

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

John Estep, ) Docket No. 14-ALJ-22-0026-AP )

Appellant, )

vs. )

**CORRECTED RECORD ON APPEAL**

SC Department of Employment and )  
Workforce and Greatwide Dedicated )  
Transport, III, LLC, )  
Respondent, )

THE STATE OF SOUTH CAROLINA  
In The Administrative Law Court

APPEAL FROM SOUTH CAROLINA  
DEPARTMENT OF EMPLOYMENT  
AND WORKFORCE APPELLATE  
PANEL

John Estep  
1800 Longcreek Drive, Apt. 5-W  
Columbia, SC 29210  
Claimant

Maura Baker  
Office of General Counsel-SCDEW  
PO Box 8597  
Columbia, SC 29202  
803-737-0395  
legal@dew.sc.gov  
Attorney for Respondent

Greatwide Dedicated Transport III, LLC  
c/o Thomas & Thorngren  
PO Box 280100  
Nashville, TN 37228  
Employer



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**SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE**  
Columbia, South Carolina

**IN THE MATTER OF THE CLAIM OF:**

John S. Estep )  
)  
)  
Claimant SSN: )  
)  
Greatwide Dedicated Transport, III, LLC )  
c/o Thomas & Thorngren, Inc. )  
PO Box 280100 )  
Nashville, TN 37228 )  
Liable Employer )  
\_\_\_\_\_ )  
Appellant: Claimant

**APPELLATE PANEL**  
**DECISION**

The claimant appealed Appeal Tribunal Decision 2013-A-19547 to the Appellate Panel. The Tribunal held the claimant disqualified from benefits upon finding he was discharged for misconduct. 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 2013-A-19547 is affirmed. The claimant is disqualified from benefits for twenty (20) weeks, from September 29, 2013, to February 15, 2014, with a corresponding monetary reduction, upon finding he was discharged for misconduct connected with the employment.

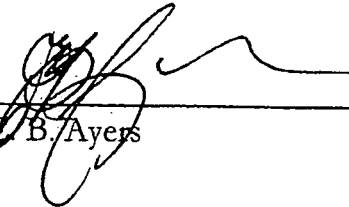
The claimant worked from March 1, 2013, to October 3, 2013, most recently as a driver. He was discharged after it was discovered the claimant falsified his driving time in violation of employer policy and state regulations. State regulations prohibit commercial drivers from driving in excess of eleven hours a day. The employer permits a driver who has reached the maximum hours and is within fifteen minutes of the terminal to return to the duty station without reprimand. On or about October 3, 2013, the log clerk discovered a discrepancy between the claimant's logbook and the vehicle's global positioning system. The claimant acknowledged he was 1½ hours over his allowable work time, but asserts he requested permission from a supervisor to return to the terminal. He further asserts the supervisor did not ask how many hours he had worked that day. Upon consideration of prior warnings for falsifying information, the employer discharged the claimant. The claimant stated it did not occur to him to advise the general manager upon his termination that he was granted

permission to return to the terminal. The claimant asserts that drivers regularly violated employer policy and state regulations by driving extended hours.

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 which 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's interests or of the employee's duties and obligations to his employer.

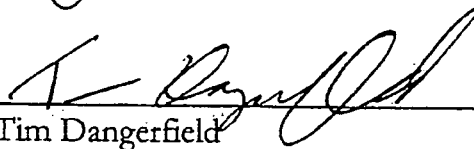
The record establishes the claimant falsified his driving time in violation of employer policy and state regulations. The claimant knew or should have known that falsifying his driving records would lead to his discharge. He was warned in the past for similar actions, but continued to falsify his records. The claimant's falsification of his driving records is a deliberate disregard of the standard of behavior the employer had the right to expect. Therefore, we find the claimant was discharged for misconduct connected with the employment. The Appeal Tribunal decision is affirmed.

**SOUTH CAROLINA DEPARTMENT OF  
EMPLOYMENT AND WORKFORCE**



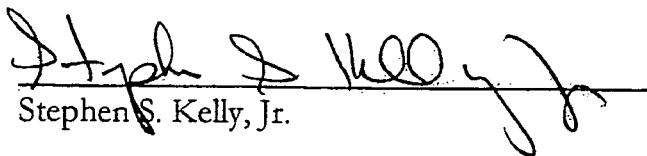
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H. B. Ayers



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Tim Dangerfield



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Stephen S. Kelly, Jr.

Review Date: 01/14/14  
Date Mailed: 01/15/14  
Mailed By: AG

**Mailing Date: January 15, 2014**

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE  
(SCDEW)  
Columbia, South Carolina

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**NOTICE OF MAILING OF APPELLATE PANEL DECISION**

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Attached is a copy of the final agency decision of SCDEW in this case. Any further appeal is to the South Carolina Administrative Law Court. To obtain judicial review of this decision, you must comply with the requirements of S.C. Code Ann. § 41-35-750 and the Rules of Procedure of the Administrative Law Court. The Court may require a filing fee.

The law requires that a Petition for Judicial Review must be filed with the Court and served on all parties and SCDEW within thirty (30) days from the date of mailing of the agency's final decision (**see the mailing date above**).

**The address of the Administrative Law Court is:**

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

**Service of the Petition on SCDEW must be addressed and mailed to:**

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

SCDEW cannot advise a party on any legal matter. For legal advice or assistance in filing an appeal to the Administrative Law Court, you should consult an attorney licensed to practice in South Carolina.

CORRECTED DECISION

SOUTH CAROLINA  
DEPARTMENT OF EMPLOYMENT AND WORKFORCE

**DECISION OF APPEAL TRIBUNAL**

Hearing Date: November 26, 2013

JOHNS. ESTEP

)  
)  
)

CLAIMANT

GREATWIDE DEDICATED TRANSPORT III )  
C/O THOMAS & THORNGREN INC )  
PO BOX 280100 )  
NASHVILLE, TN 37228 )

EMPLOYER

APPELLANT: Claimant

SS NO:

APPEARANCES

FOR THE  
CLAIMANT: Participated

FOR THE  
EMPLOYER: One Witness

FINDINGS OF FACT

The issue in this case is whether the claimant was discharged for misconduct.

The claimant appealed the claims adjudicator's determination mailed October 24, 2013, which held the claimant disqualified from receiving benefits for twenty (20) weeks, effective September 29, 2013, through February 15, 2014, along with a corresponding reduction in the maximum potential benefit amount upon a finding the claimant was discharged for misconduct.

The claimant worked from March 1, 2013, to October 3, 2013, with the subject employer, most recently as a driver. The claimant was discharged for failing to complete his driving log accurately. The claimant was required to accurately record the time he arrives and leaves a location, when he stops, his off hours and his sleep hours. The truck also has a GPS system which also shows the same records. The claimant completed a paper log as required her asserts that the GPS system had stopped working. When reviewed by the log clerk the claimant's paper log did not match. Under DOT regulations a driver is only allowed to drive eleven (11) hours a day although he is allowed to

work fourteen (14) hours. They do allow a "safe haven" which is when a driver is within 15 minutes of home to allow them to come in. The claimant had requested a "safe haven" but was one and a half hours away, putting him over in driving hours.

### REASONS

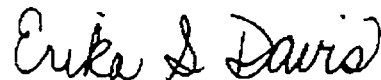
S.C. Code Ann. § 41-35-120(2)(a) requires disqualification from benefits for twenty (20) weeks, with a corresponding monetary reduction, when the Department finds that a claimant has been discharged for misconduct connected with the employment. "Misconduct" includes deliberate violations or disregard of the standards of behavior which an employer has the right to expect of his employee, and carelessness or negligence of such a degree or frequency as to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to his employer.

After considering the evidence in this case, the Tribunal concludes that the claimant was at fault in bringing about his discharge. In this case, an employer has a right to expect employee's to complete company documents accurately in accordance with company procedures. The claimant's conduct displayed negligence of such a degree and to show an intentional and substantial disregard of the employer's interests. Therefore, the Tribunal finds the claimant was discharged for misconduct and the original disqualification is deemed proper.

### DECISION

The Tribunal hereby holds the claimant disqualified from receiving benefits for twenty (20) weeks, effective September 29, 2013, through February 15, 2014, along with a corresponding reduction in the maximum potential benefit amount, upon a finding the claimant was discharged for misconduct. This decision affirms the determination mailed October 24, 2013.

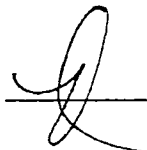
This will be the final decision of the Agency, unless you file an appeal to the Appellate Panel setting forth in detail the grounds for appeal within ten (10) calendar days, including weekends and holidays, from the mailing date of this decision. If the tenth day falls on a Saturday, Sunday or holiday, the appeal period is extended to the next business day. Your appeal may be filed by mail addressed to "Appellate Panel, Post Office Box 1752, Columbia, South Carolina, 29202", or by fax at 803.737.3166. For additional information on filing an appeal, visit our web site at [www.dew.sc.gov/appeals.asp](http://www.dew.sc.gov/appeals.asp).



Erika S. Davis  
Administrative Hearing Officer

ESD:lc

Decision Mailed: 12/4/13

Mailed on the above Date By: 



## SC Department of Employment and Workforce Initial Claims Application

Filing location: Home  
Office location: COLUMBIA  
Claim creator: Claimant  
Worked under a different name: No

### Ethnicity

Claimant Hispanic or Latino: No

### Claimant

Claimant's name: john sh Estep III  
Date of birth: 1/27/1981  
Gender: Male  
US citizen: Yes

### Aliases

Alias type: SocialSecurityCard  
Name: John Sherman Estep III

Alias type: Current  
Name: john sh Estep III

### Race(s)

\* African American/Black

### Addresses

Address type: physical  
Address:  
United States address: Yes

Address type: mailing  
Address:  
United States address: Yes

### Telephone Number

Telephone number type: Home  
Telephone number: 803-467-5255 Ext:

### Alien Information

Alien card number: None  
Expiration date: No

## Veteran Information

Service branch: None

Date entered:

Date released:

Character of service: None

Reason for separation:

Completed first full term of service: No

In the National Guard or a Reserve Unit and served on active No  
duty during a period of war or in a campaign or expedition:

Served on active duty in the military for a period of more than 180 days: No

Separated from military in the last 48 months: No

Accrued days lost: No

Accrued leave: 0  
(Item #16 on DD-214)

Pay grade:  
(Item #4b on DD-214)

Retired from military service: No

Have a service related disability: No

Percent disabled: 0%

Awarded a campaign badge or ribbon for service during a conflict: No

Badges and ribbons: None

Will receive pension: No

Worked in the last 18 months: Yes

**Employer Name: GREATWIDE DEDICATED TRANSPORT III LLC**

Employer delivery address: PO BOX 280100

Employer city: NASHVILLE

Employer state: TN

Employer zip code: 37228

Employer telephone number: 6152428246

Bona fide employer: Yes

Worked for this employer: Yes

Worked part-time only: No

Hire date: 3/1/2013

Termination date: 10/3/2013

Gross amount made during claim filing week: \$465.00

Type of work: Truck Drivers, Heavy and Tractor-Trailer

Earned at least \$2,608.00: Yes

Occupational license required: Yes

Job city: blythewood

Job state: South Carolina

Job duties: A class truck driver unload and load the trucks and make pick ups and drop offs in a

timely fashion and keep a clean log book

Child or spouse of employer: No

Owner or corporate officer of a business: No

Accepting all work offered by the employer: Yes

Initiated reduction in work hours: No

Discharge reason: Discharged

Discharge explanation: the people net log book wet out and I use my paper log book and they said

that it did not line up

**Discharge**

Discharge Reason: Other

Date of final incident: 10/3/2013

Final incident that caused discharge:

my log book did not match up with the gps in the truck but the people net log book went out so I had to

use paper and I did not line it up right to the tee

Discharge date: 10/3/2013

Discharged by: mark

Title of person who discharged you: acct manager

Violated company policy: No

Final incident impacted employer's business: No

Received prior warnings: No

Federal employer: No

Received SF8 form: No

Payroll office address based on SF8: No

**Employer Name: PROFESSIONAL DRIVERS OF GEORGIA INC**

Employer delivery address: PO BOX 182366

Employer city: COLUMBUS

Employer state: OH

Employer zip code: 43218

Employer telephone number: 8003666660

Bonafide employer: No

Worked for this employer: Yes

Worked part-time only: No

Hire date: 12/28/2012

Termination date: 2/28/2013

Gross amount made during claim filing week: \$0.00

Type of work: Truck Drivers, Heavy and Tractor-Trailer

Earned at least \$2,608.00: No

Stated amount earned: \$2,000.00

Occupational license required: Yes

Job city: columbia

Job state: South Carolina

Job duties: drive an A class or B class truck to locations to make pick ups and drop offs

