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SC Court of Appeals

THE STATE OF SOUTH CAROLINA In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT (Richland County)

Ralph King Anderson III Judge Case # 15-ALJ-22-0138-AP

Diana Jordan, Appellant.

Case # 2015-001912

(300212)

South Carolina Department
of Employment & Workforce, Respondent

MOTION TO
ENLARGE

Appellant Diana Jordan moves the Court to enlarge the record under appeal because of SCDEW's Notice of Action Regarding Federal Income Tax Returns.

History and Relevant Background

- 1) On 10/11/15 SCDEW sent Diana Jordan Notice of Action Regarding Federal Income Tax Returns.
- 2) On 11/5/15 Appellant emailed BPCollections@adew.sc.gov that the debt was not legally enforceable, was under appeal and attached WA's for 2012, 2011, 2008, 2007, 2005 and Diana Jordan's Social Security record back to 2004 visible.
- 3) The submission was within the sixty day limit on the notice.

CONCLUSION

For the reasons outlined above, Diana Jordan moves that the record under appeal be enlarged to include Appellant's WA's from 2012, 2011, 2008, 2007, 2005 and Social Security record back to 2004 and that all time requirements and deadlines be held in abeyance pending resolution of this motion.

Respectfully Submitted

Diana B. Jordan

104 Woodglen Lane

Chapin, SC 29036

(803) 732-1762

Appellant

December 9, 2015

BPC - 241F



PO Box 995
1550 Gadsden Street
Columbia, SC 29202
www.dew.sc.gov

NOTICE OF ACTION REGARDING FEDERAL INCOME TAX RETURN(S)

DIANA JORDAN
104 WOODGLEN LN
CHAPIN SC 29036-7514

UI-7

Date Mailed: 10/01/2015
SSN: XXX-XX-3789

This Notice is to inform you of an existing overpayment balance owed to the South Carolina Department of Employment and Workforce (DEW) and that DEW is authorized to collect the debt through the Treasury Offset Program (TOP).

Outstanding Balance Due: \$53,577.00

DEW records indicate that you owe an outstanding debt to DEW resulting from the payment of unemployment insurance benefits that you were not entitled to receive. The Federal Program Integrity Act of 2008 permits DEW to participate in TOP which allows it to intercept **Federal Income Tax Returns** to offset certain debts owed to DEW. See S.C. Code Ann. § 41-41-40(A)(4). These debts include fraud overpayments and overpayments resulting from conflicts between wages earned for the week claimed and those wages actually reported.

Therefore, any **Federal Income Tax Return** due payable to you, up to and including the amount of your debt balance, will be intercepted through TOP.

If you believe that all or a part of the debt is not past due or not legally enforceable, you may send documentation to support your position to P.O. Box 2644, Columbia, SC 29202 or email BPCCollections@dew.sc.gov. This documentation must be sent within sixty (60) days of the mailing date of this notice in order for DEW to consider the evidence.

NOTE: This opportunity to present evidence is not a review of the initial determination establishing the overpayment or other liability; instead, it is a final opportunity to ensure the current amount of the debt and that it is legally collectible.

Bankruptcy: If you have filed for bankruptcy and the automatic stay is in effect, you are not subject to offset while the stay is in effect. **HOWEVER**, be aware that fraudulently obtained unemployment insurance benefits are not dischargeable under bankruptcy law, and DEW will exercise its right to move the Court to declare the debt collectible. It is in your best interest to discuss this matter with an attorney.

Before we submit your debt to TOP, you may:

- Pay the debt in full or enter into an acceptable repayment agreement.
- Request copies of the documentation related to your debt.

If you have any questions regarding this Notice, you may contact a FIRE Collections Specialist at (803) 737-2490, Option #2. **If you have paid the debt in full, please disregard this notice.**

d b Account Info

Sent Contacts Notepad Calendar

Switch to the newest Yahoo M.

