date and applying ALC Rule 4(B) to back-credit a digital processing cue mailed on June 29, the ALJ insulated the agency from mandatory default sanctions. The uncontradicted facts show that the record was entirely unavailable to the public, the Clerks, and the Appellant well into the afternoon of June 30, 2026. The ALJ's failure to enforce the fast-track regulations caused severe financial prejudice to the Appellant and constitutes a reversible abuse of discretion.

II. The Administrative Law Court committed a severe error of law by misapplying the legal standard of voluntariness under *Samuel v. SCESC* and classifying an employer-initiated discharge as a voluntary quit.

Under long-standing South Carolina employment security law, an employee's separation can only be legally characterized as a "voluntary quit" if the employee subjectively intended to permanently sever the employment relationship and took independent, volitional action to do so. The South Carolina Supreme Court has explicitly established that a worker cannot be charged with a voluntary quit unless they sever the relationship through definitive "action or inaction with unavoidable ramifications," meaning the worker must fully understand that their choice will directly cause them to lose their position (*Samuel v. South Carolina Employment Security Commission*, 1985).

The administrative record is completely devoid of any evidence establishing that Appellant possessed the subjective intent to resign. Appellant did not submit a resignation notice, did not verbally quit, and did not abandon his post. To the contrary, Appellant actively performed his job duties, arrived early at 6:00 AM, and actively engaged management via

radio to report a severe vehicle safety non-compliance issue. Appellant only returned the commercial vehicle to the yard because he was given a direct corporate directive by the owner to do so. Compliance with an employer's physical instruction cannot legally be inverted into an act of voluntary job abandonment.

The ALJ committed a severe error of law by completely ignoring the black-and-white physical reality of the corporate termination letter anchored in the record at page 16. The letter, signed by the Director of Operations, explicitly states that Appellant was subject to an "immediate termination" effective February 9, 2026. An employee cannot logically abandon a position from which they have already been discharged by corporate management on Day One. Because the separation was initiated solely by the actions of the Employer, the ALC applied an incorrect legal framework, rendering the entire final order a reversible error of law.

III. The Administrative Law Court erred as a matter of law by shifting the statutory burden of proof onto the Appellant in violation of S.C. Code Ann. Section 41-35-120(2) and permitting the agency's reliance on non-binding out-of-state jurisprudence.

By erroneously classifying Appellant's employer-initiated separation as a "voluntary quit" under Section 41-35-120(1), the ALC committed a separate, catastrophic error of law by unlawfully shifting the statutory burden of proof onto the Appellant to establish objective "good cause." Under the strict statutory framework enacted by the South Carolina General Assembly, once a separation is established as an employer-initiated discharge, the burden of proof shifts entirely and exclusively to the employer to establish that the termination was triggered by statutory "misconduct" under S.C. Code Ann. Section 41-35-120(2).

During the administrative proceedings, the Respondents openly relied upon general out-of-state legal encyclopedias (81A C.J.S. Unemployment Compensation) and foreign judicial decisions from Alabama (*Henderson v. Allen*, 1993) and Missouri (*Miller v. Help at Home, Inc.*, 2006) to argue that Appellant carried an absolute, unshifting burden of proof to establish his innocence. The ALJ committed an error of law by permitting the agency to substitute foreign jurisprudence to circumvent binding South Carolina statutes.

Decisions from outside jurisdictions are purely persuasive and cannot override South Carolina law. Because the physical corporate termination letter dated February 9, 2026, proves an involuntary discharge, the Employer carried the sole burden to prove "willful or wanton disregard" of the employer's interests. The record reflects that the initial claims adjudication found zero evidence of wrongdoing. Because the Employer chose to provide no live witnesses and no competent documentary evidence at the hearing, relying instead on uncorroborated verbal hearsay, the Employer failed to satisfy its South Carolina statutory burden. The ALC's order must be reversed for enforcing an unlawful shifting of the burden of proof.

IV. The Administrative Law Court violated South Carolina public policy by ruling that a commercial driver's refusal to violate mandatory student transit safety regulations under S.C. Code Ann. Section 59-67-470 does not constitute objective good cause.