Child or spouse of employer: No

Owner or corporate officer of a business: No

Accepting all work offered by the employer: Yes

Initiated reduction in work hours: No

Discharge reason: Discharged

Discharge explanation: I ran over flower bed

Federal employer: No

Received SF8 form: No

Payroll office address based on SF8: No

**Employer Name: J B Hunt**

Employer delivery address: 615 J B HUNT CORPORATE DR

Employer city: LOWELL

Employer state: AR

Employer zip code: 72745

Employer telephone number: (800) 452-4868 ext: \_\_\_\_\_

Bonafide employer: No

Worked for this employer: Yes

Worked part-time only: No

Hire date: 9/1/2012

Termination date: 12/11/2012

Gross amount made during claim filing week: \$0.00

Type of work: Industrial Truck and Tractor Operators

Earned at least \$2,608.00: Yes

Occupational license required: Yes

Job city: lowell

Job state: Arkansas

Job duties: unload and load truck and drive to locations

Child or spouse of employer: No

Owner or corporate officer of a business: No

Accepting all work offered by the employer: Yes

Initiated reduction in work hours: No

Discharge reason: Discharged

Discharge explanation: I had a accident it was not my fault but they say no accidents with in 6 months

Federal employer: No

Received SF8 form: No

Payroll office address based on SF8: No

**Employer Name:** pro drivers

Employer delivery address: 107 MOUNTAIN RD

Employer city: PASADENA

Employer state: MD

Employer zip code: 21122

Employer telephone number: (410) 553-9988 ext: \_\_\_\_\_

Bona fide employer: No

Worked for this employer: Yes

Worked part-time only: No

Hire date: 1/1/2012

Termination date: 9/1/2012

Gross amount made during claim filing week: \$0.00

Type of work: Industrial Truck and Tractor Operators

Earned at least \$2,608.00: Yes

Occupational license required: Yes

Job city: pasadena

Job state: Maryland

Job duties: drive trucks make pick ups and drop offs

Child or spouse of employer: No

Owner or corporate officer of a business: No

Accepting all work offered by the employer: Yes

Initiated reduction in work hours: No

Discharge reason: Lack of Work

Discharge explanation: they just stop giving me work assignments

Federal employer: No

Received SF8 form: No

Payroll office address based on SF8: No

## Job Registration

Spouse of a veteran: No

Spouse of a deceased veteran with a total disability rating: No

Spouse of a 100% total disabled veteran: No

Spouse of a veteran killed in the line of duty: No

Spouse of a MIA or POW: No

Worked on a farm: No

Worked in a food processing plant: No

## Farm Worker Information

Earned at least half income performing farm work in the last 12 months: No

Employed all year in farm work: No

Traveled to perform farm work: No

Worked at least 25 days or parts of days during the last 12 months performing farm work: No

## Food Processing Information

Earned at least half income performing food processing in the last 12 months: No

Employed all year in food processing: No

Traveled to perform food processing: No

Worked at least 25 days or parts of days during the last 12 months performing food processing: No

Do you have a valid driver's license: Yes

## Driver License Classes

\* A

## Commercial Driver License Classes

\* Double Triple

## Commerical Driver License Restrictions

\* School Bus

## Additional Claim Information

Filed UI claim outside SC in the last 18 months: Yes

### State(s) Filed UI Claim Outside SC

\* MD

Worked in state outside SC in the last 18 months: Yes

### State(s) Worked In Outside SC

\* AR

\* MD

Filed claim for Trade Readjustment Allowances(TRA): No

Filed claim for Disaster Unemployment Assistance(DUA): No

Receive or have received Federal-Funded assistance: No

Receive or have received retirement: No

Receive or have received federal civilian employee benefits: No

Receive or have received federal military employee benefits: No

Claimant wants taxes withheld from unemployment benefits: No

## Extra Earned Income

Pension amount: \$0.00

Pension paid by:

Employer pension contribution percentage:

Pension effective date:

Retirement amount: \$0.00

Retirement paid by:

Employer retirement contribution percentage:

Retirement effective date:

Disability amount: \$0.00

Disability paid by:

Disability effective date:

Social security amount: \$0.00

Social security effective date:

## Job Eligibility

Only available for part-time work: No

Part-time work explanation: None

Willing to relocate: Yes

Can begin work immediately: Yes

Children or dependants in household who require care during working hours: Not Applicable

Children or dependent care explanation: None

Self-Employed: No

Self-Employed job title:

Will be recalled to last job: No

Date of recall to last job:

Have a health condition that limits ability to accept full-time work now or in the future: No

Health status explanation: None

Willing to look for other types of work: Yes

## Kind of Jobs Seeking

Automotive Body and Related Repairers

Years of experience: 10

Years of training: 0

Criminal Justice and Law Enforcement Teachers, Pos

Years of experience: 0

Years of training: 0

## Last Job

Number of miles traveled to work on last job: Greater than 20

Rate of pay on last job: \$15,000.00

Unit of pay on last job: Weekly

## Job Schedule Availability

### Sunday

Start time: 12:00 AM

End time: 11:30 PM

### Monday

Start time: 12:00 AM

End time: 11:30 PM

### Tuesday

Start time: 12:00 AM

End time: 11:30 PM

### Wednesday

Start time: 12:00 AM

End time: 11:30 PM

### Thursday

Start time: 12:00 AM

End time: 11:30 PM

### Friday

Start time: 12:00 AM

End time: 11:30 PM

### Saturday

Start time: 12:00 AM

End time: 11:30 PM

## New Job

Miles willing to travel to work: Greater than 20

Minimum wage you will accept on next job: \$900.00

Unit of pay on next job: Weekly

## Job Schedule Availability

### Sunday

Start time: 12:00 AM

End time: 12:00 AM

### Monday

Start time: 12:00 AM

End time: 12:00 AM

### Tuesday

Start time: 12:00 AM

End time: 12:00 AM

### Wednesday

Start time: 12:00 AM

End time: 12:00 AM

### Thursday

Start time: 12:00 AM

End time: 12:00 AM

### Friday

Start time: 12:00 AM

End time: 12:00 AM

### Saturday

Start time: 12:00 AM

End time: 12:00 AM

## Work Counties

### Lee

County FIPS: 61

### Lexington

County FIPS: 63

### Richland

County FIPS: 79

### Spartanburg

County FIPS: 83

### Union

County FIPS: 87

### Williamsburg

County FIPS: 89

Last grade completed: High School Diploma

Currently attending school: No

Planning to attend school: No

## Current School Information

Name of school: None

School location:

When did you start school:

## School Schedule

Willing to change school/training schedule for a full-time job: No

Willing to quit school/training schedule for a full-time job: No

## Future School Information

Name of school: None

Location of school:

When are you planning to attend school:

## School Schedule

Willing to change school/training schedule for a full-time job: No

Willing to quit school/training schedule for a full-time job: No

## Transportation Methods

\* Automobile

## Benefit Payment Method

Benefit payment type: Debit Card

Bank name:

Account type:

Account number:

Routing number:

Debit card agreement accepted: Yes

Direct deposit agreement accepted: No

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE

NAME: JOHN S ESTEP		SSN:	BYE: 09/28/14	
CLAIMSTAKER ID:	WFC #: 400	FILED: 10/07/13	EFF DATE: 09/29/13	
MAILING ADDRESS:				
CITY:		STATE: SC	ZIP: 29210	
OTHER NAME: JOHN S ESTEP				
<input checked="" type="checkbox"/> 1-UI	<input type="checkbox"/> 4-UI/UCFE/UCX	<input type="checkbox"/> 7-UCX	<input checked="" type="checkbox"/> NEW	<input type="checkbox"/> TRANSITIONAL
<input type="checkbox"/> 2-UI/UCFE	<input type="checkbox"/> 5-UCFE	<input type="checkbox"/> 8-CW	<input type="checkbox"/> ADDITIONAL	<input type="checkbox"/> R-ADD
<input type="checkbox"/> 3-UI/UCX	<input type="checkbox"/> 6-UCFE/UCX	<input type="checkbox"/> OTHER	<input type="checkbox"/> CONTINUED	
BONA FIDE EMPLOYER NAME & PAYROLL ADDRESS INFORMATION:			DATES OF EMPLOYMENT:	
NAME: GREATWIDE DEDICATED TRANSPORT III LLC				
STREET: PO BOX 280100			FROM:	TO:
CITY: NASHVILLE			03/01/13	10/03/13
ST: TN			EMP. ACCT. # 518169	
ZIP: 37228				
BONA FIDE EMPLOYER LOCAL ADDRESS INFORMATION:				
STREET:				
CITY: BLYTHEWOOD				
ST: SC				
ZIP:				
PHONE #:(615) 242-8246				
SEPARATION REASON: <input type="checkbox"/> LOW <input type="checkbox"/> VQ <input checked="" type="checkbox"/> DISCHARGE <input type="checkbox"/> STILL WORKING				
ISSUE CODES: 01				
LIABLE EMPLOYER INFORMATION:			DATES OF EMPLOYMENT:	
NAME: GREATWIDE DEDICATED TRANSPORT				
EMP. ACCT # 518169			FROM:	TO:
JOB LOCATION (CITY/STATE): NASHVILLE, TN			03/01/13	10/03/13
SEPARATION REASON: <input type="checkbox"/> LOW <input type="checkbox"/> VQ <input type="checkbox"/> DISCHARGE <input type="checkbox"/> STILL WORKING				
NARRATIVE REASON FOR SEPARATION FROM LIABLE EMPLOYER:				

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE  
INITIAL DETERMINATION OF STATUS AS AN INSURED WORKER

WORKFORCE CENTER 400

EFFECTIVE DATE 09/29/13

DATE FILED 10/07/13

DATE PREPARED 10/07/13

O  
┌ JOHN S ESTEP ┐  
  
└ ──────────── ┘

\*BENEFITS YOU MAY BE ELIGIBLE FOR:

MILITARY ASSIGNMENTS

WEEKLY BENEFIT AMOUNT .00

MAXIMUM TOTAL BENEFITS .00

BENEFIT YEAR ENDS 09/28/14

\* This statement establishes that you have the necessary wages to qualify for unemployment insurance. However, to receive benefits your job separation must also be considered. If you qualify, this is the maximum you may be entitled to receive.

SEE BACK FOR CLAIMANT INFORMATION

EMPLOYMENT RECORD		STANDARD BASE PERIOD QUARTERLY EARNINGS							
EMPLOYER	ACCOUNT NO.	YEAR	*QTR.	YEAR	*QTR.	YEAR	*QTR.	YEAR	*QTR.
GREATWIDE DEDICATED	518169	2012	02	2012	03	2012	04	2013	01
PROFESSIONAL DRIVERS	367675		.00		.00		.00		3339.56
			.00		.00		.00		1816.84

STANDARD BASE QUARTER TOTAL .00 .00 .00 5156.40

\*QTR.  
1.-JAN.,FEB.,MAR. 3.-JULY,AUG.,SEPT.  
2.-APR.,MAY,JUNE 4.-OCT.,NOV.,DEC.