Compose Delete Reply Reply All Forward Actions Apply Previous

Inbox (2523)

Drafts (58)

Sent

Spam

[Empty]

Trash (20)

[Empty]

My Folders

[Edit]

Full Headers Printable View

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Answers
Surprising Things About the
Dick Van Dyke Show

Oppenhel... See How We Invest in a Be...
Sponsored We understand the

Diana Jordan SSN: XXX-XX-Wednesday, November 25, 2015 6:58 PM
3789 Balance Due \$53,577.0

From: "d b Jordan" <dbjordan2000@yahoo.com>

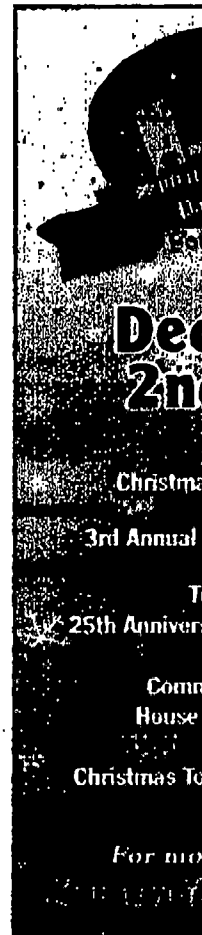
To: BPCCollections@dew.sc.gov

8 Files 5 MB Download All
JPG 781KB JPG 740KB JPG 529KB JPG 557KB JPG 554KB JPG 542KB

Save Save Save Save Save Save
JPG 535KB JPG 524KB

Save Save

The debt is not legally enforceable. The over payment is under appeal at the South Carolina Court of Appeals. I have attached a copy of my Social Security (SS) record with the contributions back to 2002 visible. The amounts reported to SS corroborate the amounts reported to SCDEW. Also, I have attached copies of my W2's for 2012, 2011, 2008, 2007 and 2005 which is the IRS's document retention time. The amounts reported to the IRS also match the amounts reported to SCDEW. Diana Jordan, 104 Woodglen Lane, Chapin, SC 29036.



Compose Delete Reply Reply All Forward Actions Apply Previous Next

Wage and Income Transcript



This Product Contains Sensitive Taxpayer Data

Wage and Income Transcript

Request Date: 01-23-2015
 Response Date: 01-23-2015
 Tracking Number: 100226215860

SSN Provided: -3789
 Tax Period Requested: December, 2012

Form W-2 Wage and Tax Statement

Employer:

Employer Identification Number (EIN): 274702096
 LAKEWOOD SERVICE CO

Employee:

Employee's Social Security Number: -3789
 DIANA B JORDAN

Submission Type:	Original document
Wages, Tips and Other Compensation:	\$12,714.00
Federal Income Tax Withheld:	\$0.00
Social Security Wages:	\$12,714.00
Social Security Tax Withheld:	\$661.00
Medicare Wages and Tips:	\$12,714.00
Medicare Tax Withheld:	\$184.00
Social Security Tips:	\$0.00
Allocated Tips:	\$0.00
Dependent Care Benefits:	\$0.00
Deferred Compensation:	\$0.00
Code "Q" Nontaxable Combat Pay:	\$0.00
Code "W" Employer Contributions to a Health Savings Account:	\$0.00
Code "Y" Deferrals under a section 409A nonqualified Deferred Compensation plan:	\$0.00
Code "Z" Income under section 409A on a nonqualified Deferred Compensation plan:	\$0.00
Code "R" Employer's Contribution to MSA:	\$0.00
Code "S" Employer's Contribution to Simple Account:	\$0.00
Code "T" Expenses Incurred for Qualified Adoptions:	\$0.00
Code "V" Income from exercise of non-statutory stock options:	\$0.00
Code "AA" Designated Roth Contributions under a Section 401(k) Plan:	\$0.00
Code "BB" Designated Roth Contributions under a Section 403(b) Plan:	\$0.00
Code "DD" Cost of Employer-Sponsored Health Coverage:	\$0.00
Code "EE" Designated ROTH Contributions Under a Governmental Section 457(b) Plan:	\$0.00

2011
Wage and Income Transcript

This Product Contains Sensitive Taxpayer Data

Wage and Income Transcript

Request Date:	01-23-2015
Response Date:	01-23-2015
Tracking Number:	100226215860

SSN Provided: 3789
 Tax Period Requested: December, 2011

Form W-2 Wage and Tax Statement**Employer:**

Employer Identification Number (EIN): 274702096
 LAKEWOOD SERVICE CO

Employee:

