

**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

Diana Jordan, )  
)  
Appellant, )  
)  
vs. )  
)  
South Carolina Department of )  
Employment and Workforce, )  
)  
Respondent. )  
\_\_\_\_\_ )

Docket No. 15-ALJ-22-0138-AP

**ORDER DENYING  
MOTION TO REHEAR**

This matter is before the South Carolina Administrative Law Court (Court or ALC) pursuant to a Motion to Rehear (Motion) filed by Dianna Jordan (Appellant) on July 31, 2015. Appellant requests that the Court have oral argument in this appeal because she is not an attorney, does not have access to law books, and cannot produce a brief in compliance with the Rules of Procedure for the Administrative Law Court (ALC Rules). Appellant also stated that she attempted to file a brief and that she can use documents in oral argument to support her position. The South Carolina Department of Employment and Workforce (Department or DEW) has not filed a response to the Motion.

On March 5, 2015, Appellant filed an appeal seeking review of the denial of her request for unemployment benefits by the Department. The case was assigned on April 2, 2015. On April 21, 2015, the Department filed a Motion to Stay Appeal Proceedings Pending Criminal Prosecution (Stay). The Court denied the Stay by order filed and served May 20, 2015. The May 20, 2015 order also set a new deadline for filing the Record on Appeal (Record) and notified the parties that the date for filing briefs would be based on the new date for filing the Record.

On June 5, 2015, the Department filed the Record on Appeal. Also on June 5, 2015, Appellant filed her Brief. The Department filed a Motion to Dismiss on June 26, 2015, asserting that the appeal should be dismissed for failure to file and serve an appellate brief that complies with the ALC Rules. Appellant filed a letter in response to the Motion to Dismiss. The Court granted the Motion to Dismiss by Order filed and served on July 20, 2015. Appellant then filed this Motion on July 31, 2015.

**FILED**

September 2, 2015

SC ADMIN. LAW COURT

**STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND**

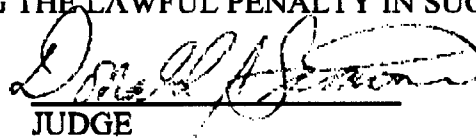
**Diana Jordan  
104 Woodglen Lane  
Chapin, SC 29036**

**SUMMARY COURT SUMMONS**

You are hereby summoned to be and appear personally in the Richland County Central Court, located at 1400 Huger Street, Courtroom 1 - B, Columbia, SC on **January 30, 2015 at 8:45 AM** to serve as a defendant/defense counsel/witness in a Preliminary Hearing in the case of The State vs. **Diana Biernaski Jordan**, Warrant/Ticket Number **2014A4010500285**, Forgery, value less than \$10,000. PLEASE TAKE NOTE OF COURT TIME. - 288 4 County

**IF A PUBLIC DEFENDER IS TO REPRESENT YOU AND YOU HAVE NOT APPLIED FOR ONE, YOU MUST APPLY FOR ONE AT THE CLERK OF COURT'S OFFICE IMMEDIATELY.**

HEREIN FAIL NOT, ON PAIN OF FORFETING THE LAWFUL PENALTY IN SUCH CASE MADE AND PROVIDED.

  
JUDGE

**Richland COUNTY Preliminary Hearing Court  
1400 Huger Street  
Post Office Box 192  
Columbia, SC 29201  
Phone (803) 576-2313 or (803) 576-1327  
Fax (803) 576-2326**

**January 16, 2015**

**STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND**

**Diana Jordan  
104 Woodglen Lane  
Chapin, SC 29036**

**SUMMARY COURT SUMMONS**

You are hereby summoned to be and appear personally in the Richland County Central Court, located at 1400 Huger Street, Courtroom 1 - B, Columbia, SC on **March 20, 2015 at 8:45 AM** to serve as a defendant/defense counsel/witness in a Preliminary Hearing in the case of The State vs. **Diana Biernaski Jordan**, Warrant/Ticket Number **2014A4010500285**, Forgery, value less than \$10,000. **PLEASE TAKE NOTE OF COURT TIME.** - 2BB 4 counts

**IF A PUBLIC DEFENDER IS TO REPRESENT YOU AND YOU HAVE NOT APPLIED FOR ONE, YOU MUST APPLY FOR ONE AT THE CLERK OF COURT'S OFFICE IMMEDIATELY.**

HEREIN FAIL NOT, ON PAIN OF FORFETING THE LAWFUL PENALTY IN SUCH CASE MADE AND PROVIDED.