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE  
INITIAL DETERMINATION OF STATUS AS AN INSURED WORKER

WORKFORCE CENTER 400

EFFECTIVE DATE 09/29/13

DATE FILED 10/07/13

DATE PREPARED 10/08/13

RECONSIDERED

O

JOHN S ESTEP

\*BENEFITS YOU MAY BE ELIGIBLE FOR:

MILITARY ASSIGNMENTS

WEEKLY BENEFIT AMOUNT 326.00

MAXIMUM TOTAL BENEFITS 4600.00

BENEFIT YEAR ENDS 09/28/14

\*This statement establishes that you have the necessary wages to qualify for unemployment insurance. However, to receive benefits your job separation must also be considered. If you qualify, this is the maximum you may be entitled to receive.

SEE BACK FOR CLAIMANT INFORMATION

EMPLOYMENT RECORD		ALTERNATE BASE PERIOD QUARTERLY EARNINGS							
EMPLOYER	ACCOUNT NO.	YEAR	*QTR.	YEAR	*QTR.	YEAR	*QTR.	YEAR	*QTR.
GREATWIDE DEDICATED	518169	2012	03	2012	04	2013	01	2013	02
PROFESSIONAL DRIVERS	367675		.00		.00		3339.56		8643.61
			.00		.00		1816.84		.00
ALTERNATE BASE QUARTER TOTAL			.00		.00		5156.40		8643.61

\*QTR.  
1.-JAN.,FEB.,MAR. 3.-JULY,AUG.,SEPT.  
2.-APR.,MAY,JUNE 4.-OCT.,NOV.,DEC.



South Carolina Department of Employment and Workforce  
Unemployment Insurance Benefits  
Claimant Fact Finding Interview  
Discharge – Unsatisfactory Work-Performance

WFC#: 400

Effective Date of Issue: 09/29/13

Type of Claim:

New:  Add:  Cont:  Trans:

BYE: 09/28/14

Claimant's Name: John S. Estep

SS#: \_\_\_\_\_

Bona Fide Employer (Name of Company): Greatwide Dedicated Transport III LLC

Employer Address: C/O Thomas & Thorngren In Employer Telephone #: 615-242-8246

P.O Box 280100 Employer Account#: 518169

Nashville TN 37228

Employer Contact Person: Cheryse Cox/Consultant

Dates of Employment: Beginning 03/01/13 and Ending 10/03/13

Hours worked: From \_\_\_\_\_ To \_\_\_\_\_ or which shift \_\_\_\_\_ for \_\_\_\_\_ days per week.

Ending salary \$ \_\_\_\_\_ per \_\_\_\_\_ Occupation: Driver

**All Questions Must Be Answered.**

What is the name and title of the person who discharged you? Mark Headly/Accounts Manager

What reason did your employer give for discharge? "Logbook Violation"

What was the date of the discharge? 10/03/13

What was the date of the final incident that caused the discharge? 10/02/13 & 10/03/13

What was the final incident that caused the discharge? I asked the dispatcher if I could bring

in a load, he said yes; however I had exhausted my driving hours. Placed in logbook incorrectly.

Was there a delay (two weeks or more) between the final incident and the date of discharge?  Yes  No

If the claimant states there was a delay was due to suspension, pending investigation, or other reasons, document the specific details related to the scenario: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Were you discharged for violation of a company policy?  Yes  No

If Yes, what company policy was violated? Violation of

"logbook documentation policy".

How were you made aware of the company policy (Orientation, Handbook, etc.)? Both

Did you receive any warnings?  Yes  No

If Yes, list:

Dates of warnings: August 2013, May 2013

Reason: I received a warning for not spending at least seven minutes on a "pre-trip"

(inspection of vehicle before driving). I only spent three minutes.

The incident in May was for driving back to South Carolina without a load, and my employer wanted a full load. I did not exhaust my driving hours, but I was held responsible for driving an empty truck to the state. I was suspended for three days for the May write-up.

Name and title of the person who gave the warnings? Don Cisco/Manager

How were the warnings given (Oral, Written, etc.)? Written

How did the final incident have an impact on the employer's business? None

Why did your employer say your work was unsatisfactory? I was very close to the

yard. My truck was empty, so I called the dispatcher and asked, "if I could drive to the yard"?

The dispatcher was informed that I would run out of driving hours prior to me reaching the yard.

The dispatcher gave me permission to drive to the yard. I arrived at the yard on the night of

10/02/13, but placed in my logbook that I arrived in the yard on the morning of 10/03/13. I

put the wrong information, because I knew I had reached my points.

Note: If due to lack of production ask the claimant if they ever met production. If the claimant did, document the cause for the decline and the timeline. If due to sales quota, ask the claimant if they ever met the sales quota, when sales started to decline and the cause (request medical documentation if health related).

Employer's Statement: (Also use for rebuttal of claimant's statement) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Employer's Signature or Name of Individual Contacted: \_\_\_\_\_

Title of Individual Contacted: \_\_\_\_\_

Telephone     In Person     Fax/Email    Date: \_\_\_\_\_

Rebuttal of Employer Reply: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Claimant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Interviewer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Interview's Printed Name: Melissa F. Mickle Date: 10/16/13

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Use attached sheet for additional comments.

Claimant's Name: John S. Estep Social Security #: \_\_\_\_\_

**Claimant's Statement:**

**I did put the information in the logbook incorrectly, because I knew that I had gone over the driving hours. The dispatcher gave me permission to drive the empty truck onto the yard.**

**The is a standard practice in the company. It's called "a safe-haven" (when you are close to the yard, but will exceed your driving hours allowed for the day, the dispatcher allows you to drive to the yard). I feel my discharge was personal and not work related.**

# South Carolina Department of Employment and Workforce

## Fact Finding Attachment

Employer Statement

Employer Name: Greatwide Dedicated Transport

Claimant Name: John S. Estep

Claimant Statement

Social Security Number: \_\_\_\_\_

Date: 10/16/13

Time: 2:11 pm

Telephone Number Called: 615-242-8246

Person Contacted or Left Message With: \_\_\_\_\_ Title: Consultant

Left Message With Above to Have: Cheryse Cox Call By: 10/18/13@2:11[m  
(Name/Title) (Time/Date)

*Leave your name, title, agency name, claimant's name, time, date, and reason called.*

Statement of Rebuttal: Left message informing employer to please make contact within the 48 hour deadline of 10/18/13 before 2:11pm. Employer was informed failure to make contact could result in a decision made without their statement and if they were in disagreement with the statement. An appeal would have to be filed. As of today, 10/23/13 the employer has not responded to provide reason for separation or rebuttal statement.

Final Incident/Date: \_\_\_\_\_

Company Policy: \_\_\_\_\_

Dates Absent/Tardy/Early Departures: \_\_\_\_\_

Warnings/Dates/Written or Verbal/Reasons: \_\_\_\_\_

Other Comments: \_\_\_\_\_

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FFAT -1... June 2010  
Catalog#: 08120



**SC Department of Employment and Workforce FFATNET Report**

**ESTEP, JOHN**

(803) 467-5255

Gender: M

estepjohn007@gmail.com

Date of Birth: 1/27/1981

Claim Office: 400

Effective Date:

Entered On: 10/7/2013

BYE: 9/28/2014

WBA: \$326.00

**Interview Appointments:**

**Claimant Rebuttals:**

**Employer Rebuttals:**

**Issues:**

**Employers:**

Employer Name: GREATWIDE  
DEDICATED  
TRANSPORT III  
L

Bonafide employer: Yes

Hire date: 3/1/2013

Termination date: 10/3/2013

Earned at least \$2,608.00: No

Owner or corporate officer of a business: True

Employer Acct Number: 518169

NAICS Code: 484121550

Claimant Separation Reason:

Employer Separation Reason:

Total Wages: \$3,339.56

**Employer Issues:**

Kind Description	Discharge		
Create Date	10/4/2013 12:00:00 AM		
Last Modified Time	10/23/2013 2:50:57 PM		
Attachment Info	Description	Created Time	Upload Date

**Contact Attempts:**

**History Events:**

FactFindingIssueCreated at 10/4/2013 10:53:56 AM by john sh Estep III (PUBLIC\John198127): Created 'Discharge' Fact Finding Issue for employer 'GREATWIDE DEDICATED TRANSPORT III LLC' with status Submitted as part of submit Claim Application.

FactFindingCreated at 10/4/2013 10:53:56 AM by john sh Estep III  
(PUBLIC\John198127): Fact Finding was created as part of submitting a Claim  
Application by john sh Estep III(PUBLIC\John198127)

---

StatusChanged at 10/7/2013 4:31:16 PM by SCES\SProctor: Status changed from  
Initial Claim to Review by the trigger Claim Submit to ABPS.

---

CheckOut at 10/23/2013 2:43:26 PM by SCES\MReed: Fact Finding checked out.

---

FactFindingIssueStatusChange at 10/23/2013 2:50:57 PM by SCES\MReed: Fact  
Finding Issue " Status changed from 'Submitted' to 'Reviewed' by the trigger 'Review  
Complete'. Employer Name: GREATWIDE DEDICATED TRANSPORT III L

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**Notes:**



## SC Department of Employment and Workforce Discharge Report

SSN:

Claimant's name: john sh Estep

Date of birth: 1/27/1981

Local office: 400

Benefit year begin date: 9/29/2013

Benefit year end date: 9/28/2014

Claim type: New

Potentially Eligible: No

Employer name: GREATWIDE DEDICATED TRANSPORT III LLC

Employer Account #: 518169

Hire date: 3/1/2013

Termination date: 10/3/2013

Discharge reason: Discharged

Earned at least \$2608: Yes

Bonafide: Yes

### Discharge

Discharge Reason: Other

Date of final incident: 10/3/2013

Final incident that caused discharge:

my log book did not match up with the gps in the truck but the people net log book went out so I had to use paper and I did not line it up right to the tee

Discharge date: 10/3/2013

Discharged by: mark

Title of person who discharged you: acct manager

Violated company policy: No

Final incident impacted employer's business: No

Received prior warnings: No

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE  
P.O. BOX 995, COLUMBIA, S.C. 29202

1 JOHN S ESTEP DATE OF THIS NOTICE 10/23/13  
1  
1

CLAIMANT'S NAME				SOCIAL SECURITY NUMBER	EFFECTIVE DATE	DISQUALIFICATION ENDS		
JOHN S ESTEP					09/29/13	02/15/14		
WFC. NO.	TYPE	CATEGORY	WEEKLY BENEFIT AMOUNT	MAXIMUM POTENTIAL ENTITLEMENT	LESS REDUCTION OF	NET TOTAL BENEFITS	BENEFIT YEAR ENDS	
400	I	01	\$ 326.00	\$ 4600.00	\$ 6520.00	\$ 0.00	09/28/14	

1  
1 DETERMINATION BY CLAIMS ADJUDICATOR ON CLAIM FOR BENEFITS

- 1  You are eligible for benefits from the above effective date.
- 1  You have been disqualified from receiving benefits or have been found to be ineligible for benefits for the following reason(s).