Employee's Social Security Number: 3789
 D B JORDAN

Submission Type:	Original document
Wages, Tips and Other Compensation:	\$12,714.00
Federal Income Tax Withheld:	\$0.00
Social Security Wages:	\$12,714.00
Social Security Tax Withheld:	\$661.00
Medicare Wages and Tips:	\$12,714.00
Medicare Tax Withheld:	\$184.00
Social Security Tips:	\$0.00
Allocated Tips:	\$0.00
Dependent Care Benefits:	\$0.00
Deferred Compensation:	\$0.00
Code "Q" Nontaxable Combat Pay:	\$0.00
Code "W" Employer Contributions to a Health Savings Account:	\$0.00
Code "Y" Deferrals under a section 409A nonqualified Deferred Compensation plan:	\$0.00
Code "Z" Income under section 409A on a nonqualified Deferred Compensation plan:	\$0.00
Code "R" Employer's Contribution to MSA:	\$0.00
Code "S" Employer's Contribution to Simple Account:	\$0.00
Code "T" Expenses Incurred for Qualified Adoptions:	\$0.00
Code "V" Income from exercise of non-statutory stock options:	\$0.00
Code "AA" Designated Roth Contributions under a Section 401(k) Plan:	\$0.00
Code "BB" Designated Roth Contributions under a Section 403(b) Plan:	\$0.00
Code "DD" Cost of Employer-Sponsored Health Coverage:	\$0.00
Code "EE" Designated ROTH Contributions Under a Governmental Section 457(b) Plan:	\$0.00

2008
Wage and Income Transcript



This Product Contains Sensitive Taxpayer Data

Wage and Income Transcript

Request Date: 01-23-2015
Response Date: 01-23-2015
Tracking Number: 100226215860

SSN Provided: -3789
Tax Period Requested: December, 2008

Form W-2 Wage and Tax Statement

Employer:

Employer Identification Number (EIN): 208100101
EBAY CONSIGNMENT CO

Employee:

Employee's Social Security Number: -3789
D JORDAN

Submission Type:	Original document
Wages, Tips and Other Compensation:	\$12,756.00
Federal Income Tax Withheld:	\$0.00
Social Security Wages:	\$12,756.00
Social Security Tax Withheld:	\$790.00
Medicare Wages and Tips:	\$12,756.00
Medicare Tax Withheld:	\$184.00
Social Security Tips:	\$0.00
Allocated Tips:	\$0.00
Advanced EIC Payment:	\$0.00
Dependent Care Benefits:	\$0.00
Deferred Compensation:	\$0.00
Code "Q" Nontaxable Combat Pay:	\$0.00
Code "W" Employer Contributions to a Health Savings Account:	\$0.00
Code "Y" Deferrals under a section 409A nonqualified Deferred Compensation plan:	\$0.00
Code "Z" Income under section 409A on a nonqualified Deferred Compensation plan:	\$0.00
Code "R" Employer's Contribution to MSA:	\$0.00
Code "S" Employer's Contribution to Simple Account:	\$0.00
Code "T" Expenses Incurred for Qualified Adoptions:	\$0.00
Code "V" Income from exercise of non-statutory stock options:	\$0.00
Code "AA" Designated Roth Contributions under a Section 401(k) Plan:	\$0.00
Code "BB" Designated Roth Contributions under a Section 403(b) Plan:	\$0.00
Third Party Sick Pay Indicator:	Unanswered
Retirement Plan Indicator:	Unanswered

2007
Wage and Income Transcript



This Product Contains Sensitive Taxpayer Data

Wage and Income Transcript

Request Date: 01-23-2015
 Response Date: 01-23-2015
 Tracking Number: 100226215860

SSN Provided: -3789
 Tax Period Requested: December, 2007

Form W-2 Wage and Tax Statement

Employer:

Employer Identification Number (EIN): 208100101
 ERAY CONSIGNMENT CO

Employee:

