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SC Court of Appeals

The South Carolina Court of Appeals

Appellate Case No.: 2014-002489

AMMENDED BRIEF of APPELLANT

Judicial Review from the decision  
of the  
State Of South Carolina  
Administrative Law Court  
dated November 07, 2014

Billie D. Mueller,

Appellant,

vs

South Carolina Dept. of Employment &  
Workforce & Ebtron, Inc.,

Respondent

Billie D. Mueller

PO Box 98, Davis Station, SC 29041

Telephone: 803-410-6935 / E-mail address: [dinkerboy49@gmail.com](mailto:dinkerboy49@gmail.com)

Petitioner has no Attorney

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## APPELLATE'S BRIEF

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### STATEMENT OF THE CASE

#### **The Nature of the Proceeding and the Relief Sought**

This is a Petition for Review of a decision of the Administrative Law Court affirming the decision of a Court of Appeals Judge decision denying unemployment benefits to Appellate. Appellate requests that the decision be reversed.

#### **The Nature of the Decision To Be Reviewed**

A final decision made and entered on November 07, 2014 by the Administrative Law Court.

#### **Statement of the Statutory Basis for Appellate Jurisdiction**

This court has appellate jurisdiction over this matter pursuant to S.C. Code Ann. 41-35-750

#### **Statement of Appellate Jurisdiction**

The Administrative Law Court entered its decision on November 07, 2014. The Petition for Judicial Review was filed on November 13, 2014.

#### **Questions Presented on Review**

- A. Did the SCDEW Appellate Panel err in finding the Appellant's action constituted misconduct under S.C. Code 45-35-120(2)-(4) Act 247?
- B. Did the SCDEW Appellate Panel err in finding that Appellant willfully failed to perform her duties under S.C. Act 247?

1 C. Did the SCDEW Appellate Panel err in allowing the testimony and  
2 the submission of the Request For Information from Greg  
3 McBride because of a Complete Conflict of Intrest.

4 **Summary of Argument**

5 During the telephone hearing with the SCDEWS Appeal Tribunal the  
6 Appellant was not given any of the documents Exhibits 1 and 2 that are part  
7 of the Appellants unemployment file by SCDEWS or Ebtron so the  
8 Appellate could put on a proper defense. Appellant was also not given a  
9 copy of the telephone hearing regulations. Appellants Subpoenaed witnesses  
10 Greg McBride was to submit Personnel File only David Dougan who did not  
11 participate was to testify of what was said by him at the supposed  
12 termination meeting at the telephone hearing. The Appellant had never seen  
13 any of the unemployment file documents till September 22, 2014.

14 1) Never in over 20 years a formal letter or reprimand from  
15 management

16 2) Never in over 20 years a notice of warning or management's  
17 attention to variance

18 3) Approximately \$6,350.00 of unpaid commissions falling into  
19 the 3<sup>rd</sup> Quarter of the 2013 obligation was all I had in my  
20 possession from Sept. 9<sup>th</sup> 2013 till Jan. 20<sup>th</sup> 2014

21 4) There was absolutely no loss of revenue to Ebtron or the accuracy  
22 of the Invoicing to Daikin / McQuay.

23 Dated this 11<sup>th</sup> day of September, 2015

24 *Bellie Mueller*

(S)

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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

SEP 15 2015  
SC Court of Appeals

Appellate Case No. 2014-002489

South Carolina Department of Employment  
and Workforce. And Ebtron, Inc., Administrative  
Law Court

Respondent,

v.

Billie Mueller

Appellant

**PROOF OF SERVICE**

I certify that I have served the Appellant's Amended Designation of Matter and Amended Brief to the South Carolina Court of Appeals Order on Sandra Grooms by depositing a copy of it in the United States Mail, postage paid, on September 11, 2015, addressed to the Office of General Counsel-SCDEW, PO Box 8597, Columbia, SC 29202

September 11, 2015



Billie Mueller  
PO Box 98  
Davis Station, SC 29041  
Appellant Has No Attorney

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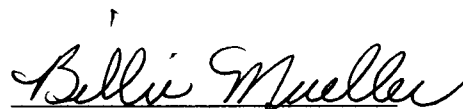
Billie Mueller

Appellant

**PROOF OF SERVICE**

I certify that I have served the Appellant's Amended Designation of Matter and Amended Brief to the South Carolina Court of Appeals Order on Kris Cato by depositing a copy of it in the United States Mail, postage paid, on September 11, 2015, addressed to the Rogers Townsend & Thomas, PC, 220 Executive Center Drive, Columbia, SC 29210

September 11, 2015



Billie Mueller  
PO Box 98  
Davis Station, SC 29041  
Appellate has no Attorney

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TO:

*The South Carolina Court of  
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Attn: Jenny Christ Kildings  
PO Box 11629  
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