1 YOU WERE DISCHARGED FROM YOUR JOB WITH YOUR MOST RECENT BONA FIDE EMPLOYER DUE TO FALSIFICATION  
1 OF RECORDS AND/OR TIME CARDS. YOUR ACTIONS WERE A WILFUL DISREGARD OF THE EMPLOYER'S BEST  
1 INTEREST. YOU WERE DISCHARGED FOR MISCONDUCT IN CONNECTION WITH THE EMPLOYMENT UNDER THE SOUTH  
1 CAROLINA CODE SECTION 41-35-120(2)(A). YOU ARE DISQUALIFIED FOR 20 WEEKS. YOUR MAXIMUM BENEFITS  
1 ARE ALSO REDUCED BY 20 TIMES YOUR WEEKLY BENEFIT AMOUNT.  
1  
1  
1 YOU WERE DISCHARGED FROM YOUR JOB WITH YOUR MOST RECENT BONA FIDE EMPLOYER DUE TO FALSIFICATION  
1 OF YOUR LOG BOOK.  
1  
1  
1  
1  
1  
1  
1  
1

1 \_\_\_\_\_ LAST SEPARATION FROM NON-LIABLE EMPLOYER UI CLAIMS ADJUDICATOR  
1

1 MAILING DATE 10/24/2013

<p>IMPORTANT: THIS DETERMINATION WILL BE THE FINAL DECISION OF THE DEPARTMENT UNLESS YOU FILE AN APPEAL SETTING FORTH IN DETAIL THE GROUNDS FOR APPEAL WITHIN TEN (10) CALENDAR DAYS, INCLUDING WEEKENDS AND HOLIDAYS, FROM THE MAILING DATE SHOWN ABOVE. IF THE TENTH DAY FALLS ON A SATURDAY, SUNDAY, OR HOLIDAY, THE APPEAL PERIOD IS EXTENDED TO THE NEXT BUSINESS DAY. YOUR APPEAL MAY BE FILED IN PERSON AT ANY WORKFORCE CENTER, BY MAIL, ADDRESSED TO THE "APPEAL TRIBUNAL," P.O. BOX 995, COLUMBIA, SOUTH CAROLINA 29202, OR BY FAX (803) 737-0287. FOR ADDITIONAL INFORMATION OR ASSISTANCE IN FILING AN APPEAL, CONTACT YOUR LOCAL WORKFORCE CENTER OR THE APPEALS DEPARTMENT AT (803) 737-2520.</p>
---

**SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE**  
P. O. Box 995, Columbia, South Carolina 29202

*Handwritten initials/signature*

**Notice of Appeal to Appeal Tribunal**

Claimant's Name: John Estep Social Security Number: \_\_\_\_\_  
Claimant's Address: \_\_\_\_\_  
Telephone: 803 467 5255  
Employer's Name: Great Wide Telephone: 803 467 5255  
Employer's Address: 120 Belk ct Blythe wood, SC

Please refer to Determination by Claims Adjudicator to complete section below.

On 10-23-13 I received a claims examiner's determination mailed 10-26-13  
(Date) (Date)

I appeal and hereby apply for a hearing because I believe it was issued in error for the following reasons:

- 1) ~~Don~~ the Drives Manager told me to not to tell him what I saw  
Just say what I have on my log Book.
  - 2) Every body log in their paper log book the same way I do.
  - 3) The Branch manager was there the day they let me go he ask me  
a question and I said what e Don told me to say.
- If appeal is untimely, state the reason: \_\_\_\_\_

I must continue to file my claim for each week of unemployment until I receive the Appeal Tribunal or Appellate Panel decision, or until my claim is exhausted. If I win the appeal, I know I can only be paid for those weeks that I have timely claimed.

\_\_\_\_\_  
(Claimant's Initials)

Does claimant need an interpreter?  YES  NO What language/dialect? \_\_\_\_\_ Claimant is  Deaf  Mute

(If it appears necessary to subpoena witnesses or documents, the Workforce Center representative should use Form APP-107 and attach it when transmitting to the Central Office.)

SUBPOENA  YES  NO

Who is filing appeal:  Claimant  Employer

Signature: **SCDEW**

Title: \_\_\_\_\_ Date: OCT 29 2013

Date Determination Delivered  
by Workforce Center: \_\_\_\_\_  
(Date)

Received Benefits Div.  
Signed: \_\_\_\_\_  
(Workforce Center Representative)

Filed at: Columbia #400 Date: 10-28-13 20 2013  
(Workforce Center Name and Number) (Month) (Day) (Year)

Received By: Joyene Conner  
(Workforce Center Representative)

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE  
P. O. Box 995, Columbia, South Carolina 29202

APP UPDATE 9/22/14

Sent  
|||  
HS

Notice of Appeal to Appeal Tribunal

Claimant's Name: John Ester

Social Security Number:

Claimant's Address:

Telephone: 803-467-5255

Employer's Name: Great Wide

Telephone: 803-467-5255

Employer's Address: 120 Belk Ct Blythewood, SC 29210

Please refer to Determination by Claims Adjudicator to complete section below.

On 10-24-13 (Date) I received a claims examiner's determination mailed 10-26-13 (Date)

I appeal and hereby apply for a hearing because I believe it was issued in error for the following reasons:

I John Ester said the right words but you guys did not understand me they let me go because my log book did not line up with the Gps in the truck. But this is a normal thing at Great Wide my supervisor Don told me to back up my log book and that's what I did so I was doing as I was told to keep my

job. But on that day Don was not in the office so the log book I did brought it to the attention of Maria

I must continue to file my claim for each week of unemployment until I receive the Appeal Tribunal or Appellate Panel decision, or until my claim is exhausted. If I win the appeal, I know I can only be paid for those weeks that I have timely claimed.

(Claimant's Initials)

Does claimant need an interpreter?  YES  NO What language/dialect? \_\_\_\_\_ Claimant is  Deaf  Mute

(If it appears necessary to subpoena witnesses or documents, the Workforce Center representative should use Form APP-107 and attach it when transmitting to the Central Office.)

SUBPOENA  YES  NO

Who is filing appeal:  Claimant  Employer

Signature: \_\_\_\_\_

Title: Claimant

Date: 10-29-13

Date Determination Delivered by Workforce Center: 10-24-13

(Date)

Signed: \_\_\_\_\_

(Workforce Center Representative)

Filed at: SCDEW (Workforce Center Name and Number)

OCT 29 2013

Lower Authority Appeals

so best of  
Employment & Workforce  
NOV 01 2013  
Received Benefits Div.

\_\_\_\_\_  
(Month) (Day) (Year)  
(Workforce Center Representative)

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE
P O Box 995, Columbia, SC 29202

NOTICE OF APPEAL HEARING BY TELEPHONE

CLAIMANT'S NAME JOHN S ESTEP
ADDRESS

SOCIAL SECURITY NO
PHONE (803) 586-4764

EMPLOYER'S NAME GREATWIDE DEDICATED TRANSPORT III L
ADDRESS C/O THOMAS & THORNGREN INC
PO BOX 280100
NASHVILLE, TN 37228

PHONE (615) 242-8246

HEARING DATE 11/26/13 AT 11 30 AM EST BEFORE Erika S Davis, Administrative Hearing Officer, for the South Carolina Department of Employment and Workforce will conduct this hearing by means of a Telephone Conference. The parties will be called by the Administrative hearing officer at the telephone numbers shown on this form. If NO TELEPHONE NUMBER IS SHOWN OR THE NUMBER IS INCORRECT, YOU MUST CALL THIS TOLL FREE NUMBER (866) 269-5680 IMMEDIATELY TO INFORM US OF YOUR NUMBER SO THAT WE MAY INCLUDE YOU IN THE HEARING

If you have not been called within 10 minutes after the scheduled time of the hearing, you must call (803) 737-2515. Either another hearing is still in progress, or we are unable to contact you. Failure to call or participate in the hearing may result in your interests being considered abandoned.

THE HEARING WILL NOT BE POSTPONED EXCEPT FOR AN EMERGENCY. Contact a representative of the Agency at (803) 737-2520, AT ONCE, if you cannot be present at the time scheduled and wish to request a postponement of the hearing. Also, if you require any special needs, such as an interpreter, please contact us prior to the hearing.

ISSUES

- Voluntary Quit (for good cause)
Discharge (for disqualifying cause)
Availability
Eligibility
Voluntary Retirement
Absence from Hearing
Overpayment
Other
Timeliness of Appeal
Fraud & Overpayment
Job Offer & Referral

EVIDENCE This hearing is your only chance to testify and present evidence. Sworn testimony is required from witnesses with first-hand knowledge. Any documents that you want to be considered in this hearing must be mailed forwarded immediately to Appeals Tribunal at the address shown on the top of this notice or faxed to our number (803) 737-0287. Only documents, such as business records (for example timesheets, employer's policies or handbook, warnings) can be considered. In addition to the copy sent to the Appeals Tribunal, you must mail or fax copies to the opposing party. No testimony or evidence will be considered from witnesses who are not present. Documents sent to another address or fax number may not be considered.

SUBPOENAS If a witness is reluctant to appear, you may apply for a subpoena through the Agency's local office or the Appeal Tribunal at (803) 737-2520.

LEGAL REPRESENTATION An attorney licensed to practice in South Carolina may represent you. It is your responsibility to obtain representation prior to the hearing. Fees charged to represent claimants are limited by the Agency.

BENEFITS A CLAIMANT SHOULD CONTINUE TO FILE FOR BENEFITS DURING THE APPEAL PROCESS. Weeks not claimed cannot be paid, even if the claimant is held eligible.

THIS NOTICE SUPERSEDES ANY PREVIOUS HEARING NOTICE YOU MAY HAVE RECEIVED. IF THE DATE ON THIS NOTICE IS LATER THAN THE DATE ON ANY OTHER NOTICE, YOU SHOULD ASSUME THAT THE PREVIOUS HEARING HAS BEEN POSTPONED AND FOLLOW THE INSTRUCTIONS ON THIS NOTICE.

MAILING DATE 11/19/13

GENERAL INFORMATION ON THE SOUTH CAROLINA CODE IS ATTACHED TO THIS NOTICE

Cc [X] Claimant [ ] Sep Emp [X] File [X] Liable Emp [ ] Local Office [ ] Claimant's Atty [ ] Emp's Atty [ ] UI Tech [X] Imaging

## - INFORMATION -

### On Claims Against the State of South Carolina

VOLUNTARY QUIT Section 41-35-120(1) provides that a claimant found to have left work voluntarily without good cause is disqualified from receiving benefits until they return to work and earn at least eight (8) times their weekly benefit amount. Good cause is a reason that is connected to employment and would justify a reasonable person leaving employment. The burden is on the claimant to show good cause.

DISCHARGE FOR MISCONDUCT Section 41-35-120(2)(a) provides that a claimant found to have been discharged for misconduct is disqualified for twenty (20) weeks. "Misconduct" includes conduct showing willful disregard of an employer's interests, such as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee. No finding of misconduct may be made for discharge resulting from an extreme hardship, emergency, sickness, or other extraordinary circumstance. Generally, the burden is on the employer to show misconduct.

DISCHARGE FOR CAUSE Section 41-35-120(2)(b) provides that a claimant found to have been discharged for cause (i.e., fault), other than misconduct, is partially disqualified from benefits from five (5) to nineteen (19) weeks, according to the seriousness of the cause for discharge. Generally, the burden is on the employer to show cause.

GROSS MISCONDUCT Section 41-35-120(4) provides that if a claimant is discharged for gross misconduct, the claimant is ineligible for benefits beginning with the effective date of the request and continuing until he has secured employment and shows to the satisfaction of the Department that he has performed services in employment and earned wages for those services equal to at least eight times the weekly benefit amount.

AVAILABILITY Section 41-35-110 provides that a claimant is eligible for benefits for any week only if the week claimed according to the regulations and the claimant has registered and continued to report to an employment office for work as required. Additionally, a claimant must be physically "able to work" at his usual occupation which prior training and experience shows him to be qualified. Also, a claimant must be "available for work," which means being ready, able, and willing to accept suitable work, and that personal circumstances would not prevent him from accepting such work.

Unemployment benefits will not be paid for weeks in which the claimant is held to be unavailable. If the condition which causes the unavailability changes, the claimant may report to the local office to reopen his claim. The burden is on the claimant to show availability for work and reasonable effort to obtain work.