Employee's Social Security Number: 3789
 D B JORDAN

Submission Type:	Original document
Wages, Tips and Other Compensation:	\$12,714.00
Federal Income Tax Withheld:	\$0.00
Social Security Wages:	\$12,714.00
Social Security Tax Withheld:	\$788.00
Medicare Wages and Tips:	\$12,714.00
Medicare Tax Withheld:	\$184.00
Social Security Tips:	\$0.00
Allocated Tips:	\$0.00
Advanced EIC Payment:	\$0.00
Dependent Care Benefits:	\$0.00
Deferred Compensation:	\$0.00
Code "Q" Nontaxable Combat Pay:	\$0.00
Code "W" Employer Contributions to a Health Savings Account:	\$0.00
Code "Y" Deferrals under a section 409A nonqualified Deferred Compensation plan:	\$0.00
Code "Z" Income under section 409A on a nonqualified Deferred Compensation plan:	\$0.00
Code "R" Employer's Contribution to MSA:	\$0.00
Code "S" Employer's Contribution to Simple Account:	\$0.00
Code "T" Expenses Incurred for Qualified Adoptions:	\$0.00
Code "V" Income from exercise of non-statutory stock options:	\$0.00
Code "AA" Designated Roth Contributions under a Section 401(k) Plan:	\$0.00
Code "BB" Designated Roth Contributions under a Section 403(b) Plan:	\$0.00
Third Party Sick Pay Indicator:	Unanswered
Retirement Plan Indicator:	Unanswered

2005
Wage and Income Transcript



This Product Contains Sensitive Taxpayer Data

Wage and Income Transcript

Request Date: 01-23-2015
 Response Date: 01-23-2015
 Tracking Number: 100226215860

SSN Provided: -3789
 Tax Period Requested: December, 2005

Form W-2 Wage and Tax Statement

Employer:

Employer Identification Number (EIN): 201420654
 A HOME IMPROVEMENT CO

Employee:

Employee's Social Security Number: -3789
 D B JORDAN

Submission Type:	Original document
Wages, Tips and Other Compensation:	\$11,388.00
Federal Income Tax Withheld:	\$0.00
Social Security Wages:	\$11,388.00
Social Security Tax Withheld:	\$706.00
Medicare Wages and Tips:	\$11,388.00
Medicare Tax Withheld:	\$165.00
Social Security Tips:	\$0.00
Allocated Tips:	\$0.00
Advanced EIC Payment:	\$0.00
Dependent Care Benefits:	\$0.00
Deferred Compensation:	\$0.00
Code "Q" Nontaxable Combat Pay:	\$0.00
Code "W" Employer Contributions to a Health Savings Account:	\$0.00
Code "Y" Deferrals under a section 409A nonqualified Deferred Compensation plan:	\$0.00
Code "Z" Income under section 409A on a nonqualified Deferred Compensation plan:	\$0.00
Code "R" Employer's Contribution to MSA:	\$0.00
Code "S" Employer's Contribution to Simple Account:	\$0.00
Code "T" Expenses Incurred for Qualified Adoptions:	\$0.00
Code "V" Income from exercise of non-statutory stock options:	\$0.00
Third Party Sick Pay Indicator:	Unanswered
Retirement Plan Indicator:	Unanswered
Statutory Employee:	Not Statutory Employee



Prevent identity theft—protect your Social Security number

Your Social Security Statement

www.socialsecurity.gov

Prepared especially for Diana B. Jordan

January 18, 2015

See inside for your personal information →

What's inside...

Your Estimated Benefits	2
Your Earnings Record	3
Some Facts About Social Security	4
If You Need More Information	4

What Social Security Means To You

This *Social Security Statement* can help you plan for your financial future. It provides estimates of your Social Security benefits under current law and updates your latest reported earnings.

Please read this *Statement* carefully. If you see a mistake, please let us know. That's important because your benefits will be based on our record of your lifetime earnings. We recommend you keep a copy of your *Statement* with your financial records.

Social Security is for people of all ages...

We're more than a retirement program. Social Security also can provide benefits if you become disabled and help support your family after you die.

Work to build a secure future...

Social Security is the largest source of income for most elderly Americans today, but Social Security was never intended to be your only source of income when you retire. You also will need other savings, investments, pensions or retirement accounts to make sure you have enough money to live comfortably when you retire.

Saving and investing wisely are important not only for you and your family, but for the entire country. If you want to learn more about how and why to save, you should visit www.mymoney.gov, a federal government website dedicated to teaching all Americans the basics of financial management.

About Social Security's future...

Social Security is a compact between generations. Since 1935, America has kept the promise of

security for its workers and their families. Now, however, the Social Security system is facing serious financial problems, and action is needed soon to make sure the system will be sound when today's younger workers are ready for retirement.

