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SC Court of Appeals

THE STATE OF SOUTH CAROLINA In the Court of Appeals.

APPEAL FROM THE ADMINISTRATIVE LAW COURT, Ralph King  
Anderson III, Judge Case No: ALJ-22-0138-AP

Diana Jordan, Appellant

Appellate Case # 2015-001912

(SCDEW) v  
South Carolina Department of  
Employment & Workforce, Respondent

January 13, 2016

MOTION THAT ALL TIME REQUIREMENTS AND DEADLINES  
BE HELD IN ABEYANCE PENDING SCDEW'S REVERSAL OF  
THEIR ASSESSMENT OF OVERPAYMENT BASED ON FRAUD,  
which is the basis of this appeal.

#### HISTORY

- 1) SCDEW had an ORDER RELEASING TAX INFORMATION for the July 2014 hearing but chose not to include Diana Jordan's wage and tax forms (W2's).
- 2) On 10/11/15 SCDEW sent Appellant a NOTICE OF ACTION REGARDING FEDERAL INCOME TAX RETURNS which allowed the submission of evidence for sixty days.
- 3) On 11/25/15 Diana Jordan timely submitted forms W2 for 2012, 2011, 2008, 2007, 2005 and Social Security record with contributions back to 2007 visible, to BPCollections@dew.sc.gov.
- 4) The amounts reported to Social Security and the Internal Revenue Service are exactly the same as what was reported to SCDEW and exonerate Diana Jordan of fraud and overpayment.
- 5) On 12/21/15 the South Carolina Court of Appeals (SCCOA) dismissed the case for failure to file an initial brief and designation of matter.
- 6) SCDEW's letter dated 12/15/15 provided proof of timely

- filing on 12/19/15 of Appellants Motion to Enlarge Record on Appeal, which requested that all time requirements and deadlines be held in abeyance pending resolution of the motion.
- 7) The SCCOA does not rule on Motions for concluded cases as evidenced by the ORDER filed 12/11/15 declining to rule on Appellants Motion to Enlarge the record on appeal. Therefore the 11/7/16 ORDER denying Motion to Stay, is evidence the appeal was continued.
- 8) The Respondent's Return in Opposition to Appellant's "Response Order" dated 11/8/16 has no merit. The SCCOA assigned the case because the Administrative Law Judge did commit an error as a matter of law. The SCDEW themselves provided cause to reinstate the case, noted in #6 above.
- 9) On 11/11/16 Appellant filed a Motion for Extension of Time.

### DISCUSSION

To date the appeal has not concluded. The SCDEW offered an opportunity to submit evidence, which Appellant did in a timely manner, according to SCDEW rules. The agency needs to reverse their assessment of fraud and overpayment.

### CONCLUSION

Appellant has shown just cause and respectfully requests that the Court grant the Motion, and that all time requirements and deadlines be held in abeyance pending resolution of this motion.

Respectfully Submitted,  
Diana A. Jordan, Appellant  
104 Woodglen Lane  
Chapin, SC 29036  
(803) 733-1762

January 13, 2016

Attachments Proof of  
Service.

Ms Diana Jordan

PROOF OF SERVICE

Appellant Diana Jordan  
sent a copy of motion  
That All Time Requirements  
And Deadlines Be Held  
In Abeyance to Respondent  
by US mail postage pre-  
paid to: SCDEW

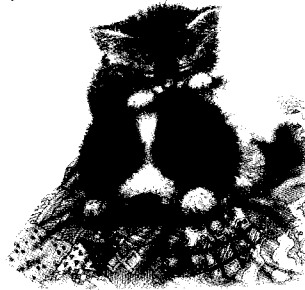
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Box 8597  
Columbia, SC

JAN 15 2015 0900

SC Court of Appeals  
Diana B. Jordan

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The Humane Society of the United States  
MEMBER



Ms Diana Jordan  
104 Woodglen Ln  
Chapin SC 29036

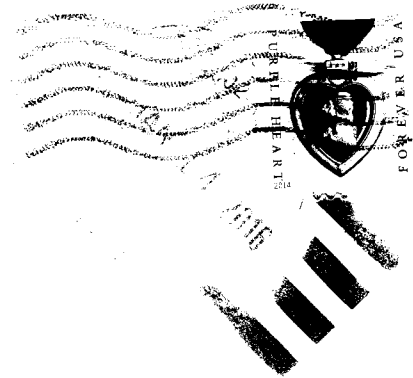
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