JOB OFFER AND REFERRAL Section 41-35-120(5) provides that any claimant who has failed (1) without good cause to either apply for available suitable work, when so directed by the Department, or (2) to accept available suitable work when offered by the Department or an employer, shall be ineligible until the claimant furnishes satisfactory evidence having been reemployed and having earned at least eight (8) times the weekly benefit amount. The burden is on the claimant to show availability for work and reasonable effort to obtain work.

TIMELINESS OF APPEAL Sections 41-35-660 and 41-35-680 provide that an appeal must be filed not later than ten (10) calendar days, including weekends and holidays, from the mailing date shown. If the tenth (10th) day falls on a Saturday, Sunday, or holiday, the appeal period is extended to the next business day. The burden is on the appellant to show the appeal is timely.

BE SURE TO KEEP IN TOUCH WITH YOUR LOCAL WORKFORCE CENTER AT ALL TIMES

**SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT & WORKFORCE**

**Columbia, South Carolina**

**Transcript of Testimony**

Before

Erika S. Davis, Administrative Hearing Officer

**John S. Estep**

)

**CLAIMANT**

)

)

**Claimant SSN:**

)

**Greatwide Dedicated Transport III LLC  
c/o Thomas & Thorngren Inc.**

)

**LIABLE EMPLOYER**

)

**P. O. Box 280100**

)

**Nashville, TN 37228**

)

**PLACE OF HEARING:**

SC Department of Employment & Workforce  
Central Office Annex  
631 Hampton Street  
Columbia, South Carolina

**DATE OF HEARING:**

November 26, 2013

**APPEARANCES:**

For Claimant:

Participated

For Employer:

One Witness

**TESTIFYING WITNESSES**

**CLAIMANT:**

**John S. Estep**

**EMPLOYER WITNESSES:**

**Don Criscoe, Operation Center Manager**

1 Before: Erika S. Davis, Administrative Hearing Officer

2 **HEARING OFFICER'S PREAMBLE.**

3 **ALL WITNESSES SWORN.**

4 HEARING OFFICER: Thank you. Initially I will ask questions and you'll have the  
5 opportunity to answer those questions and to provide any additional testimony that is relevant to  
6 this case. Each party will have an opportunity to cross examine the opposing witness at the  
7 conclusion of the testimony that is given. If either party has any documents or exhibits that they  
8 feel should be considered in the case, they should have been faxed to my attention prior to this  
9 hearing as instructed on the hearing notice. Are there any questions regarding the issue or the  
10 procedure of this hearing before we go forward with testimony? Mr. Estep, do you have any  
11 questions?

12 CLAIMANT: No.

13 HEARING OFFICER: Mr. Criscoe?

14 EMPLOYER WITNESS: No, ma'am.

15 HEARING OFFICER: All right, both parties will be notified of the decision in this case as  
16 soon as possible. That decision is mailed to the address of record. Mr. Estep, I'm showing your  
17 address as \_\_\_\_\_, and that is in  
18 \_\_\_\_\_  
Is that correct?

19 CLAIMANT: Yes.

20 HEARING OFFICER: And your telephone number is area code 803-800-8912?

21 CLAIMANT: Yes.

22 HEARING OFFICER: Thank you. Mr. Criscoe, I'm showing the address of record for  
23 Greatwide Dedicated Transport III care of Thomas & Thorngren Incorporated, PO Box 280100,  
24 Nashville, Tennessee 37228. Is that correct?

25 EMPLOYER WITNESS: Yes, ma'am.

- 1 HEARING OFFICER: And the local telephone number 803-622-4364?
- 2 EMPLOYER WITNESS: Yes, ma'am.
- 3 HEARING OFFICER: Thank you. Since the initial determination in this case was ruled a  
4 discharge, I do begin testimony with the employer. Before I begin testimony, Mr. Estep, I have  
5 the determination here that was mailed on October the 24<sup>th</sup>, 2013. That determination reads as  
6 follows; it says that you were discharged from your job with your most recent bona fide  
7 employer due to falsification of records and or time cards. "Your actions were a willful  
8 disregard of the employer's best interest. Your discharge for misconduct in connection with the  
9 employment under the South Carolina Code, Section 41-35-120 (2) (a). You were disqualified  
10 for 20 weeks, and your maximum benefits are also reduced by 20 times your weekly benefit  
11 amount. You were discharged from your job with the most recent bona fide employer due to  
12 falsification of your log book." Is this the determination that you have appealed, Mr. Estep?
- 13 CLAIMANT: Yes.
- 14 HEARING OFFICER: Is this the only determination that you have appealed?
- 15 CLAIMANT: I'm appealing both determinations because I have another...letter  
16 that says, "Volunteer...voluntary quit for good cause..." (both speaking)
- 17 HEARING OFFICER: Okay, is that the hearing notice? Is that the notice informing you  
18 of this hearing today?
- 19 CLAIMANT: Yes...yes.
- 20 HEARING OFFICER: Okay, that's not an appealable determination, that's just notifying  
21 you that...that in this hearing we're going to discuss if you were discharged...
- 22 CLAIMANT: Okay.
- 23 HEARING OFFICER: ...or voluntarily quit. But did you receive any other  
24 determinations other than the one that I read that you are appealing?
- 25 CLAIMANT: No.
- 26 HEARING OFFICER: All right, do you have any objection to me entering this document  
27 into the record to show the purpose of the appeal today?

- 1 CLAIMANT: No.
- 2 HEARING OFFICER: Mr. Criscoe, do you have any objection?
- 3 EMPLOYER WITNESS: No, ma'am.
- 4 HEARING OFFICER: I also have, Mr. Estep, the fact finding or the statement that you  
5 gave to the Unemployment Division as to the reasons of your separation, as well as the initial  
6 information that was received from your former employer as to their reasons of separation. Do  
7 you have any objection to these documents being entered into the record?
- 8 CLAIMANT: No.
- 9 HEARING OFFICER: Mr. Criscoe?
- 10 EMPLOYER WITNESS: No, ma'am.
- 11 HEARING OFFICER: All right, then without objection I will enter the documentation as  
12 Agency Exhibit Number One, it is a 12 page document. Page one is the determination as read  
13 into the record that holds the claimant disqualified from receiving benefits for 20 weeks, also  
14 reducing his maximum benefits by 20 times his weekly benefit amount. Page two through 12 is  
15 the claimant's fact finding and the employer's response to the request for separation information.  
16 Mr. Criscoe, if you would, would you please state your name for the record spelling your first  
17 and last name?
- 18 EMPLOYER WITNESS: Don Criscoe.
- 19 HEARING OFFICER: I need you to spell that for me as well, please.
- 20 EMPLOYER WITNESS: D-O-N C-R-I-S-C-O-E.
- 21 HEARING OFFICER: And your job title, please?
- 22 EMPLOYER WITNESS: I am operation center manager for Greatwide Logistics.
- 23 HEARING OFFICER: Thank you. Mr. Criscoe, I show that Mr. Estep worked for  
24 Greatwide Dedicated Transport...Transport as a driver, is that correct?

1 EMPLOYER WITNESS: Yes, ma'am.

2 HEARING OFFICER: And he was employed from March 1, 2013 to October 3, 2013, is  
3 that correct?

4 EMPLOYER WITNESS: Yes, ma'am.

5 HEARING OFFICER: On October the 3<sup>rd</sup>, was he discharged from his job or did he  
6 voluntarily quit?

7 EMPLOYER WITNESS: He was discharged.

8 HEARING OFFICER: And did you, yourself, discharge him?

9 EMPLOYER WITNESS: No, ma'am. I was actually out at that time, and the general  
10 manager for the account did. He was familiar with Mr. Estep, discharged him.

11 HEARING OFFICER: Can you tell me the reason that he was discharged?

12 EMPLOYER WITNESS: He drove without logging his trip properly, something that Mr.  
13 Estep had been talked to and warned about many times. And I understand that he drove way  
14 over his hours to get back home from the trip that he was on, and his logs were not correct and  
15 not logged properly to what he did on his trip.

16 HEARING OFFICER: Okay, can you explain to me what you mean by, "Not logging  
17 properly?"

18 EMPLOYER WITNESS: Yes, ma'am. Under DOT regulations a driver is required to fill out  
19 a log book as to what they do at each stop that they make plus the hours of driving, and their off  
20 duty time. And Mr. Estep falsified his logs which is automatically deter...automatic termination  
21 by the company.

22 HEARING OFFICER: How did he...what did he put that was falsifying or how did he  
23 falsify those documents?

24 EMPLOYER WITNESS: He did not do his trip as he logged it. In other words, a  
25 falsification of what occurred. He said that he got to a vendor or a dock at 7 a.m., and he put 5  
26 a.m. or 5:30 a.m., and he actually was not there till seven. And then he put that he left at  
27 different times and actually drove back without any hours to drive, which if he had had an

1 accident with a...no, that's kind of speculation. But if he would have had some kind of an  
2 accident or something happened then he would put the company in jeopardy.

3 HEARING OFFICER: Okay. When you say, "He didn't have any hours to drive," can  
4 you explain to me what that means, please?

5 EMPLOYER WITNESS: Yes, ma'am. A driver has 14 hours that he can work during the  
6 day. And, Mr. Estep, he has to work any total hours that he can drive and...or, excuse me, that  
7 he can work and then 11 of those hours can be driving time.

8 HEARING OFFICER: Okay.

9 EMPLOYER WITNESS: And according to Mr. Hadley, he was on duty about 18 hours that  
10 day.

11 HEARING OFFICER: Okay. When you say, "They can work 14 hours but only drive 11  
12 hours."

13 EMPLOYER WITNESS: Yes, ma'am.

14 HEARING OFFICER: And the other three hours...?

15 EMPLOYER WITNESS: Off duty, not driving. In other words, they can be unloading a  
16 truck at that time, but they absolutely cannot drive more than 11 hours.

17 HEARING OFFICER: Okay. How did you become aware that he had driven more than  
18 the 11 hours of drive time?

19 EMPLOYER WITNESS: They looked at his logs and checked it with the time that he got  
20 back to the warehouse by gate logs and those times did not match, so they knew right away that  
21 he had falsified his logs.

22 HEARING OFFICER: Okay. Did Mr. Estep provide any explanation as to why his logs  
23 did not match the other times or...or other logs?

24 EMPLOYER WITNESS: No, ma'am. I think, from what I was told, that he pretty much  
25 knew what he was caught, and they confronted him with it. Whether or not that he came out and  
26 admitted it, which I think he did then, yeah, again the times to what he said he did just did not  
27 match up.

1 HEARING OFFICER: And you said that by not documenting a log properly, or with the  
2 correct times, or driving over the hours, that's grounds for termination?

3 EMPLOYER WITNESS: Yes, ma'am. Yes, ma'am, it is.

4 HEARING OFFICER: Thank you.

5 EMPLOYER WITNESS: A couple times in the past John had said that he didn't know  
6 exactly what to do or how to do it, and he was retrained and...and shown and told numerous  
7 times. And I think you can see that with all the warnings and write-ups that he has there.

8 HEARING OFFICER: Okay.

9 EMPLOYER WITNESS: I'm pretty sure they sent all that in there.

10 HEARING OFFICER: Let me see. No, I'm sorry, they did not send any write-ups. The  
11 write-ups that you're speaking about, those were given to Mr. Estep for his failing to log his  
12 books properly?

13 EMPLOYER WITNESS: Yes, ma'am. There...there are some. I...I don't know why you  
14 didn't get those. Also in our trucks we have a GPS system...

15 HEARING OFFICER: Yes, sir.

16 EMPLOYER WITNESS: ...that's called E-Logs. That GPS shows exactly his times, where  
17 he was and when he said he was there differ also, and this was also from the times that he put on  
18 his log. Was that included in your...