  
JUDGE

**Richland COUNTY Preliminary Hearing Court  
1400 Huger Street  
Post Office Box 192  
Columbia, SC 29201  
Phone (803) 576-2313 or (803) 576-1327  
Fax (803) 576-2326**

**March 5, 2015**

**STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND**

**Diana Jordan  
104 Woodglen Lane  
Chapin, SC 29036**

**SUMMARY COURT SUMMONS**

You are hereby summoned to be and appear personally in the Richland County Central Court, located at 1400 Huger Street, Courtroom 1 - B, Columbia, SC on **April 10, 2015 at 10:00 AM** to serve as a defendant/defense counsel/witness in a Preliminary Hearing in the case of The State vs. **Diana Bicrnaski Jordan**, Warrant/Ticket Number **2014A4010500285**, Forgery / Forgery, value less than \$10,000. PLEASE TAKE NOTE OF COURT TIME. - 288

*4 counts*

**IF A PUBLIC DEFENDER IS TO REPRESENT YOU AND YOU HAVE NOT APPLIED FOR ONE, YOU MUST APPLY FOR ONE AT THE CLERK OF COURT'S OFFICE IMMEDIATELY.**

**HEREIN FAIL NOT, ON PAIN OF FORFETING THE LAWFUL PENALTY IN SUCH CASE MADE AND PROVIDED.**

\_\_\_\_\_  
JUDGE

**Richland COUNTY Preliminary Hearing Court  
1400 Huger Street  
Post Office Box 192  
Columbia, SC 29201  
Phone (803) 576-2313 or (803) 576-1327  
Fax (803) 576-2326**

**March 25, 2015**



STATE OF SOUTH CAROLINA )  
 )  
 )  
COUNTY OF Richland )

INDICTMENT  
  
FORGERY  
Section 16-13-10(A)

At a Court of General Sessions, convened on APRIL 8, 2015, the Grand Jurors of Richland County present upon their oath:

That on or between December 27, 2004, and January 1, 2006, in Richland County, the defendant, Diana Biernaski Jordan, did knowingly or willfully act or assist in the false making, forging, or counterfeiting any writing or instrument of writing with the intent to defraud /deceive in connection with an unemployment insurance transaction with the South Carolina Department of Employment and Workforce (DEW); with the intent of obtaining an undeserved economic advantage or benefit in the amount greater than \$10,000.00, to wit: Defendant made or caused to be made and filed with DEW false quarterly wage reports on behalf of a fictitious employer, knowing this company did not employ any workers. Defendant then made false statements in claims for unemployment benefits by claiming to be an employee who was terminated without fault thereby fraudulently receiving unemployment benefits in an amount over \$10,000 to which she was; not entitled, in violation of Section 16-13-10(A), Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

OFFICE OF THE ATTORNEY GENERAL

  
\_\_\_\_\_

Alan Wilson (TM/HSW)  
ATTORNEY GENERAL



STATE OF SOUTH CAROLINA )  
 )  
 )  
COUNTY OF Richland )

**INDICTMENT**

**FORGERY Section 16-13-10(A)**

At a Court of General Sessions, convened on APRIL 8, 2015, the Grand Jurors of Richland County present upon their oath:

That on or between December 30, 2011, and March 30, 2012, in Richland County, the defendant, Diana Biernaski Jordan, did knowingly or willfully act or assist in the false making, forging, or counterfeiting any writing or instrument of writing with the intent to defraud/deceive in connection with an unemployment insurance transaction ~~with the South Carolina Department of Employment and Workforce (DEW), with the~~ intent of obtaining an undeserved economic advantage or benefit in the amount greater than \$10,000.00, to wit: Defendant made or caused to be made and filed with DEW false quarterly wage reports on behalf of a fictitious employer, knowing this company did not employ any workers. Defendant then made false statements in claims for unemployment benefits by claiming to be an employee who was terminated without fault thereby fraudulently receiving unemployment benefits in an amount over \$10,000 to which she was; not entitled, in violation of Section 16-13-10(A), Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

OFFICE OF THE ATTORNEY GENERAL



Alan Wilson (TM/HSW)  
ATTORNEY GENERAL

STATE OF SOUTH CAROLINA )  
 )  
 )  
COUNTY OF Richland )

**INDICTMENT  
MAKING A FALSE STATEMENT OR  
MISREPRESENTATION  
VIOLATION OF SECTION 38-55-540**

At a Court of General Sessions, convened on APRIL 8, 2015, the Grand Jurors of Richland County present upon their oath:

That on or between December 30, 2002, and November 1, 2003, in Richland County, the defendant, Diana Biernaski Jordan, did knowingly, with an intent to injure, defraud, or deceive, make and/or conspire to make a false statement or misrepresentation and/or assisted abetted, solicited another to do so in connection with an unemployment-insurances-transaction with the South Carolina Department of Employment and Workforce (DEW), with the intent of obtaining an undeserved economic advantage or benefit in the amount greater than \$10,000.00, to wit:

Defendant knowingly prepared and/or caused to be prepared false and fraudulent wage and contribution reports/returns for businesses or in the names of businesses claiming materially false amounts related to wages paid to employees for tax years 2002 and 2003 which reports/returns were filed with DEW and which falsely claimed wages paid thereby purporting to qualify those employees unemployment benefits to which they were not entitled.

It was further part of the scheme that defendant knew that the companies for which she was manufacturing fraudulent report/returns were fictitious and that these companies did not, in fact, employ any employees or pay wages. As a result defendant fraudulently received/conspired with others to receive unemployment benefits in an amount over \$10,000 to which ne/she/they were not entitled, in violation of Section 38-55-540(A)(3), Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

OFFICE OF THE ATTORNEY GENERAL



Alan Wilson (TM/HSW)  
ATTORNEY GENERAL



STATE OF SOUTH CAROLINA )  
 )  
 )  
COUNTY OF Richland )

**INDICTMENT  
MAKING A FALSE STATEMENT OR  
MISREPRESENTATION  
VIOLATION OF SECTION 38-55-540**

At a Court of General Sessions, convened on APRIL 8, 2015, the Grand Jurors of Richland County present upon their oath:

That on or between December 27, 2007, and June 19, 2010, in Richland County, the defendant, Diana Biernaski Jordan, did knowingly, with an intent to injure, defraud, or deceive, make and/or conspire to make a false statement or misrepresentation and/or assisted, abetted, solicited another to do so in connection with an unemployment insurance transaction with the South Carolina Department of Employment and Workforce (DEW), with the intent of obtaining an undeserved economic advantage or benefit in the amount greater than \$10,000.00, to wit:

Defendant knowingly prepared and/or caused to be prepared false and fraudulent wage and contribution reports/returns for businesses or in the names of businesses claiming materially false amounts related to wages paid to employees for tax years 2007 2008, 2009, and 2010 which reports/returns were filed with DEW and which falsely claimed wages paid thereby purporting to qualify those employees unemployment benefits to which they were not entitled.

It was further part of the scheme that defendant knew that the companies for which she was manufacturing fraudulent report/returns were fictitious and that these companies did not, in fact, employ any employees or pay wages. As a result defendant fraudulently received/conspired with others to receive unemployment benefits in an amount over \$10,000 to which he/she/they were not entitled, in violation of Section 38-55-540(A)(3). Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

OFFICE OF THE ATTORNEY GENERAL



Alan Wilson (TM/HSW)  
ATTORNEY GENERAL

STATE OF SOUTH CAROLINA )  
 )  
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COUNTY OF Richland )

**INDICTMENT  
MAKING A FALSE STATEMENT OR  
MISREPRESENTATION  
VIOLATION OF SECTION 38-55-540**

At a Court of General Sessions, convened on APRIL 8, 2015, the Grand Jurors of Richland County present upon their oath:


That on or between December 30, 2011, and March 30, 2013, in Richland County, the defendant, Diana Biernaski Jordan, did knowingly, with an intent to injure, defraud, or deceive, make and/or conspire to make a false statement or misrepresentation and/or assisted, abetted, solicited another to do so in connection with an unemployment insurance transaction with the South Carolina Department of Employment and Workforce (DEW), with the intent of obtaining an undeserved economic advantage or benefit in the amount greater than \$10,000.00, to wit:

Defendant knowingly prepared and/or caused to be prepared false and fraudulent wage and contribution reports/returns for businesses or in the names of businesses claiming materially false amounts related to wages paid to employees for tax years 2011, 2012 and 2013, which reports/returns were filed with DEW and which falsely claimed wages paid thereby purporting to qualify those employees unemployment benefits to which they were not entitled.

It was further part of the scheme that defendant knew that the companies for which she was manufacturing fraudulent report/returns were fictitious and that these companies did not, in fact, employ any employees or pay wages. As a result defendant fraudulently received/conspired with others to receive unemployment benefits in an amount over \$10,000 to which he/she/they were not entitled, in violation of Section 38-55-540(A)(3), Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided

OFFICE OF THE ATTORNEY GENERAL



Alan Wilson (TM/HSW)  
ATTORNEY GENERAL