

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

John Ester  
Appellant/Petitioner,

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

vs. South Carolina Department  
of Employment and Workforce  
and Greatwide Dedicated  
transport, III, LLC  
Respondent.

CERTIFICATE OF SERVICE

**RECEIVED**

MAY 23 2014

SC Court of Appeals

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

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

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

Office of General Counsel  
Name  
PO Box 2597  
Address  
Columbia, SC 29202  
City/State/Zip

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

John Ester  
(Print Name)

[Signature]  
(Signature)

1800 Longcreek Dr  
(Street) Apt 5W

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

# 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"/> UNFOUNDED		<input type="checkbox"/> ARRESTED 18 AND OVER	<input type="checkbox"/> EX-CLEAR UNDER 18
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		<input type="checkbox"/> EX-CLEAR 18 AND OVER	
S. NO.	REPORTING OFFICER(S)	DATE	S. NO.
881	Davis, Stacey	03172014	
			APPROVING OFFICER
			DATE
		FOLLOW UP INVESTIGATION	S. NO.
		<input type="checkbox"/> YES <input type="checkbox"/> NO	OFFICER
			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 10<sup>th</sup> day of March, 2014

By: Jessica Chesley

Title: Administrative Legal Assistant, Legal Department

**RECEIVED**

MAY 23 2014

**SC Court of Appeals**

RECEIVED

MAY 23 2014

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

SC Court of Appeals

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

John S. Estep,

Appellant,

vs.

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

Respondents.

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 Department of Employment and Workforce FFATNET Report**

ESTEP, JOHN

219-96-7972

(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

ES: 11

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

**FILED**

MAR 12 2014

SC ADMIN. LAW COURT

Contact Attempts:

History Events:

FactFindingIssueCreated at 10/4/2013 10:53:56 AM by john sh Estep III (PUBLICJohn198127): Created 'Discharge' Fact Finding Issue for employer 'GREATWIDE DEDICATED TRANSPORT III LLC' with status Submitted as part of submit Claim Application.

# INCIDENT REPORT

INFORMATION ONLY

CASE NUMBER

1403028112

NCIC

INQ. ENTD.

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 <input type="checkbox"/> 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			LOCATION NO.
03/12/2014	13:00		03/12/2014	14:15	DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART TIME
					03/12/2014	14:20	14:20	15:00

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE) ESTEP, JOHN

RELATIONSHIP TO SUBJECT #1 #2 #3

RESIDENT J RACE B SEX M AGE 33 / ETH N DAYTIME PHONE 4102122062 EVENING PHONE

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

VICTIM'S NAME (LAST, FIRST, MIDDLE) ESTEP, JOHN

RELATIONSHIP TO SUBJECT #1 #2 #3

RESIDENT J RACE B SEX M AGE 33 / ETH N DAYTIME PHONE 4102122062 EVENING PHONE

HEIGHT 603 WEIGHT 357 HAIR BLK EYES BRO

FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

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

VISIBLE INJURY (MCT.1)  YES  NO  EXPLAIN-

VICTIM (NO 1) USING ALCOHOL  YES  NO  UNK.  DRUGS:  YES  NO  UNK.  TYPE: COMPLAINT OF ANY NON-VISIBLE INJURIES  YES  NO

TWO-MAN VEH  ONE-MAN VEH  DETECTIVE/PLASMT.  OTHER  ALONE  ASSISTED

\*J-This Jurisdiction. S-State. O-Out of State. U-Unknown.

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

RUNAWAY FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

WARRANT DAYTIME PHONE EVENING PHONE

ARREST ADDRESS CITY STATE ZIP CODE LOCATION NO.

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

SUMMONS DRUGS:  YES  NO  UNK.  TYPE: TOTAL # ARRESTED

DAY OF THE WEEK	HOW REPORTED	A= OFFICER DISPATCHED ON CALL	D= COMPLAINT WRITTEN IN	DIFF. FACTOR	A= RESISTANCE/HOSTILITY	E= COMPLAINANT FRE-
S M T W T F S UNK		B= REPORT TAKEN BY PHONE	E= OFFICER INITIATED		B= WEAPONS	QUENTLY INTOXICATED
		C= COMPLAINANT WALKED IN	F= OTHER		C= UNFOUNDED CALLS	F= DOMESTIC
					D= MENTAL SUBJECT	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 YES NO  SUBJECT LOCATED YES NO  S. F.

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

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

APPROVING OFFICER Fairbanks, David DATE UNIT NUMBER

FOLLOWUP INVESTIGATION  YES  NO  OFFICER

INVEST VICTIM NO SUBJECT NO SUSPECT NO WARRANT NO ARREST NO JAIL NO SUMMONS NO

DOCKET NO. 14-AJ-22-0026-AP

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

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

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,

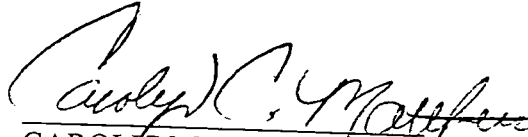
**FILED**

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 18<sup>th</sup> day of March 2014

BY   
Judicial Law Clerk

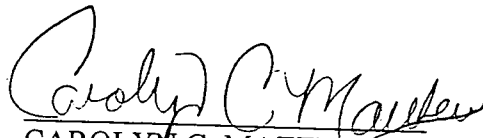
complied with ALC Rule 36(B). The ALC will not order SCDEW to provide the Appellant with a copy of the recording of the testimony.

**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 10<sup>th</sup> 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  
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.

## ARGUMENT

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

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

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

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

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

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

- (a) In violation of constitutional or statutory provisions;
- (b) In excess of the statutory authority of the agency;
- (c) Made upon unlawful procedure;
- (d) Affected by other error of law;
- (e) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (f) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

8) The SCDEW violated John Estep FOIA.

**APPELLANT ABANDONED ISSUES**

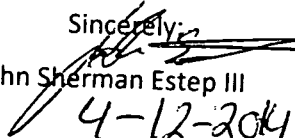
It is the employer duties to prove that the employee is in violations of S.C. Code Ann. 41-35-120 not the employee.

**CONCLUSION**

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

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

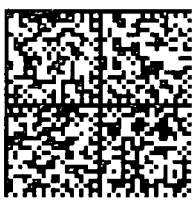
John Ester  
1800 Longcreek Dr Apt# 5W  
Columbia, SC 29218

RECEIVED

MAY 23 2014

SC Court of Appeals

**GPU** U.S. POSTAGE  
PB 1P 000  
1127607  
FCML  
MAILED MAY 19 2014  
\$ 1.120  
01545



Jenny Abbott Kitchings  
Court of Appeals  
P.O. Box 116229  
Columbia, SC 29211