19 HEARING OFFICER: No, sir.

20 EMPLOYER WITNESS: ...fax there? I don't know why you didn't get those. I know those  
21 were sent in.

22 HEARING OFFICER: They were not sent to me, but the...the GPS log, that differs from  
23 the actual other log?

24 EMPLOYER WITNESS: Yes, ma'am.

- 1 HEARING OFFICER: All right.
- 2 EMPLOYER WITNESS: Yes, there were numerous ways that he got caught on this one.
- 3 HEARING OFFICER: All right. Does the company do a random check on logs to make  
4 sure that...that employees are logging properly?
- 5 EMPLOYER WITNESS: Yes, ma'am, we do. We have a log clerk who checks logs daily,  
6 and it's...it's not random, it's...especially since there is a GPS in the truck. It shows up every  
7 day if the driver was falsifying, and actually it didn't show up that day that he falsified. But  
8 when she checked his log for some reason he did a paper log and a E-Log, which I don't  
9 understand that, but he did a paper log, and his paper log and his E-Log did not match up  
10 whatsoever.
- 11 HEARING OFFICER: Okay, thank you. Anything else, Mr. Criscoe?
- 12 EMPLOYER WITNESS: No, ma'am.
- 13 HEARING OFFICER: Mr. Estep, do you have any questions for Mr. Criscoe before I take  
14 your testimony?
- 15 CLAIMANT: No, but I would like to state for the...before like we go to my  
16 testimony that he was not...yeah, I do...I do.
- 17 HEARING OFFICER: You may, you may ask a question to him.
- 18 CLAIMANT: The day...the day one of our incidents you...you say that I was  
19 warned. I had a log book situation where I was asking for over...I was asking for layover pay  
20 and he said, "I have to look at your log book for this one." And he looked at my log and...
- 21 HEARING OFFICER: Let me stop you, Mr. Estep. This is an opportunity for you to ask  
22 him a question.
- 23 CLAIMANT: Oh, I...I don't have any. I don't have any.
- 24 HEARING OFFICER: Okay, if you have no questions then if you would please state your  
25 name for the record spelling your first and last name.

1 CLAIMANT: Okay. My name is J-O-H-N, my last name is Estep; E-S-T-E-P.

2 HEARING OFFICER: Thank you, Mr. Estep. Mr. Estep, were you informed that you  
3 were being discharged for falsifying your log books?

4 CLAIMANT: No.

5 HEARING OFFICER: What were you told you were being discharged for? Oh, excuse  
6 me, were you discharged?

7 CLAIMANT: I was...I was being discharged, he told me for lying. But he said  
8 I'm being discharged for lying to his face. And...and but the...but the grounds of the...of...of  
9 the discharge was the...the log book issue.

10 HEARING OFFICER: Okay, what...what was the issue that was brought to your attention  
11 about the log book?

12 CLAIMANT: The issue that was brought to my attention was him saying that I  
13 was falsifying my logs where I'm saying that my truck was at a certain place but my paper log is  
14 saying something different. I had a conversation previously that day with Dean...with Dean.  
15 The guy we're speaking to now is John, I had a conversation with Dean, and told him that...that  
16 my immediate supervisor told him that the...that system went out, so I had to do a backup paper  
17 log. We always keep backup paper logs in case the electronical system goes out. So the  
18 electronical system went out and I got stopped by the DOT that day, Department of  
19 Transportation, to monitor your log books and things and I passed. I passed the inspection, and  
20 they inspected my log books and everything. And at the end of the day I was running...I was  
21 running low on hours and I asked Dean could I get a safe haven. And a safe haven is when  
22 you...when you're almost ready to run out of your hours but they...they let you come on back  
23 into the yard. And he said, "Okay, you can do that." And I came on back into the yard. And  
24 mind you, earlier in the day my log book system shut off on me so there was no way I could go  
25 back and...and...and...and piece up exactly what it said before. But at the same time I did the  
26 best I could. And I run off back there, I got permission from Dean to say bring it back in. Now  
27 this is a day to day event with...with...with the company. Every...everybody does it every now  
28 and then, everybody does it. And I'm not gonna say names, but everybody does it. The thing  
29 what happened to me was Mark Hadley is the operations manager, and this guy here is like  
30 strictly by the book. So he does...he's like a...like a non...no slack type of guy. And the log  
31 book...the log book lady knew. I don't feel as though she has like a...a good relationship with  
32 me as a person, even though she's supposed to do her job. But she brought these issues to his  
33 attention, and him looking at the issues saying, "Well, his truck was here, his book says this.  
34 And, okay, we got to terminate this guy for this." But at the same time I got permission from

1 Dean to drive my truck in. And, like I said, I been working there since March and up until now,  
2 October, and I did what I had to do to keep my job. And there's been numerous times where  
3 there were incidents like I said before, you said we're not doing testimony, I have to ask the  
4 questions. And I said I get layover pay and John said I have to check into it. The guy on the  
5 phone, John, said I had to check into it. I said, "Okay, he can check." He asked Tracy or  
6 Theresa for the log or something like that. I think her name was Tracy, he asked her for the log.  
7 And she gave him the log and he said, "Well, it says that you're here and it says you're here."  
8 And I said...I said, "Yeah, but that's not the way I ran it." And he said, "Oh, my God. John,  
9 come on in my office." And I had to come to his office. I said, "Look, it's the holidays,  
10 everybody needs a job. 'Don't tell me that because technically I'm supposed to fire you right  
11 now. Don't tell me that.'" So that...that... that was...that was just my way right there saying,  
12 "Back up what your book says," because I said, "That's what it says but that's not the way I ran  
13 it." And I...I kept my job from that day. So when Mark put me on the spot and asked me,  
14 "When...when did you come here?" I could have easily said, "Dean, my supervisor, told me to  
15 bring it on in," but I said what my book said. And eventually I got caught for one man telling me  
16 one thing, the guy that's on the phone now says, "Don't tell me that," because he said he's  
17 looking at my book. And I said, "That's not the way I ran it." So he said, "Don't tell me that."  
18 In other words back up your book. And here you got the guy, Mark Hadley the supervisor, he's  
19 upset for the reason that, "You lied to my face because I'm looking at the trucks GPS system,  
20 and I'm looking at what you wrote on the log book, it doesn't match." But at the same time  
21 the...the guy in the middle, my immediate supervisor, Dean, gave me authorization to drive. He  
22 said, "Bring it on back in."

23 HEARING OFFICER: Okay.

24 CLAIMANT: So, you know, I'm doing what I have to do to keep my job.

25 HEARING OFFICER: Did...

26 CLAIMANT: Now I know for a fact that if Mark Hadley was not there, the  
27 immediate supervisor, I would have did what I'm supposed to do and...and...and in John's eyes,  
28 because he's saying, "Whatever your book said." And in Dean's eyes, it would have been no big  
29 deal because I'm back, you know? I'm back and...and...and I told him to bring it on back in.  
30 And...and that just would have...would have...would have been the end of it. But the thing that  
31 really went sour was when Mark Hadley found out, when Theresa brought it to Mark Hadley's  
32 attention, and that guy is strictly by the book. But I do what I do to keep my job. Now they told  
33 me to bring it back in, I brung it back in. If they told me to stop, I would have stopped. So I did  
34 what I had to do to keep my job as long as I had to keep it. So my thing of it is one manager  
35 can't tell you to do one thing, and another manager tell you to do another. And when it all boils  
36 up, and it all blows up, we're gonna all point fingers at you because this is the way it's supposed

1 to be run corporately and, you know. But according to them a safe haven is bring it on back in,  
2 even when you're out of hours. So, you know...

3 HEARING OFFICER: Okay, this safe haven, when...when you requested the safe haven,  
4 as you said, to bring in your truck, how many hours or how close to you were your hours?

5 CLAIMANT: I was about...I was about an hour and a half out...I was about an  
6 hour and a half out and I had about 30 minutes or...or 30 minutes or...or 15...about 30 minutes  
7 left of driving time.

8 HEARING OFFICER: Okay.

9 CLAIMANT: And I was about an hour and a half out, and I...and I requested a  
10 safe haven.

11 HEARING OFFICER: Okay.

12 CLAIMANT: And...

13 HEARING OFFICER: Now...

14 CLAIMANT: (both speaking) said it was okay. And then...and then I'd also like  
15 to add I wasn't 18 hours over my driving time. I was...it was only about 15 or 15 and a half,  
16 pretty close to 16. And also...

17 HEARING OFFICER: Over the driving time?

18 CLAIMANT: Yeah, well not drive but the...the overall time for the day, because  
19 you get 14. (both speaking)

20 HEARING OFFICER: And you were 15 hours over that time?

21 CLAIMANT: About 15 and a half. So about an hour and a half.

22 HEARING OFFICER: Oh...

23 CLAIMANT: An hour and a half, and then I requested...I was an hour and a half  
24 out and...and I spoke with Dean...

1 HEARING OFFICER: Okay.

2 CLAIMANT: ...and Dean is...I spoke with Dean... (both speaking)

3 HEARING OFFICER: Okay, let me...let me...

4 CLAIMANT: ...my immediate supervisor then... (both speaking)

5 HEARING OFFICER: Okay, let me ask you this Mr. Estep, when you spoke to Dean did  
6 he ask you how...how far away you were?

7 CLAIMANT: Yes, he always asks.

8 HEARING OFFICER: Did he ask you how many hours that you had logged?

9 CLAIMANT: No, he didn't. He just said, "How much time do you have left?"

10 HEARING OFFICER: Okay.

11 CLAIMANT: I said, "I got about...got about 30 minutes left."

12 HEARING OFFICER: Okay.

13 CLAIMANT: "How far are you out?" I said, "I'm about an hour and a half.  
14 'Okay, bring it on in.'"

15 HEARING OFFICER: All right, now when...when you were asked by Mark about  
16 the...the logs, did you tell him that Dean had told you to bring it on in?

17 CLAIMANT: No, I didn't. I was...I didn't want to tell on Dean because Dean  
18 was like right there in the office.

19 HEARING OFFICER: Why wouldn't you tell him that to save your job?

20 CLAIMANT: I was like...I...I didn't think of it, to be honest. I didn't think of  
21 just putting him on blast. And...and...and putting him on blast because, I mean, I try to get  
22 loads too. I don't want to be a situation where I'm calling in and they're like, "Oh, there's no

1 loads today. There's no work today." And really there is work but he's not gonna give me no  
2 work because I blasted him out. So I didn't know I was gonna be fired, you know?

3 HEARING OFFICER: Now let me ask you this, you made a statement a minute ago that  
4 you were questioned about the log book and the GPS saying something else, correct?

5 CLAIMANT: Yes.

6 HEARING OFFICER: How can the GPS show something if it had gone down?

7 CLAIMANT: Because earlier that day it was working but throughout the day it  
8 went out for some reason.

9 HEARING OFFICER: Okay. Now can you go back into the GPS to see what time you  
10 stopped at a certain location?

11 CLAIMANT: No, it went out. My screen was like...it was...it was...the screen  
12 was like green, it had nothing on it.

13 HEARING OFFICER: Okay, but did it come back up again?

14 CLAIMANT: No. No, ma'am.

15 HEARING OFFICER: All right. Now are you...when you do your logs, are you supposed  
16 to complete them at each stop?

17 CLAIMANT: Yes. I been driving seven years. Yes, that's the exact way it's run.

18 HEARING OFFICER: Okay, so...

19 CLAIMANT: That...that's the exact way.

20 HEARING OFFICER: ...you completed at a stop, and then when you leave do you  
21 document something that you've left that...that location?

22 CLAIMANT: Yes, when you...when you stop before you...you log everything  
23 the truck does, you log. The minimum requirements is 15 minutes for any activity, you got a

1 hour window to log. So if you stop somewhere at...at six, you could...you could put 6:45 or  
2 6:30 but no...nothing within that hour. You have to log within that hour frame.