Without changes, in 2033 the Social Security Trust Fund will be able to pay only about 77 cents for each dollar of scheduled benefits.* We need to resolve these issues soon to make sure Social Security continues to provide a foundation of protection for future generations.

Social Security on the Net...

You can read publications, including *When To Start Receiving Retirement Benefits*; use our Retirement Estimator to obtain immediate and personalized estimates of future benefits; and when you're ready to apply for benefits, use our improved online application—It's so easy!

Carolyn W. Colvin
Acting Commissioner

* These estimates are based on the intermediate assumptions from the Social Security Trustees' Annual Report to the Congress.

Your Earnings Record

Years You Worked	Your Taxed Social Security Earnings	Your Taxed Medicare Earnings	Years You Worked	Your Taxed Social Security Earnings	Your Taxed Medicare Earnings
1983			2014	Not yet recorded	Not yet recorded
1984					
1985					
1986					
1987					
1988					
1989					
1990					
1991					
1992					
1993					
1994					
1995					
1996					
1997					
1998					
1999					
2000					
2001					
2002					
2003					
2004	11,388	11,388			
2005	11,388	11,388			
2006	0	0			
2007	12,714	12,714			
2008	12,756	12,756			
2009	0	0			
2010	0	0			
2011	12,714	12,714			
2012	12,714	12,714			
2013	0	0			

Total Social Security and Medicare taxes paid over your working career through the last year reported on the chart above:

Estimated taxes paid for Social Security:		Estimated taxes paid for Medicare:	
You paid:	\$14,585	You paid:	\$3,556
Your employers paid:	\$15,119	Your employers paid:	\$3,556

Note: Currently, you and your employer each pay a 6.2 percent Social Security tax on up to \$118,500 of your earnings and a 1.45 percent Medicare tax on all your earnings. If you are self-employed, you pay the combined employee and employer amount, which is a 12.4 percent Social Security tax on up to \$118,500 of your net earnings and a 2.9 percent Medicare tax on your entire net earnings. If you have earned income of more than \$200,000 (\$250,000 for married couples filing jointly), you must pay 0.9 percent more in Medicare taxes.

Help Us Keep Your Earnings Record Accurate

You, your employer and Social Security share responsibility for the accuracy of your earnings record. Since you began working, we recorded your reported earnings under your name and Social Security number. We have updated your record each time your employer (or you, if you're self-employed) reported your earnings.

Remember, it's your earnings, not the amount of taxes you paid or the number of credits you've earned, that determine your benefit amount. When we figure that amount, we base it on your average earnings over your lifetime. If our records are wrong, you may not receive all the benefits to which you're entitled.

Review this chart carefully using your own records to make sure our information is correct and that we've recorded each year you worked. You're the only person who can look at the earnings chart and know whether it is complete and correct.

Some or all of your earnings from last year may not be shown on your *Statement*. It could be that we still were processing last

year's earnings reports when your *Statement* was prepared. Note: If you worked for more than one employer during any year, or if you had both earnings and self-employment income, we combined your earnings for the year.

There's a limit on the amount of earnings on which you pay Social Security taxes each year. The limit increases yearly. Earnings above the limit will not appear on your earnings chart as Social Security earnings. (For Medicare taxes, the maximum earnings amount began rising in 1991. Since 1994, all of your earnings are taxed for Medicare.)

Call us right away at 1-800-772-1213 (7 a.m.-7 p.m. your local time) if any earnings for years before last year are shown incorrectly. Please have your W-2 or tax return for those years available. (If you live outside the U.S., follow the directions at the bottom of page 4.)

UCB 104-S 20WK
9-12

**SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE
INITIAL DETERMINATION OF STATUS AS AN INSURED WORKER**

SC WORKS CENTER 400

EFFECTIVE DATE 07/15/12

DATE FILED 07/20/12

DATE PREPARED 07/21/12

0

-3789

DIANA JORDAN
104 WOODGLEN LN

CHAPIN SC 29036

*BENEFITS YOU MAY BE ELIGIBLE FOR:

MILITARY ASSIGNMENTS

WEEKLY BENEFIT AMOUNT 326.00

MAXIMUM TOTAL BENEFITS 6520.00

BENEFIT YEAR ENDS

07/14/13

*This statement establishes that you have the necessary wages to qualify for unemployment insurance. However, to receive benefits your job separation must also be considered. If you qualify, this is the maximum you may be entitled to receive.

