

# The South Carolina Court of Appeals

Betty M. Brown,

Appellant,

v.

South Carolina Department of  
Employment and Workforce and Wal-  
Mart Associates, Inc.,

Respondents.

**RECEIVED**

APR 24 2012

S.C. Supreme Court

The Honorable Carolyn C. Matthews  
South Carolina Administrative Law Court  
Case No. 2011-AL-30-00031

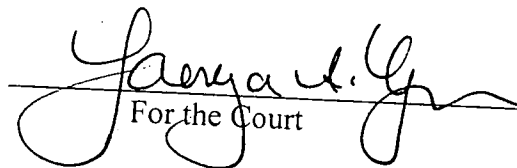
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## ORDER of DISMISSAL

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The above entitled case is pending on appeal in this Court. Due to the failure of appellant to provide proof of ordering the transcript and/or failure to serve and file the Appellant's Initial Brief and Designation of Matter in the above matter, as provided for in Rules 207, 208, and 209 of the South Carolina Appellate Court Rules,

IT IS ORDERED that the above captioned appeal be and hereby is dismissed. Pursuant to Rule 221(b) of the South Carolina Appellate Court Rules, the remittitur in the case will be sent to the Clerk of Court for the South Carolina Administrative Law Court after fifteen (15) days, exclusive of the date of filing this Order.

 Clerk  
For the Court

Columbia, South Carolina

cc: Betty M. Brown  
Kristin Starnes Gray, Esquire  
Sandra B. Grooms, Esquire  
The Honorable Jana E. Shealy

**FILED**

Center 2/1/12

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT [OR NAME OF AGENCY]

The Honorable Carolyn C Matthews  
South Carolina Administrative Law Court  
Case No. 2011-AL-30-00031

South Carolina Department of  
Employment and Workforce and  
Wal-Mart Associates

Respondent

v

Betty M Brown

Appellant

**RECEIVED**  
FEB 15 2012  
SC Court of Appeals

MOTION to REINSTATE

I Betty M Brown I am requesting that the Courts of Appeals will review my Order of Dismissal. I make a motion that the Courts of Appeals will reinstate the appeal to the original date December 20, 2011.

Respectfully Yours,

Betty M Brown

26 Malibu ST

Sumter, SC 29150

*Betty m Brown*

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM RICHLAND COUNTY  
Howard S Barnes, Circuit

Betty M Brown, .....Appellant

V

South Carolina Department of  
Employment and Workforce, and  
Wal-Mart Associates, Inc., .....Respondent

RECEIVED

FEB 15 2012

SC Court of Appeals

I Betty M Brown certify that I have served the notice of motion to reinstate to Sandra B Grooms, Esquire Attorney for Respondent and Kristin Starnes Gray, Esquire Employer Attorney. By depositing a copy of it in the United States mail, postage prepaid on February 15, 2012 addressed to attorney of records.

Betty M Brown

26 Malibu ST

Sumter, SC 29150

803-418-0741

*Betty M Brown*

South Carolina Court of Appeals

1015 Sumter Street

Columbia, South Carolina 29201

803-734-1890

Sandra B Grooms, Esquire

Legal Department-Dept. of Employment and Workforce

PO Box 995

Columbia, SC 29202

[legal@dew.sc.gov](mailto:legal@dew.sc.gov)

Attorney for Respondent

Kristin Starnes Gray, Esquire

100 Dunbar Street, Suite 300

864-699-1100

Employer Attorney

**RECEIVED**  
FEB 15 2012  
SC Court of Appeals

January 18, 2012

Betty M Brown

Sumter, SC 29150

803-418-0741

Docket Number: 11-ALJ-30-0031-AP

South Carolina Court of Appeals

1015 SUMTER STREET

COLUMBIA, SOUTH CAROLINA 29201

Sandra B Grooms, Esquire

Legal Department-Dept. of Employment and Workforce

PO Box 995

Columbia, SC 29202

803-737-2666

legal@sc.gov

Attorney for Respondent

Kristin Starnes Gray, Esquire

100 Dunbar Street, Suite 300

Spartanburg, SC 29306

864-699-1100

Employer Attorney

**RECEIVED**

JAN 19 2012

**SC Court of Appeals**

i, Betty M Brown, did not have a hearing at the Lower Court.