3 HEARING OFFICER: Okay. So when you were questioned about why your log books  
4 did not match the GPS, did you give any explanation as to why they did not if you... (both  
5 speaking)

6 CLAIMANT: You're talking about...you're talking about that previous incident,  
7 right?

8 HEARING OFFICER: This incident...

9 CLAIMANT: You're talking about right now? Are you talking about the  
10 precious incident?

11 HEARING OFFICER: The incident that caused your separation.

12 CLAIMANT: Oh, the incident that caused my separation?

13 HEARING OFFICER: Yes, sir.

14 CLAIMANT: No. Yeah, I...I...I said...he said...he said, "John, where...what  
15 time did you get back?" I said, "I...I got back...I got back this morning?"

16 HEARING OFFICER: Okay.

17 CLAIMANT: And he said, "Okay, come on in the office." And he brought me in  
18 the office and we were talking and he's like, "You're terminated because your book says one  
19 thing but you got back last night." And that's...that...that...that was the whole deal right there  
20 but at the same time this is what everybody does, you know? And like I said before, I was told  
21 before to say what my book says.

22 HEARING OFFICER: Okay.

23 CLAIMANT: And this is what I was told before. And then now I'm in front of  
24 the big shot and nobody is backing me up saying, "Yeah, we told him that." It's just like, "Oh,  
25 John, did that on his own. And we told John numerous times not to do that," when I'm trying to  
26 keep my job.

1 HEARING OFFICER: Okay, had you been reprimanded in the past, Mr. Estep, for your  
2 log books?

3 CLAIMANT: Yes. Yes, and I was reprimanded in the past for my log books  
4 stuff being like it says where a pre-trip when...when the...when the electric...the electrical  
5 pre-trip was...you have to log the electrical pre-trip like...like five minutes or stuff like that.  
6 And those are things that, like I said again, not to shift away from it but everybody makes  
7 mistakes and...and forget to put the pre-trip in on the electrical scan thing, and sometimes you  
8 got to put in the words, "Okay," you just can't do the pre-trip without putting in the words,  
9 "Okay," and then I have this new rule where it would be the six and eighth hour of you being on  
10 duty, whether it was drive or just on duty, you have to take a 30 minute break. And a lot of  
11 people was forgetting about that. The time would just run out and...and they had to pull over  
12 and take their 30 minute break. But I never, ever, been written up for a violation of just going  
13 over my hours, just clearly going over my hours. And some of the violations where I know  
14 Theresa was just out of spite was I had...I had a blown tire in Atlanta, my tire blew out. And I  
15 put down on it, "Tire blow out. Safe haven. Tire blew out." I called in, they said, "Okay, you  
16 can go five miles back up the road. If it's literally five miles back up the road to the Petro truck  
17 stop," because my hours had ran out. I had no more hours to drive because I had to wait for the  
18 tire to get fixed. She wrote me up saying I falsified a log book. I said, "How did I falsify the log  
19 books when you see it in the notes here it says, 'Tire blow out?'" She says, "Yeah, you're  
20 supposed to put it in before you drive and not after." So, you know, those were the breaks.  
21 She...she was always on me. But I never, ever, been written up for something as blatantly as a  
22 driver requesting to...to have a safe haven and...and them saying...Dean...Dean saying, "Yeah,  
23 you can get a safe haven." And once I actually used the safe haven and they're saying, "Oh, why  
24 did you...why did you drive over there to there?" It was like Dean is sitting there, he ain't  
25 speaking up. He ain't saying nothing. So I'm like just trying to take it on my own but never  
26 knew they would fire me for it, you know? So I...I was told my...my biggest thing was all in a  
27 nutshell with me, my views on it is I was told one thing by one supervisor and something else by  
28 another. So I don't...I don't think that's right.

29 HEARING OFFICER: Okay, what does the DOT regulation say about driving over the  
30 hours?

31 CLAIMANT: The DOT regulations say you're...you're not supposed to drive  
32 over the hours and, but with this company they had the safe haven.

33 HEARING OFFICER: Okay.

34 CLAIMANT: The safe haven didn't seem right to me neither, but I been with this  
35 company for almost six months and they allow drivers to ask for a safe haven.

1 HEARING OFFICER: Okay...

2 CLAIMANT: And like I said, I do what I'm supposed to do and what they want  
3 me to do.

4 HEARING OFFICER: All right, let me ask you, this...this...so the safe haven is a...a  
5 company...

6 CLAIMANT: I don't know. I never heard of it.

7 HEARING OFFICER: But not...not...

8 CLAIMANT: (both speaking)

9 HEARING OFFICER: ...but the DOT says you're not to drive over 11 hours, correct?

10 CLAIMANT: I don't know. I don't know, I never looked into it. I never looked  
11 into it to see what safe haven or Greatwide deal, and the Belk's Distribution Center or this was  
12 something that...that I just didn't know about that's been a federal rule all my life. I never know  
13 it.

14 HEARING OFFICER: Okay.

15 CLAIMANT: I been driving about seven, eight years, but I never looked into to  
16 see safe haven is a Belk's thing, a Greatwide thing, or it's DOT regulations. I don't know.

17 HEARING OFFICER: All right, thank you. I don't believe I have any other questions at  
18 this time, Mr. Estep. Do you have anything else regarding your separation?

19 CLAIMANT: No, I don't.

20 HEARING OFFICER: Mr. Criscoe, do you have any questions for Mr. Estep?

21 EMPLOYER WITNESS: I have one or two.

22 HEARING OFFICER: You may.

1 EMPLOYER WITNESS: (both speaking) John where you said something a little bit earlier,  
2 but I just wanted to ask you if you remembered an orientation which I did, I told you that if  
3 anybody ever asks you to do anything illegal to come to me immediate?

4 CLAIMANT: No, I don't remember that. No, I don't.

5 EMPLOYER WITNESS: So did anyone ever ask you to do anything illegally?

6 CLAIMANT: They always offered drivers for a safe haven. I don't know what  
7 you're getting at. They always said, "If you're a couple hours away you can ask for a safe  
8 haven." So I mean, yes, people asked me to do things illegal every day. They ask all the drivers.  
9 Right now if a driver gets a recording from the company they gonna see it. They're 30 minutes  
10 out, they're an hour out, "Hey, can I come on in? 'Bring it on in.'" So, yes, people ask me to do  
11 things illegal, yes, and they ask other drivers too.

12 HEARING OFFICER: Any other...any other questions, Mr. Criscoe?

13 EMPLOYER WITNESS: No, ma'am. The only other one is I want to ask John one more and  
14 that is do you know the rule, DOT rule, that if you're within two hours...excuse me, yeah, one  
15 time a week you can do a two hour...it's not called a safe haven, it's called a return to duty  
16 station.

17 CLAIMANT: But that's only...that's...that's only if you're going and reporting  
18 to the same terminal every day, and I was never doing that. And then they would also allow me  
19 to have safe havens when I was without their being present. So, yes.

20 EMPLOYER WITNESS: And were you aware the safe haven was only 15 minutes, that's  
21 what the rule states here?

22 CLAIMANT: I...I...I...I never was aware of that and I've been working with the  
23 company for over about six months and we always...and always other drivers has been  
24 extending the safe haven rule for longer than 15 minutes. So, no, I was not aware.

25 EMPLOYER WITNESS: That's all the questions I have, ma'am.

26 HEARING OFFICER: All right, do you have any additional testimony or any rebuttal to  
27 the testimony, Mr. Criscoe?

1 EMPLOYER WITNESS: No, the only...the only thing that I can say is we do have a safe  
2 haven rule to keep a driver from staying out for ten hours if he's within 15 minutes of the  
3 terminal. That is a DOT regulation that they can do that. And there is a 16 hour rule that they  
4 can do once a week if they do go in and out this terminal. Other than that I don't know about  
5 any other things that Mr. Estep would be talking about.

6 HEARING OFFICER: Okay.

7 EMPLOYER WITNESS: In orientation I tell my drivers that if anyone asks you here to do  
8 anything illegal, I need to know about it immediately. And I would never ask anybody...to do  
9 anything illegal, and I don't believe they did.

10 HEARING OFFICER: Thank you. Anything else, Mr. Criscoe?

11 EMPLOYER WITNESS: No, ma'am.

12 HEARING OFFICER: Mr. Estep, do you have anything further?

13 CLAIMANT: (No reply)

14 HEARING OFFICER: Mr. Estep?

15 CLAIMANT: (No reply)

16 HEARING OFFICER: I believe we've lost Mr. Estep, but I don't believe I have any  
17 additional questions or testimony to offer. So there being no further questions, no further  
18 testimony...I'm sorry, I believe I have enough testimony where a fair decision can be made. So  
19 there being no further questions and no further testimony, I declare this hearing closed.

20 **HEARING CLOSED.**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF: RICHLAND )

This is to certify that the above is a true and correct transcript of recorded testimony transcribed to the best of my ability.

*Kristi Chesley*  
\_\_\_\_\_  
Kristi Chesley

SWORN to before me this the

7<sup>th</sup> day of March, 2014

NJ Moore (LS)

My Commission expires April 1, 2021



UCB-102 DCUW  
Catalog#:08134  
Rev. 9/12



South Carolina Department of Employment and Workforce  
Unemployment Insurance Benefits  
Claimant Fact Finding Interview  
Discharge – Unsatisfactory Work-Performance

WEC#: 400

Effective Date of Issue: 09/29/13

UCB-102 DCUW  
Catalog#:08134

Type of Claim:

New:  Add:  Cont:  Trans:

BYE: 09/28/14

Claimant's Name: John S. Estep

SS#: \_\_\_\_\_

Bona Fide Employer (Name of Company): Greatwide Dedicated Transport III LLC

Employer Address: C/O Thomas & Thorngren In Employer Telephone #: 615-242-8246

P.O Box 280100 Employer Account#: 518169

Nashville TN 37228

Employer Contact Person: Cheryse Cox/Consultant

Dates of Employment: Beginning 03/01/13 and Ending 10/03/13 MS

Hours worked: From \_\_\_\_\_ To \_\_\_\_\_ or which shift \_\_\_\_\_ for \_\_\_\_\_ days per week.

Ending salary \$ \_\_\_\_\_ per \_\_\_\_\_ Occupation: Driver

**All Questions Must Be Answered.**

What is the name and title of the person who discharged you? Mark Headly/Accounts Manager

What reason did your employer give for discharge? "Logbook Violation"

What was the date of the discharge? 10/03/13

What was the date of the final incident that caused the discharge? 10/02/13 & 10/03/13

What was the final incident that caused the discharge? I asked the dispatcher if I could bring in a load, he said yes; however I had exhausted my driving hours. Placed in logbook incorrectly.

Was there a delay (two weeks or more) between the final incident and the date of discharge?  Yes  No

If the claimant states there was a delay was due to suspension, pending investigation, or other reasons, document the specific details related to the scenario: \_\_\_\_\_

What was the \_\_\_\_\_

What was the \_\_\_\_\_

What was the \_\_\_\_\_

Were you discharged for violation of a company policy?  Yes  No

If Yes, what company policy was violated? Violation of

"logbook documentation policy".

How were you made aware of the company policy (Orientation, Handbook, etc.)? Both

Did you receive any warnings?  Yes  No

If Yes, list:

Dates of warnings: August 2013, May 2013

Reason: I received a warning for not spending at least seven minutes on a "pre-trip"

(inspection of vehicle before driving). I only spent three minutes.

The incident in May was for driving back to South Carolina without a load, and my employer wanted a full load. I did not exhaust my driving hours, but I was held responsible for driving an empty truck to the state. I was suspended for three days for the May write-up.

Name and title of the person who gave the warnings? Don Cisco/Manager

How were the warnings given (Oral, Written, etc.)? Written

Date of:

How did the final incident have an impact on the employer's business? None

Why did your employer say your work was unsatisfactory? I was very close to the

yard. My truck was empty, so I called the dispatcher and asked, "if I could drive to the yard"?

