

**STATE OF SOUTH CAROLINA
In the Court of Appeals**

**APPEAL FROM THE
ADMINISTRATIVE LAW COURT**

Shirley C. Robinson, Administrative Law Judge

Case No.: 11-ALJ-22-0440-AP
Appellate Case No. 2012-207406

Kimberly M. Morrow,

Respondent,

v.

South Carolina Department of Employment
and Workforce and A Wing and A Prayer, Inc.,

Defendants,

Of whom South Carolina Department of Employment
and Workforce is

Appellant,

and A Wing and A Prayer, Inc. is also

Respondent.

**NOTICE OF SETTLEMENT WITH REQUEST TO
APPROVE AGREED DISMISSAL AND TO
WITHDRAW OPINIONS**

Pursuant to Rules 260 and 261, SCACR, Appellant, the South Carolina Department of Employment and Workforce (DEW), and Respondent Kimberly M. Morrow, request approval from this Court to an agreed dismissal and withdrawal of the opinions issued on May 28, 2014.

On May 28, 2014, this Court issued a 2-1 decision affirming the opinion of the Administrative Law Court (ALC) which granted unemployment benefits to Respondent Kimberly M. Morrow (Opinion No. 5235). Judge Williams dissented from the majority opinion, and stated he would have held that "the ALC impermissibly weighed the evidence and substituted its judgment for that of the Panel's in" reversing the final

Agency determination.

On June 12, 2014, DEW filed a petition for rehearing. Subsequently, the parties agreed to settle this case.

The parties have agreed as follows:

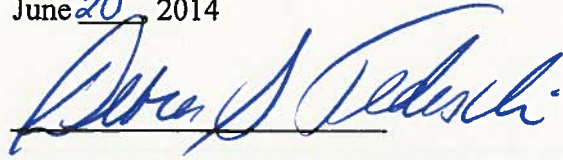
1. Appellant DEW agrees to withdraw its petition for rehearing and voluntarily dismiss this appeal.
2. Respondent Kimberly M. Morrow agrees to the voluntary dismissal of the appeal.
3. Both DEW and Ms. Morrow agree that the effect of the voluntary dismissal will be to finalize the Administrative Law Court's decision which reversed the DEW Appellate Panel's decision (which held Ms. Morrow ineligible for unemployment benefits). Thus, the ALC decision that effectively granted Ms. Morrow unemployment benefits will become the final decision in this case.
4. Both DEW and Ms. Morrow agree that neither party will seek any costs on appeal.
5. Pursuant to Rule 261, SCACR, both DEW and Ms. Morrow respectfully request that this Court vacate and withdraw both the majority and the dissenting opinions filed on May 28, 2014. The facts that warrant this extraordinary relief include that the parties understand that while the Court of Appeals has affirmed the ALC's decision, there is a dissenting opinion which could lead either to this Court granting rehearing or the South Carolina Supreme Court granting a petition for a writ of certiorari. *See Martin v. Town of Pine Ridge*, 313 S.C. 432, 438 S.E.2d 259 (Ct. App. 1993) (where majority and dissenting opinions were withdrawn upon good cause shown).

Accordingly, the parties respectfully request that this Court approve the settlement under Rule 261, SCACR, and consider this a voluntary dismissal under Rule 260, SCACR.

The parties further ask that all time requirements and deadlines be held in abeyance pending resolution of this matter.

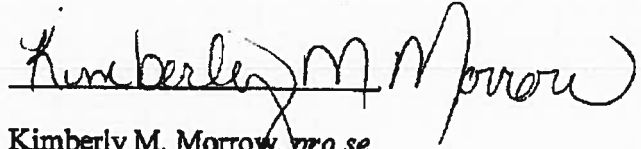
[Signature pages follow]

June 20, 2014

A handwritten signature in blue ink, reading "Debra S. Tedeschi". The signature is written in a cursive style and is positioned above a horizontal line.

Debra S. Tedeschi (SC Bar No. 15307)
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June 23, 2014

Handwritten signature of Kimberly M. Morrow in cursive script, written over a horizontal line.

Kimberly M. Morrow, *pro se*
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