The public policy of the State of South Carolina strictly prohibits an employer from forcing a commercial driver to choose between maintaining their livelihood and intentionally violating state public safety laws enacted to protect disabled children. Under S.C. Code Ann. Section 59-67-470 and South Carolina Code of Regulations Board of Education 43-80, the transport of special education students is subject to strict statutory mandates. These laws

require specialized child safety restraint anchor systems, structural securements, specialized equipment, and specific state-certified driver training. Under Section 59-67-470, a direct violation of these student transportation standards constitutes official statutory misconduct. The ALJ explicitly ruled that even if Appellant held a sincere and reasonable belief that transporting the disabled student on an unequipped high school bus was unlawful, that belief "alone does not establish good cause" because Appellant failed to remain in an empty yard to hold a verbal discussion with management. This ruling is a profound error of law that subverts public safety. Under South Carolina law, an employee has an absolute legal right and a moral obligation to refuse an unlawful corporate directive that exposes the public to severe harm and exposes the driver to personal civil and criminal liability. Refusing to execute an illegal safety violation does not constitute insubordination. The record establishes that management gave Appellant an ultimatum over the two-way radio to either pick up the child illegally or be removed from the working schedule. Appellant actively communicated the specific regulatory deficiencies from the field. An employee is not required to participate in a futile, empty ritual or subject themselves to off-site administrative harassment to preserve a job that has already been stripped of its lawfulness. The ALJ erred by treating compliance with state public safety laws as an act of disqualifying job abandonment.

V. The Administrative Law Court's factual findings are clearly erroneous under the Substantial Evidence Rule, S.C. Code Ann. Section 1-23-380(5)(a)(v), because they rely on unverified metadata and physical impossibilities while disregarding uncontradicted corporate documents.

While a reviewing court operating under *Gibson v. Florence Country Club* (1984) and S.C. Code Ann. Section 1-23-380(5) owes general deference to an administrative agency on the internal weight of factual evidence, that deference is not absolute. Deference under South Carolina law applies only when an agency's findings are rooted in competent, reliable, and probative evidence; it does not require a reviewing court to blindly accept an administrative conclusion that is a physical impossibility.

The Tribunal and the ALJ reached the factual conclusion that the Employer "did not provide official notification of discharge" before Appellant separated from the yard. This finding is completely unsupported by substantial evidence and represents a gross distortion of the record. The record contains an uncontradicted corporate termination document drafted, dated, and signed by management on February 9, 2026, confirming an immediate discharge. To override this physical document, the ALJ chose to rely entirely on self-serving verbal hearsay regarding an off-site order to "discuss" the matter.

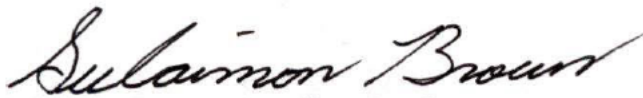
Furthermore, the ALJ insulated this impossible finding by relying heavily on an electronic 10:36 AM UI filing timestamp noted by the Appeals Referee. Appellant explicitly contested this timestamp on the record, testifying that electronic batch-processing and internal system servers operate on delayed cycles. The agency failed to introduce any authenticated technical metadata or system evidence to establish that the timestamp represented actual Eastern Standard Time. Under the Substantial Evidence Rule, an agency's decision cannot stand if it is based on a "mere scintilla" of evidence or uncorroborated hearsay that physically contradicts contemporaneous corporate documentation (*Todd's Ice Cream*, 1984). By rubber-stamping a physical impossibility based on unverified metadata, the ALC violated Section 1-23-380(5)(a)(v).

CONCLUSION AND RELIEF SOUGHT

For the foregoing reasons, Appellant, Sulaimon Brown, respectfully requests that this Honorable Court REVERSE the September 16, 2026, Final Decision and Order of the Administrative Law Court, REVERSE the final decision of the SCDEW Appellate Panel, and permanently REINSTATE the initial claims adjudication finding the Appellant fully eligible to receive his backlogged Unemployment Insurance benefits without statutory disqualification.

Dated: October 6, 2026

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this 6 day of October, 2026, I served a true and correct copy of the foregoing Initial Brief of Appellant upon all parties to this action by the following methods of legal service:

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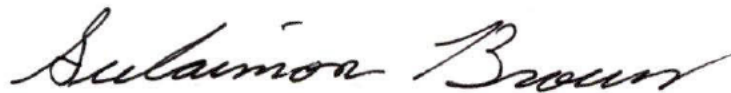
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