The dispatcher was informed that I would run out of driving hours prior to me reaching the yard.

The dispatcher gave me permission to drive to the yard. I arrived at the yard on the night of

10/02/13, but placed in my logbook that I arrived in the yard on the morning of 10/03/13. I

put the wrong information, because I knew I had reached my points.

Note: If due to lack of production ask the claimant if they ever met production. If the claimant did, document the cause for the decline and the timeline. If due to sales quota, ask the claimant if they ever met the sales quota, when sales started to decline and the cause (request medical documentation if health-related).

Employer's Statement: (Also use for rebuttal of claimant's statement) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Employer's Signature or Name of Individual Contacted: \_\_\_\_\_

Title of Individual Contacted: \_\_\_\_\_

Telephone     In Person     Fax/Email    Date: \_\_\_\_\_

Rebuttal of Employer Reply: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Subsequent \_\_\_\_\_

Claimant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Interviewer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Interview's Printed Name: **Melissa F. Mickle** Date: **10/16/13**

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Use attached sheet for additional comments.

**Use attached sheet for additional comments.**

Claimant's Name: John S. Estep Social Security #: \_\_\_\_\_

**Claimant's Statement:**

**I did put the information in the logbook incorrectly, because I knew that I had gone over the driving hours. The dispatcher gave me permission to drive the empty truck onto the yard.**

**The is a standard practice in the company. It's called "a safe-haven" (when you are close to the yard, but will exceed your driving hours allowed for the day, the dispatcher allows you to drive to the yard). I feel my discharge was personal and not work related.**

Claimant's

Signature

South Carolina Department of Employment and Workforce

Fact Finding Attachment

Employer Statement

Employer Name: Greatwide Dedicated Transport

Claimant Name: John S. Estep

Claimant Statement

Social Security Number: \_\_\_\_\_

Date: 10/16/13

Time: 2:11 pm

Telephone Number Called: 615-242-8246

Person Contacted or Left Message With: \_\_\_\_\_ Title: Consultant

Left Message With Above to Have: Cheryse Cox  
(Name/Title)

Call By: 10/18/13@2:11[m]  
(Time/Date)

*Leave your name, title, agency name, claimant's name, time, date, and reason called.*

Statement of Rebuttal: Left message informing employer to please make contact within the 48 hour deadline of 10/18/13 before 2:11pm. Employer was informed failure to make contact could result in a decision made without their statement and if they were in disagreement with the statement. An appeal would have to be filed. As of today,10/23/13 the employer has not responded to provide reason for separation or rebuttal statement.

Final Incident/Date: \_\_\_\_\_

Company Policy: \_\_\_\_\_

Dates Absent/Tardy/Early Departures: \_\_\_\_\_

Warnings/Dates/Written or Verbal/Reasons: \_\_\_\_\_

Other Comments: \_\_\_\_\_

# South Carolina Department of Employment and Workforce

## Fact Finding Attachment

Employer Statement

Employer Name: Greatwide Dedicated Transport

Claimant Name: John S. Estep

Claimant Statement

Social Security Number: \_\_\_\_\_

Date: 10/16/13

Time: 2:11 pm

Telephone Number Called: 615-242-8246

Person Contacted or Left Message With: \_\_\_\_\_ Title: Consultant

Left Message With Above to Have: Cheryse Cox Call By: 10/18/13@2:11[m]  
(Name/Title) (Time/Date)

*Leave your name, title, agency name, claimant's name, time, date, and reason called.*

Statement of Rebuttal: Left message informing employer to please make contact within the 48 hour deadline of 10/18/13 before 2:11pm. Employer was informed failure to make contact could result in a decision made without their statement and if they were in disagreement with the statement. An appeal would have to be filed. As of today, 10/23/13 the employer has not responded to provide reason for separation or rebuttal statement.

Final Incident/Date: \_\_\_\_\_

Company Policy: \_\_\_\_\_

Dates Absent/Tardy/Early Departures: \_\_\_\_\_

Warnings/Dates/Written or Verbal/Reasons: \_\_\_\_\_

Other Comments: \_\_\_\_\_



**SC Department of Employment and Workforce  
Discharge Report**

SSN:  
Claimant's name: john sh Estep  
Date of birth: 1/27/1981  
Local office: 400  
Benefit year begin date: 9/29/2013  
Benefit year end date: 9/28/2014  
Claim type: New  
Potentially Eligible: No  
Employer name: GREATWIDE DEDICATED TRANSPORT III LLC  
Employer Account #: 518169  
Hire date: 3/1/2013  
Termination date: 10/3/2013  
Discharge reason: Discharged  
Earned at least \$2608: Yes  
Bonafide: Yes

**Discharge**

Discharge Reason: Other

Date of final incident: 10/3/2013  
Final incident that caused discharge:  
my log book did not match up with the gps in the truck but the people net log book went out so I had to use paper and I did not line it up right to the tee  
Discharge date: 10/3/2013  
Discharged by: mark  
Title of person who discharged you: acct manager  
Violated company policy: No  
Final incident impacted employer's business: No  
Received prior warnings: No



**SC Department of Employment and Workforce FFATNET Report**

ESTEP, JOHN

(803) 467-5255

Gender: M

estepjohn007@gmail.com

Date of Birth: 1/27/1981

Claim Office: 400

Effective Date:

Entered On: 10/7/2013

BYE: 9/28/2014

WBA: \$326.00

**Interview Appointments:**

**Claimant Rebuttals:**

**Employer Rebuttals:**

**Issues:**

**Employers:**

Employer Name: GREATWIDE  
DEDICATED  
TRANSPORT III

Bonafide employer: Yes

Hire date: 3/1/2013

Termination date: 10/3/2013

Earned at least \$2,608.00: No

Owner or corporate officer of a business: True

Employer Acct Number: 518169

NAICS Code: 484121550

Claimant Separation Reason:

Employer Separation Reason:

Total Wages: \$3,339.56

**Employer Issues:**

Kind Description	Discharge
Create Date	10/4/2013 12:00:00 AM
Last Modified Time	10/23/2013 2:50:57 PM

Attachment Info	Description	Created Time	Upload Date
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**Contact Attempts:**

**History Events:**

FactFindingIssueCreated at 10/4/2013 10:53:56 AM by john sh Estep III (PUBLIC\John198127): Created 'Discharge' Fact Finding Issue for employer 'GREATWIDE DEDICATED TRANSPORT III LLC' with status Submitted as part of submit Claim Application.

FactFindingCreated at 10/4/2013 10:53:56 AM by john sh Estep III  
(PUBLIC\John198127): Fact Finding was created as part of submitting a Claim  
Application by john sh Estep III(PUBLIC\John198127)

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StatusChanged at 10/7/2013 4:31:16 PM by SCES\SProctor: Status changed from  
Initial Claim to Review by the trigger Claim Submit to ABPS.

---

CheckOut at 10/23/2013 2:43:26 PM by SCES\MReed: Fact Finding checked out.

---

FactFindingIssueStatusChange at 10/23/2013 2:50:57 PM by SCES\MReed: Fact  
Finding Issue " Status changed from 'Submitted' to 'Reviewed' by the trigger 'Review  
Complete'. Employer Name: GREATWIDE DEDICATED TRANSPORT III L

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Notes:



FactFindingCreated at 10/4/2013 10:53:56 AM by john sh Estep III  
(PUBLIC\John198127): Fact Finding was created as part of submitting a Claim  
Application by john sh Estep III(PUBLIC\John198127)

---

StatusChanged at 10/7/2013 4:31:16 PM by SCES\SProctor: Status changed from  
Initial Claim to Review by the trigger Claim Submit to ABPS.

---

CheckOut at 10/23/2013 2:43:26 PM by SCES\MReed: Fact Finding checked out.

---

FactFindingIssueStatusChange at 10/23/2013 2:50:57 PM by SCES\MReed: Fact  
Finding Issue " Status changed from 'Submitted' to 'Reviewed' by the trigger 'Review  
Complete'. Employer Name: GREATWIDE DEDICATED TRANSPORT III L

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**Notes:**

State  
Agency

**SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE**  
P O. BOX 1752, COLUMBIA, SC 29202

**APPLICATION FOR LEAVE TO APPEAL TO THE APPELLATE PANEL**

Claimant's Name John Sherman Estep 3rd SSN \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number 803 800 8912

Employer's Name Greatwide Dedicated Address P O Box 280100 Nashville TN 37228

Please refer to Decision of Appeal Tribunal to complete section below

On 12-06-13, I received Appeal Tribunal Decision Number 2013-A-19547  
(Date of Receipt)

mailed to me on 12-04-13 I ask for review of the record on the following grounds  
(Mailing Date on Decision)

- ① Don Cesco, told me to all ways say what my log Book says not the way I drove the load and I told him that He told me that in the hearing and he did not say or ask me nothing about it in the courtroom.
- ② Dean the Supervisor all ways tell Drivers bring load back that are 30min to the out.
- ③ Don was not the person who fired me (I) I was doing what I was told to do every Day this is how the run.

\* If appeal is untimely, state the reason. If appellant failed to attend Appeal Tribunal hearing, state the reason and whether postponement was requested

I must continue filing my claims for each week of unemployment while my appeal is pending; I can only be paid for those weeks that I have timely claimed. If I have received benefits and am ruled disqualified or ineligible, I will be required to repay the benefits I have received for that time period

\*\*As a Board of Review, the Appellate Panel is confined solely to the record submitted by the Appeal Tribunal and does not accept additional evidence or testimony in its consideration of the appeal For this reason, subpoenas for appeals to the Appellate Panel will not be issued

Who is filing appeal  Claimant  Employer

Signature [Signature]

Title Driver Date 12-06-13

RECEIVED

DEC 9 2013

SCDEW

HIGHER APPEALS

Does claimant need an interpreter?  YES  NO If yes, what language/dialect?

Claimant is  Deaf  Mute

Please submit form by fax to 803 737 3166 or by mail to "Appellate Panel, P O Box 1752, Columbia, SC 29202"

**SOUTH CAROLINA  
DEPARTMENT OF EMPLOYMENT AND WORKFORCE  
631 Hampton Street  
P O Box 1752  
Columbia, SC 29202**

**NOTICE OF CLAIMANT APPEAL TO THE APPELLATE PANEL**

**DATE December 10, 2013**

**APPEAL NO 17816-131649**

**CLAIMANT**

John S Estep

-----  
SSN

**LIABLE EMPLOYER**

Greatwide Dedicated Transport, III, LLC  
c/o Thomas & Thorngren, Inc  
P O Box 280100  
Nashville, TN 37228

**SEPARATING EMPLOYER**

The claimant in this case appealed the Appeal Tribunal Decision to the Appellate Panel for review. A copy of the appeal is attached.

The Panel will review your case as soon as possible, and may issue a decision based solely on its review of the record on appeal or may schedule an in-person hearing. Hearings are conducted at the Appellate Panel offices in Columbia. You may request a hearing by calling (803) 737-0239 or by mailing a written request to the P O Box listed above. The Panel, at its sole discretion, may grant or deny the request. If a hearing is scheduled, a copy of the transcript and the hearing notice will be mailed to you at a later date.

**SPECIAL NOTE.** The Appellate Panel can make its own factual findings and may reverse, affirm, or modify the decision on appeal. **Be advised that this may result in an increase or decrease of the disqualification.**

Claimants must continue filing a weekly claim pending the appeal to receive benefits. Any benefits received by the claimant may be subject to recovery if the Appeal Tribunal Decision is reversed.

Higher Authority Appeals Department  
Telephone (803) 737-0239

cc    Liable Employer  
      Separating Employer  
      Claimant's Attorney  
      Employer's Attorney  
      Imaging  
      File

rev 11/13/12/adg