SEE BACK FOR CLAIMANT INFORMATION

EMPLOYMENT RECORD		STANDARD BASE PERIOD QUARTERLY EARNINGS							
EMPLOYER	ACCOUNT NO.	YEAR	*QTR.	YEAR	*QTR.	YEAR	*QTR.	YEAR	*QTR.
LAKESWOOD SERVICE COM	547173	2011	02	2011	03	2011	04	2012	01
			.00		.00	12714.00		12714.00	

NOTE: The weekly benefit amount on this form reflects your GROSS PAYMENT EACH WEEK BEFORE ANY DEDUCTIONS are made. Possible deductions to this amount include, but are not limited to, tax withholding, pension, child support, offset of overpayment, and part-time earnings. ALSO, YOUR FINAL PAYMENT MAY BE LESS THAN THE FULL WEEKLY BENEFIT AMOUNT BASED ON THE BALANCE REMAINING IN YOUR ACCOUNT.

*QTR. STANDARD BASE QUARTER TOTAL .00 .00 12714.00 12714.00
 1.-JAN.,FEB.,MAR. 3.-JULY,AUG.,SEPT.
 2.-APR.,MAY,JUNE 4.-OCT.,NOV.,DEC.

UCB 104-B
2-93

**SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION
INITIAL DETERMINATION OF STATUS AS AN INSURED WORKER**

LOCAL OFFICE 400

EFFECTIVE DATE 07/06/08

DATE FILED 07/08/08

DATE PREPARED 07/16/08

RECONSIDERED

0

-3789

**DIANA B JORDAN
104 WOODGLEN LANE**

CHAPIN

SC 29036

POTENTIAL BENEFITS ESTABLISHED

MILITARY ASSIGNMENTS

WEEKLY BENEFIT AMOUNT 326.00

MAXIMUM TOTAL BENEFITS 8476.00

BENEFIT YEAR ENDS 07/05/09

SEE BACK FOR CLAIMANT INFORMATION

EMPLOYMENT RECORD		BASE PERIOD QUARTERLY EARNINGS							
EMPLOYER	ACCOUNT NO.	YEAR	*QTR.	YEAR	*QTR.	YEAR	*QTR.	YEAR	*QTR.
EBAY CONSIGNMENT COM	457057	2007	02	2007	03	2007	04	2008	01
			.00		.00	12714.00		12714.00	

*QTR.

1 - JAN., FEB., MAR. 3 - JULY, AUG., SEPT.

2 - APR., MAY, JUNE 4 - OCT., NOV., DEC.

BASE QUARTER TOTAL

.00

.00

12714.00

12714.00

UCB 104-B
2-88

**SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION
INITIAL DETERMINATION OF STATUS AS AN INSURED WORKER**

LOCAL OFFICE 400

EFFECTIVE DATE 07/03/05

DATE FILED 07/05/05

DATE PREPARED 07/05/05

O

-3789

DIANA B JORDAN
124 LONGWOOD PASS

IRMO

SC 29063

POTENTIAL BENEFITS ESTABLISHED

MILITARY ASSIGNMENTS

WEEKLY BENEFIT AMOUNT 303.00

MAXIMUM TOTAL BENEFITS 7592.00

BENEFIT YEAR ENDS

07/02/06

SEE BACK FOR CLAIMANT INFORMATION

EMPLOYMENT RECORD		BASE PERIOD QUARTERLY EARNINGS							
EMPLOYER	ACCOUNT NO.	YEAR	*QTR.	YEAR	*QTR.	YEAR	*QTR.	YEAR	*QTR.
A HOME IMPROVEMENT C	415861	2004	02	2004	03	2004	04	2005	01
			.00		.00	11388.00		11388.00	

*QTR.

BASE QUARTER TOTAL

.00

.00

11388.00

11388.00

1.-JAN.,FEB.,MAR. 3.-JULY,AUG.,SEPT.

2.-APR.,MAY,JUNE 4.-OCT.,NOV.,DEC.