

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Cassandra D. Williams,

Appellant,

vs.

South Carolina Department of Employment and
Workforce and City of Columbia,
Respondents.

Docket No. 13-ALJ-22-0588-AP

ORDER DENYING
MOTION TO RECONSIDER
ORDER DISMISSING APPEAL

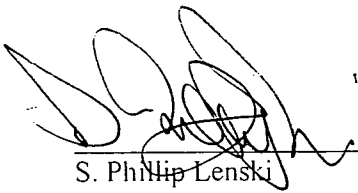
This matter is before the Administrative Law Court ("ALC" or "court") pursuant to a Notice of Appeal filed by Cassandra D. Williams (Appellant) on December 9, 2013. On January 27, 2014 the South Carolina Department of Employment and Workforce (Department) filed a Notice of Special Appearance and Motion to Dismiss with the court arguing that the court lacked jurisdiction to consider the appeal because the Appellant did not timely file her Notice of Appeal. The Appellant filed a response to the Department's motion on February 4, 2014. After reviewing the file and all arguments set forth by the Appellant and the Department, the court determined that, although the Appellant initially sent her Notice of Appeal by facsimile on November 8, 2013, she did not actually file her Notice of Appeal with the court until December 9, 2013. December 9, 2013 was beyond the thirty (30) day limit the Appellant had to file her Notice of Appeal after she received the Department's final decision. Accordingly, the court issued an Order of Dismissal pursuant to S.C. Code Ann. § 41-35-750 and ALC Rule 33 on February 28, 2014.

On March 11, 2014 the Appellant filed a Motion for Reconsideration with the court. The Appellant asks the court to reconsider its Order of Dismissal because she initially sent her Notice of Appeal by facsimile well within the thirty day time limit and any further delay was not due to a lack of attention on her part. Although the court is sympathetic to the Appellant's circumstances, because her properly filed Notice of Appeal was not filed within the thirty day time limit, the court lacks jurisdiction to review her appeal and therefore cannot re-open this case.

It is hereby **ORDERED** that the Appellant's Motion to Reconsider Order of Dismissal is **DENIED**.

IT IS SO ORDERED.

March 29, 2014
Columbia, South Carolina


S. Phillip Lenski
Administrative Law Judge

FILED

MAR 28 2014

CERTIFICATE OF SERVICE

I, Leah E. Garland, 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, in the Interagency Mail Service, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).

Leah Garland

Leah E. Garland
Judicial Law Clerk

March 28, 2014
Columbia, South Carolina

FILED

MAR 28 2014

SC ADMIN

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE
Columbia, South Carolina

IN THE MATTER OF THE CLAIM OF:

Cassandra D. Williams)
116 Summerhill Drive)
Columbia, SC 29203)
Claimant SSN: XXX-XX-0803)
)
City of Columbia)
c/o Human Resources Department)
PO Box 147)
Columbia, SC 29202)
Liable Employer)
)

APPELLATE PANEL
DECISION

Appellant: Claimant

The claimant appealed Appeal Tribunal Decision 2013-A-14475 to the Appellate Panel. The Tribunal held the claimant indefinitely disqualified from receiving benefits upon finding that she voluntarily quit without good cause. This decision affirmed the claims adjudicator's determination.

The Appellate Panel issued its decision upon review of the record on appeal.

DECISION

Appeal Tribunal Decision 2012-A-14475 is affirmed. The claimant is indefinitely disqualified from benefits effective June 9, 2013, upon finding she voluntarily quit without good cause attributable to the employment.

The claimant worked for the employer from February 16, 2009, to June 12, 2013, most recently as customer service representative. She contends she was constructively discharged, and forced to quit, because the working environment was so hostile and medically unsafe that it was impossible for her to continue. The claimant filed her claim for unemployment benefits on June 12, 2013. During the Appeal Tribunal hearing, she stated that this was how she informed the employer she quit her job. In June 2012, the claimant obtained a doctor's note advising that the claimant's medical condition makes it necessary for her to be able to have breaks for food, drinks, and also take bathroom breaks as needed. In response, the administrator described certain permitted activities relating to food and drink, but she denied other accommodations. The claimant received a final warning on June 11, 2013, about her attendance issues, and she was advised by the deputy administrator that she could no longer have food in the call center. The claimant contends her medical condition requires her to have

access to snacks and drinks during the workday. She further contends the deputy administrator harassed her and held her to stricter disciplinary standards than other employees. The claimant acknowledges she did not report these issues to the director or to the human resources department prior to quitting. The claimant obtained another doctor's note dated July 12, 2013, which states the claimant is required to have frequent breaks for eating, drinking, and bathroom use; but the claimant did not provide the note to the employer prior to filing for benefits.


S.C. Code Ann. § 41-35-120 (1) requires an indefinite disqualification from benefits when the Department finds the claimant has voluntarily quit without good cause attributable to the employment. The disqualification continues until the claimant returns to work and earns eight times the weekly benefit amount of the claim in covered employment. "Good cause" refers to a material, substantial change in the conditions of employment, or other circumstances directly attributable to the employment, which would cause a reasonable person to become totally unemployed rather than continue working.

The record establishes that the claimant intended to sever her employment relationship by filing for unemployment benefits. Although she may have had legitimate complaints about the employer's accommodation of her medical condition, she did not allow upper management the opportunity to address her concerns before she filed for benefits. Further, she did not appeal to human resources or other management outside of her division about her alleged treatment at the hands of the deputy administrator before she quit. We find the claimant did not take reasonable steps to remain employed. For the limited purposes of determining the claimant's eligibility for unemployment benefits, we find the claimant did not provide sufficient evidence to substantiate her claims of a hostile and medically unsafe working environment. Therefore, we find the claimant voluntarily quit without good cause attributable to the employment. The Appeal Tribunal decision is affirmed.

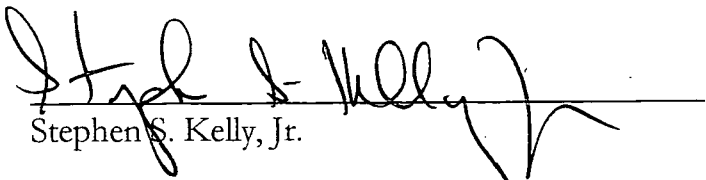
**SOUTH CAROLINA DEPARTMENT OF
EMPLOYMENT AND WORKFORCE**



E. B. Ayers



Tim Dangerfield



Stephen S. Kelly, Jr.

Review Date: 10/15/13

Date Mailed: 10/17/13

Mailed By: AG

Certificate of service

I Cassandra D. Williams, hereby certify that I have this date **April 18, 2014** served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail to the address of all party(ies) involved.

Cassandra D. Williams

April 21, 2014

RECEIVED


APR 22 2014

SC COURT of Appeals

S.C. Adiminstrative Law Court
Edgar A. Brown Building
1205 Pendleton St, Ste 224
Columbia, SC 29201

S.C. Department of Employment and Workforce
Post Office Box 8597
Columbia, SC 29202

W.Allen Nickle, III
1122 Lady St, Suite 610
Columbia, SC 29201


4/21/14