

John Sherman Estep III
1800 longcreek drive apt# 5W
Columbia, SC 29210
Phone# 410-212-2062

To The Honorable **Carolyn C. Matthews**, Administrative Law Judge

NOTICE IS GIVEN (Revised) that a report was filed with Richland County Sheriff's Department seeking charges of the **Freedom of Information** Act violation by the South Carolina Department of Employment and Workforce filed date of report March 12, 2014. Supplementary Report filed date of March 17, 2014. In accordance with S.C. Code Ann. §30-4-10 (1978 Act) the purpose of this order is to inform the **STATE OF SOUTH CAROLINA ADMINISTRATIVE LAW COURT** of the actions the appellant John Sherman Estep III is taking.

Deputy: CPL Hendrik

Case number: 1403028112

Sergeant: Davis

(Supplementary Report)

Case number: 1403028112

RECEIVED
MAY 22 2014
SC Court of Appeals

Cc: Greatwide Dedicated Transport
Po Box 280100
Nashville, TN 37228

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

Sincerely:


John Sherman Estep III

3-17-2014

John Sherman Estep III
1800 longcreek drive apt# 5W
Columbia, SC 29210
Phone# 410-212-2062
EstepLawSince2011@USA.com

To The Honorable Carolyn C. Matthews Administrative Law Judge

(Reply Brief)

STATEMENT OF ISSUE ON APPEAL

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

STATEMENT OF THE FACTS

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

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

ARGUMENT

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

Deliberate: Means to carefully think or talk something through.

Daily Routine: Things you do every day.

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

ARGUMENT

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

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

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

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

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

7) **S.C. Code Ann. § 1-23-380** The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

(a) In violation of constitutional or statutory provisions;

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

(c) Made upon unlawful procedure;

(d) Affected by other error of law;

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

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

8) The SCDEW violated John Estep FOIA.

APPELLANT ABANDONED ISSUES

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

CONCLUSION

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

Cc: Greatwide Dedicated Transport

Po Box 280100

Nashville, TN 37228

Cc: Office of General counsel

S.C. Department of Employment and work force

Po Box 8597

Columbia, SC 29202

Sincerely,


John Sherman Estep III

4-12-2014

RICHLAND COUNTY SHERIFF'S DEPARTMENT SUPPLEMENTARY REPORT

AGENCY I.D.
SCORI 400000

CASE NUMBER
1403028112

NCIC	
INQ	ENTD

<input type="checkbox"/> ORIGINAL REPORT	<input checked="" type="checkbox"/> SUPPLEMENTAL REPORT	<input type="checkbox"/> INVESTIGATIVE FOLLOW UP	<input type="checkbox"/> ADDITIONAL STOLEN PROPERTY
<input type="checkbox"/> MODIFIES ORIGINAL	<input type="checkbox"/> CASE STATUS CHANGE		<input type="checkbox"/> ADDITIONAL RECOVERED PROPERTY

PAGE 2 OF 2 PAGES

I/T = ALL OTHER OFFENSES
I/L= 1800 LONGCREEK DRIVE, #5-W, COLUMBIA S.C

Mr. Estep came to the Richland County Sheriff's Department to seek information about this report he filed on March 12, 2014. Mr. Estep inspected the report and found there was no subject listed in this violation. The subject reference this violation is listed below: Mr. Estep would like to speak with an investigator about this case.

Subject: Chesley Jessica; work address is 631 Hampton Street, Columbia South Carolina 29202
work number 803-737-0395.

NARRATIVE

<input type="checkbox"/> ACTIVE	<input type="checkbox"/> ADM. CLOSED	<input type="checkbox"/> ARRESTED UNDER 18	<input type="checkbox"/> EX-CLEAR UNDER 18		
<input type="checkbox"/> UNFOUNDED		<input type="checkbox"/> ARRESTED 18 AND OVER	<input type="checkbox"/> EX-CLEAR 18 AND OVER		
REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE - NO CUSTODY					
S. NO.	REPORTING OFFICER(S)	DATE	S. NO.	APPROVING OFFICER	DATE
881	Davis, Stacey	03172014			
			FOLLOW UP INVESTIGATION	S. NO.	OFFICER
			<input type="checkbox"/> YES <input type="checkbox"/> NO		DATE

ADMINISTRATIVE

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this Record on Appeal in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the interagency Mail Service address to the party(ies) or their attorney(s).

This 10th day of March, 2014

By: Jessica Chesley

Title: Administrative Legal Assistant, Legal Department

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

John S. Estep,

Appellant,

vs.

South Carolina Department of Employment
and Workforce and Greatwide Dedicated
Transport, III, LLC,

Respondents.

