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JAN 25 2016

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 No. 2015-001912

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

Appellant Diana Jordan respectfully responds to and opposes
the Courts ORDER dated 01-13-2016 denying petition for rehearing.
Relevant Background

On 9/2/15 an ORDER DENYING MOTION TO REHEAR ~~was~~ filed
with the South Carolina Administrative Law Court. Page two
lines 16-18 incorrectly states that an Administrative Law Judge
will NOT have oral arguments in appeals from DEW.

ALC Rule 39 actually states that oral arguments will
ordinarily not be ordered in appeals from Motor Vehicle. Since
this appeal is from DEW Appellant reasonably expected the
court to hold oral arguments initially and was justified in
requesting a rehearing.

On 11/5/16 Appellant received an ORDER that states FILED
01-13-2016 but unlike the document received from the
Administrative Law Court it does not indicate where it
was filed, The South Carolina Court of Appeals for example.

The ORDER filed 01-13-2016 was supposedly signed by Judge
Jasper Cureton that retired in 2003. He is not one of the
nine Judges eligible to rule on matters currently before the
South Carolina Court of Appeals.

CONCLUSION

ALC Rule 39 was incorrectly applied for the initial
hearing and motion to Rehear. The ORDER filed 01-13-2016
doesn't state where it was filed and was not signed by

three current Judges at the South Carolina Court of Appeals
as required, therefore, Appellant perceives the ORDER as
invalid.

Respectfully Submitted,
Diana B. Jordan, Appellant
104 Woodglen Lane
Chapin, SC 29036
(803) 732-1762
January 21, 2016

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PROOF OF SERVICE

I certify that I have served the Respondent a copy of
this by US mail, postage prepaid, addressed to:

SCDEW
P.O. Box 8597
Columbia, SC 29202

Diana B. Jordan 1/22/16

January 21, 2016

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Re: Diana Jordan v. JCDEW

SC Court of Appeals

Appellate Case No. 2015-001912

Dear Ms. Kitchings,

I received the Court's ORDER dated 117116 denying Appellant's motion to stay this appeal "pending JCDEW response". The ORDER didn't specify why the request was denied. I received your letter dated 1113116 which states pursuant to Rule 240(i) we will not entertain a petition for rehearing on a motion or petition unless the action of the court has the effect of dismissing or finally deciding the appeal.

The JCDEW had an ORDER RELEASING TAX INFORMATION for the July 2014 hearing but Appellants W2's were not included in the documents received late the afternoon before a 9am hearing. On 101115 Appellant was sent a Notice of Action Regarding Federal Income Tax Returns. On 1125115 Appellant timely submitted W2's for 2012, 2011, 2008, 2007, 2005 and Social Security record with contributions back to 2002 visible, according to JCDEW rules emailed to BRCCollections@^{gov.}dew.jc. The amounts reported to the IRS and Social Security are exactly the same as what was reported to JCDEW and exonerate Diana Jordan of fraud and overpayment.

Pursuant to Rule 240(i) the Court granting the "Motion for Extension of Time" WOULD HAVE THE EFFECT of finally deciding the appeal. The JCDEW would be required to evaluate the W2's that were omitted from the original hearing and reverse overpayment based on fraud.

Sincerely,

Diana A. Jordan
104 Woodglen Lane

Chapin, SC 29036
(803) 732-1762

cc: Sandra Bell Grooms, Esquire



Diana Jordan
104 Woodglen Ln
Chapin, SC 29036-7514

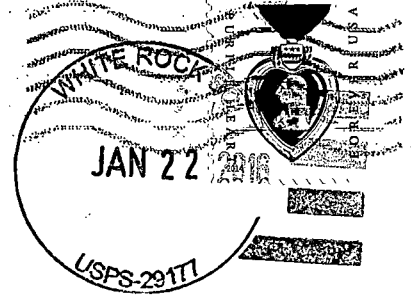
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South Carolina Court of Appeals

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