

John Sherman Estep III  
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To The South Carolina Court of Appeals

(Pro se)


Recommend Court Date:  
The six Friday of June 2014

John Sherman Estep III  
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Cc: Greatwide Dedicated Transport  
Po Box 280100  
Nashville, TN 37228

Cc: Office of General counsel  
S.C. Department of Employment and work force  
Po Box 8597  
Columbia, SC 29202

Sincerely:

  
John Sherman Estep III

5-19-14

**RECEIVED**

MAY 22 2014

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
Appeals COURT

John Estep  
Appellant/Petitioner,  
  
vs. South Carolina Department  
of Employment and Workforce  
and Greatwide Dedicated,  
transport, III, LLC  
Respondent.

Docket No. 14-ALJ-22-0026-AP

CERTIFICATE OF SERVICE

I hereby certify that I am the Appellant (Appellant/Petitioner/Respondent) in the above-captioned matter and that on the 17 day of May, 2014, in Columbia (city), South Carolina, I served a copy of the forgoing Appeal of final order (type of document) on the following person(s) by depositing the same in the United States Mail, postage paid, and addressed as follows:

Greatwide Dedicated  
Name  
Po Box 280100  
Address  
Nashville, TN 37228  
City/State/Zip

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City/State/Zip

Office of General Counsel  
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\_\_\_\_\_  
Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City/State/Zip

John Estep  
(Print Name)

[Signature]  
(Signature)

1800 Longcreek Dr  
(Street) Apt 5w

Columbia, SC 29210  
(City, State, Zip Code)

RECEIVED

MAY 22 2014

SC Court of Appeals

John Sherman Estep III  
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To The Honorable **Carolyn C. Matthews** Administrative Law Judge

(Appeal of Final Order)

### STATEMENT OF ISSUE ON APPEAL

Did John Sherman Estep III violate S.C. Code Ann. 41-35-120? The answer is no the Appellate is not in violations. S.C. Code Ann. 41-35-120(2)(a) requires disqualification from benefits for twenty weeks, with a corresponding monetary reduction, when the Department finds that a claimant has been discharged for misconduct connected with the employment. "Misconduct" includes deliberate violations or disregard of the standards of behavior that an employer has the right to expect of an employee, and carelessness or negligence of such a degree or frequency as to show an intentional and substantial disregard of the employer interests or of the employee's duties and obligations to his employer.

### STATEMENT OF THE FACTS

I the appellant made contact with my immediate supervisor Dean Keesler on the day of October 3, 2013

"I have about 30min of drive time remaining. I am about 1hr from the yard can I have permission to use the safe haven rule Dean Reply "yes John come to the yard with it.

### ARGUMENT

- 1) **Misconduct:** includes deliberate violations or disregard of the standards of behavior that an employer has the right to expect of an employee, "I John Estep called Dean Keesler at that time I the appellant did not show deliberate violations or disregard of the standards of behavior that an employer has the right to expect of an employee, I was doing what I was told to do so is there a violation yes but was it Deliberate the answer is no.

**Deliberate:** Means to carefully think or talk something through.

**Daily Routine:** Things you do every day.

- 2) **Safe haven rule** is something that Dean Keesler tells drivers to do on a *daily routine*. **1 of 3**

## ARGUMENT

3) The appellant should or should have known that violating his logbook would lead to his discharged. The appellant would not know or should have known if the safe haven rule was abused as a Daily Routine by the employer.

4) Don Crisco was not in the office on the day of October 3, 2013 the day of questioning of the violation S.C. Code Ann. 41-35-120. The things he listed in the record of appeal is all hearsay and not relevant in any body of court of law. The day in question is October 3, 2013.

5) The agency is responsible for redacting any identifying or personal information not subject to disclosure under **FOIA** prior to filing the Record on Appeal with the Court. The format of the Record on Appeal is similar to that used in the South Carolina Appellate Court Rules.

6) The SCDEW violated ALC RULE 36(B) the appellant **Freedom of information act** on the Record of Appeal and also the revised ROA over 28 errors threw out 13 pages of the original ROA. The ALC allowed SCDEW to submit a revised ROA and in the revised ROA the appellant FOIA was also in violation.

The ALC allowed SCDEW to submit a 3<sup>rd</sup> copy of the document that was in violation of Mr, Estep FOIA.

7) **S.C. Code Ann. § 1-23-380** 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:

(a) In violation of constitutional or statutory provisions;

(b) In excess of the statutory authority of the agency;

(c) Made upon unlawful procedure;

(d) Affected by other error of law;

(e) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or

(f) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

8) The SCDEW violated John Estep FOIA.

**APPELLANT ABANDONED ISSUES**

It is the employer duties to prove that the employee is in violations of S.C. Code Ann. 41-35-120 not the employee.

**CONCLUSION**

I John Sherman Estep III holding a **United States** public trust clearance ask the Administrative Law court to rule in the Appellant favor.

- A) Greatwide dedicated is not a person it is a company represented by people and the person who told me to fallow procedures was Dean Keesler.
- B) I the appellant never got a warning for falsifying logs I received two warnings in my short time with the company 1) warning was unfair to me because Dean Keesler told me to come back from a location without a load the electronic log book system gave Dean invalid time report Dean was thinking I would have a 34hr restart. 2) Warning was for moving out of the yard to fast I should have spent about 3min more on my pre trip inspection.
- C) To my knowledge at the I John Estep was not violating any rule I was told to use the safe haven rule.
- D) I was told to drive by my company Dean is my supervisor. we have electronic log books it was only a few times I had to use a paper log book.
- E) The employer must show evidence not the appellate on did he violate the rules.

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