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

**ORDER DENYING MOTION TO
DISMISS**

This matter is before the Administrative Law Court (“ALC”) pursuant to an appeal filed by John S. Estep (“Appellant”). Appellant filed a Notice of Appeal on January 17, 2014. The ALC issued the Notice of Assignment on January 23, 2014. The ALC issued an Order Governing Procedure on February 3, 2014. The Record on Appeal was filed on February 11, 2014 by the South Carolina Department of Employment and Workforce (“SCDEW”). The Appellant filed a Motion to Dismiss on March 3, 2014 claiming violations of the Freedom of Information Act (“FOIA”), as personal information, such as Appellant’s Social Security Number, have not been redacted from the Record on Appeal.

DISCUSSION

SCDEW should have redacted all personal information, such as Social Security Numbers and other personal identifiers. Specifically, the Appellant complains that his full Social Security Number is listed on page 64 of the Record on Appeal. SCDEW has violated ALC Rule 36(B) by not “redacting all identifying or personal information.” While the Appellant is correct to be concerned by the lack of review conducted by SCDEW, the ALC will not dismiss the case for this error. Therefore, SCDEW shall have ten (10) days from the date of this Order to redact all personal identification in the Record on Appeal and file and serve a revised copy of the Record on Appeal with the ALC and the Appellant.

The Appellant wishes to be provided with a copy of the recording of the testimony to review and compare with the Record on Appeal. Under ALC Rule 36(B)(6), SCDEW is required to provide “[t]he transcript of the testimony taken during the proceeding. SCDEW is not required to provide the Appellant a copy of the recording testimony. Therefore, SCDEW has

FILED
MAR 10 2014

SC ADMIN. LAW COURT

INCIDENT REPORT

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. 90Z ALL OTHER OFFENSES	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	COMMERCIAL/OFFICE BUILDING		<input checked="" type="checkbox"/> Individual Business <input type="checkbox"/> Financial Inst <input type="checkbox"/> Government <input type="checkbox"/> Relig. Orgn. <input type="checkbox"/> Soc./Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off.
2.	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			
3.	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)
1800 LONGCREEK DR , #5-W, COLUMBIA, SC

ZIP CODE 29210 WEAPON TYPE

INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME 24 HR. CLOCK	DISPATCH TIME	TIME ARRIVED	DEPART. TIME	LOCATION NO.
03/12/2014	13:00		03/12/2014	14:15	03/12/2014	14:20	14:20	15:00	15

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE
ESTEP, JOHN	#1 #2 #3	J	B	M	33 /	N	4102122062	

ADDRESS 1800 LONGCREEK DR APT 5-W CITY COLUMBIA STATE SC ZIP CODE 29210 LOCATION NO.

VICTIM'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE
ESTEP, JOHN	#1 #2 #3	J	B	M	33 /	N	4102122062	

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
603	357	BLK	BRO	

ADDRESS 1800 LONGCREEK DR , 5-W CITY COLUMBIA STATE SC ZIP CODE 29210 LOCATION NO.

VISIBLE INJURY (VCT.1) YES NO EXPLAIN- COMPLAINT OF ANY NON-VISIBLE INJURIES YES NO

VCTIM (NO.1) USING: ALCOHOL YES NO UNK. DRUGS: YES NO UNK. TYPE:

TWO-MAN VEH ONE-MAN VEH DETECTIVE SPLASMT. OTHER ALONE ASSISTED

NAME (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	ETH.	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
			/						

SUSPECT RUNAWAY WANTED WARRANT ARREST JAIL SUMMONS

FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. DAYTIME PHONE EVENING PHONE

ADDRESS CITY STATE ZIP CODE LOCATION NO.

SUBJECT (NO.1) USING: ALCOHOL YES NO UNK. DRUGS: YES NO UNK. TYPE: ARRESTED NEAR OFFENSE SCENE YES NO DATE/TIME OF OFFENSE DATE/TIME OF ARREST

DAY OF THE WEEK HOW REPORTED

A= OFFICER DISPATCHED ON CALL D= COMPLAINT WRITTEN IN
B= REPORT TAKEN BY PHONE E= OFFICER INITIATED
C= COMPLAINANT WALKED IN F= OTHER

DIFF. FACTOR A= RESISTANCE/HOSTILITY B= WEAPONS C= UNFOUNDED CALLS D= MENTAL SUBJECT E= COMPLAINANT FREQUENTLY INTOXICATED F= DOMESTIC N= NORMAL

ALL OTHER OFFENSES

R/O was called to meet with C/V at Region 4 HQ to file a report for his Social Security Number being filed with court proceeding paperwork. Upon arrival, made contact with the C/V who stated that he is in the process of court proceedings and that every time his paperwork is filed through Appeals, it has his Social Security number on it which he believes is a Violation of the Freedom of Information Act. C/V stated he has requested his SSN be removed from the paperwork because it is now Public Record but the subject refuses to remove it. C/V stated he does wish to prosecute. C/V was issued his case number and advised how to obtain a copy of the report.

The subject is the Administrative Legal Assistant for Maura Baker at 631 Hampton St.

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY

TYPE (GROUP)	TOTAL VALUE
STOLEN	
DAMAGED	
BURNED	
RECOVERED	
SEIZED	

SUBJECT IDENTIFIED	SUBJECT LOCATED	S. F.	ACTIVE	ADM. CLOSED	ARRESTED UNDER 18	EX-CLEAR UNDER 18
<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> UNFOUNDED		<input type="checkbox"/> ARRESTED 18 AND OVER	<input type="checkbox"/> EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1 OFFENDER DEATH 2 NO PROSECUTION 3 EXTRADITION DENIED 4 VCTIM DECLINES COOPERATION 5 JUVENILE-NO CUSTODY

REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
Hendrick, Kellye	3/12/2014	1228	Fairbanks, David		

FOLLOWUP INVESTIGATION YES NO

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

John S. Estep,

Appellant,

vs.

South Carolina Department of Employment
and Workforce and Greatwide Dedicated
Transport, III, LLC,

Respondents.

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

AMENDED SCHEDULING ORDER

This matter is before the Administrative Law Court (“ALC”) pursuant to an appeal filed by John S. Estep (“Appellant”). Appellant filed a Notice of Appeal on January 17, 2014. The ALC issued the Notice of Assignment on January 23, 2014. The ALC issued an Order Governing Procedure on February 3, 2014. The Record on Appeal was filed on February 11, 2014 by the South Carolina Department of Employment and Workforce (“SCDEW”). The Appellant filed a Motion to Dismiss on March 3, 2014 claiming violations of the Freedom of Information Act (“FOIA”), as personal information, such as Appellant’s Social Security Number, have not been redacted from the Record on Appeal. On March 10, 2014, the ALC denied Appellant’s Motion to Dismiss, and also ordered SCDEW to redact all personal information. SCDEW has complied with the Court’s Order, filing a redacted copy of page 64 of the Record on Appeal on March 13, 2014. In order to reach a prompt conclusion of this proceeding, SCDEW shall have **twenty (20) days** from the date of this Order to file Respondent’s Brief. Appellant may file a Reply Brief no later than **ten (10) days** after SCDEW has filed Respondent’s Brief. Therefore,

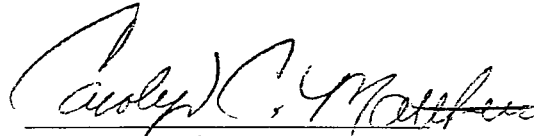
FILED

MAR 18 2014

SC ADMIN. LAW COURT

IT IS ORDERED that the SCDEW shall have **twenty (20) days** from the date of this Order to file Respondent's Brief. Appellant may file a Reply Brief no later than **ten (10) days** after SCDEW has filed Respondent's Brief.

AND IT IS SO ORDERED.


CAROLYN C. MATTHEWS
S.C. Administrative Law Judge

March 18, 2014
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, postage paid, in the United States mail addressed to the party(ies) or their attorney(s).

This 18th day of March 2014

BY 
Judicial Law Clerk

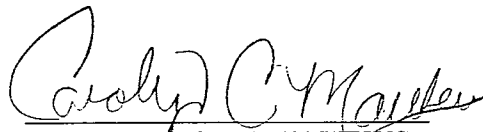
complied with ALC Rule 36(B). The ALC will not order SCDEW to provide the Appellant with a copy of the recording of the testimony.

ORDER

IT IS ORDERED that Appellant's Motion to Dismiss is **DENIED**.

IT IS FURTHER ORDERED that the SCDEW shall have **ten (10) days** from the date of this Order to redact all identifying or personal information in the Record on Appeal pursuant to ALC Rule 36(B) and file and serve a revised copy of the Record on Appeal with the ALC and the Appellant. SCDEW shall then have **twenty (20) days** from the date the amended Record on Appeal is filed, to file Respondent's Brief. Appellant may file a Reply Brief no later than **ten (10) days** after SCDEW has filed Respondent's Brief.

AND IT IS SO ORDERED.


CAROLYN C. MATTHEWS
S.C. Administrative Law Judge

March 10, 2014
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, postage paid, in the United States mail addressed to the party(ies) or their attorney(s).

This 10th day of March 2014
BY Mary Beth Campbell
Judicial Law Clerk

P.O. Box 995
1550 Gadsden Street
Columbia, SC 29202
dew.sc.gov



Nikki R. Haley
Governor

Cheryl M. Stanton
Executive Director

Post Office Box 8597
Columbia, SC 29202
Telephone: (803) 737-0395
Fax: (803) 737-0124

March 10, 2014

The Honorable Carolyn Matthews
South Carolina Administrative Law Court
Edgar A. Brown Building
1205 Pendleton Street, Suite 224
Columbia, South Carolina 29201

RE: Transcript corrections Estep v. SCDEW and Greatwide Dedicated
Transport, III, LLC
Docket No. 14-ALJ-22-0026-AP

Dear Judge Matthews:

The Court has ordered SCDEW to review the transcript of the Appeal Tribunal hearing in the above referenced case. Enclosed is the original and one copy of the Corrected Record on Appeal.

For your information, upon review, corrections were made to the following lines of the transcript:

Record on Appeal (ROA) p. 36, line 8
ROA p. 37, lines 6, 9, 11
ROA p. 39, lines 10, 13
ROA p. 40, line 25
ROA p. 41, line 17
ROA p. 42, lines 2, 6
ROA p. 43, lines 15, 19, 33
ROA p. 44, lines 4, 6, 9, 12, 27, 28, 35
ROA p. 45, line 5
ROA p. 46, line 22
ROA p. 50, lines 11, 16
ROA p. 51, lines 16, 19, 23

FILED

MAR 17 2014

SC ADMIN. LAW COURT

The redaction that Mr. Estep brought to the Court's attention on ROA p. 64 has also been corrected. A copy of the audio recording has also been provided to the Appellant, Mr. Estep with his copy of the Corrected Record on Appeal.

John Sherman Estep III
1800 longcreek drive apt# 5W
Columbia, SC 29210
Phone# 410-212-2062

To The Honorable **Carolyn C. Matthews**, Administrative Law Judge

Motion to file the ALC law case in the favor of John Estep **African-American Civil Rights Movement** encompasses social movements in the United States whose goal was to end racial segregation and discrimination against black Americans and enforce constitutional voting rights to them. This covers the phase of the movement between 1955 and 1968, particularly in the South. The movement was characterized by major campaigns of civil resistance. Between 1955 and 1968, acts of nonviolent protest and civil disobedience produced crisis situations between activists and government authorities. Federal, state, and local governments, businesses, and communities often had to respond immediately to these situations that highlighted the inequities faced by African Americans. Forms of protest and/or civil disobedience included boycotts such as the successful Montgomery Bus Boycott (1955–56) in Alabama; "sit-ins" such as the influential Greensboro sit-ins (1960) in North Carolina; marches, such as the Selma to Montgomery marches (1965) in Alabama; and a wide range of other nonviolent activities. The ALC has knowledge to know that the appellant John Estep is a well-rounded African-American. The Honorable **Carolyn C. Matthews**, Administrative Law Judge *might* ask how this matter of Civil Rights containing to Docket NO.14-AJ-22-0026-AP. The answer is that it is not containing to the Docket on file I the appellant well never date a Caucasian women in my life based on the lack of respect African-Americans have in the U.S.A for each other. The matters in facts I have listed so far in this motion have nothing to do with this case the same way you have been ruling. There are thirteen pages and twenty-eight corrections made to the original record on appeal. The evidence submitted by the SCDEW was incorrect if I the appellant did not notice these errors the case would have been ruled based on incorrect information. The Freedom of Information Act Page 64, of the revised and the original (ROA) is in volition of 36(B) I John Estep ask the ALC to rule in my favor based on the laws of SC-ALC not the incorrect judgments that have been ruled based on discretion.

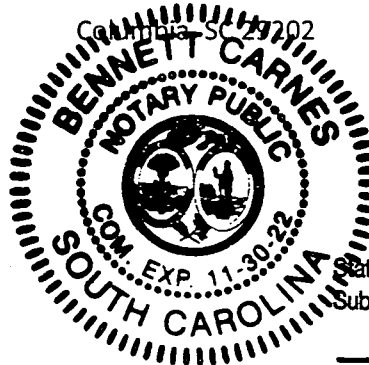
Cc: Greatwide Dedicated Transport
Po Box 280100
Nashville, TN 37228

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

FILED

MAR 12 2014

SC ADMIN. LAW COURT



Sincerely:

John Sherman Estep III

State of South Carolina County of Richland
Subscribed and sworn before me on 2/12/14
(Date)
B. Carnes
(Notary Signature)