Betty M Brown

*Betty M Brown*



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

March 30, 2012

Betty M. Brown  
26 Malibu Street  
Sumter, SC 29150

Re: Brown, Betty v. SCDEW  
Case Tracking #: 2012205747

Dear Ms. Brown:

Enclosed is a copy of an Order of the Court regarding the above case.

Very truly yours,

*Jenny A Kitchings*  
CLERK

JAK/ec

cc: Kristin Starnes Gray, Esquire  
Sandra B. Grooms, Esquire  
The Honorable Jana E. Shealy

# The South Carolina Court of Appeals

Betty M. Brown,

Appellant,

v.

South Carolina Department of  
Employment and Workforce and  
Wal-Mart Associates, Inc.,

Respondents.

The Honorable Carolyn C. Matthews  
Administrative Law Court  
Trial Court Case No. 2011-AL-30-00031

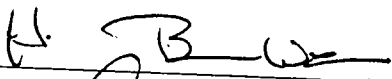
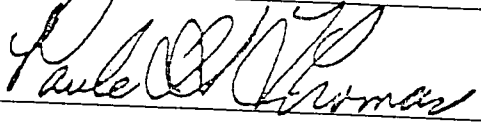
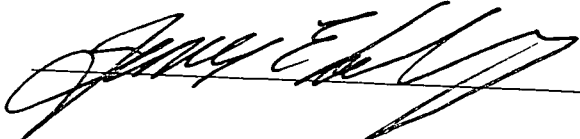
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## ORDER

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Appellant petitions this Court to rehear the dismissal of this appeal. After a careful consideration, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing or reinstating the appeal.

IT IS SO ORDERED.

Columbia, South Carolina

cc: Betty M. Brown  
Kristin Starnes Gray, Esquire  
Sandra B. Grooms, Esquire  
The Honorable Jana E. Shealy

**FILED**

3/30/12

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM RICHLAND COUNTY  
Howard S Barnes, Circuit

RECEIVED

Betty M Brown.....Appellant

'APR 24 2012

V

S.C. Supreme Court

South Carolina Department of  
Employment and Workforce, and

Wal-Mart Associates, Inc.....Respondent

I Betty M. Brown certify that I have served notice of Order to rehear the dismissal of appeal to Sandra B. Grooms, Esquire for Respondent and Kristin Starnes Gray, Esquire Employer Attorney. By depositing a copy of it in the United States mail, postage prepaid on April 24, 2012 addressed to attorney of records.

Betty M Brown

26 Malibu St

Sumter, SC 29150

803-418-0741

*Betty M Brown*

Supreme Court

1231 Gervias St

Columbia, SC 29211

Sandra B Grooms, Esquire

Legal Department- Dept. of Employment and Workforce

PO Box 995

Columbia, SC 29202 803-737-2666

[legal@dew.sc.gov](mailto:legal@dew.sc.gov)

Attorney for Respondent

Kristin Starnes Gray, Esquire

100 Dunbar Street, suite 300

Spartanburg, SC 29306

864-699-1100

Employer Attorney

*Delivery to Court of Appeal by hand*

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM THE ADMINISTRATIVE LAW COURT

The Honorable Carolyn C Matthews  
South Carolina Administrative Law Court  
Case No. 2011-AL-30-00031

Betty M Brown

Appellant

V

South Carolina Department of  
Employment and Workforce and  
Wal-Mart Associates, Inc.,

Respondent

ORDER

I Betty M Brown dispute the failure of not ordering a transcript. I came to the Edgar A Brown Building on January 17, 2012 to order a copy of the transcript and the cost for each page accord to rule 207. The clerk at the front desk said give me the name of your court reporter and date of your hearing I told the clerk I did not have a hearing at the Lower Court.

On the appeal dated December 20, 2011 decision of Honorable Carolyn C Matthews finding of facts are two separate companies Blue Cross and Wal-Mart. I disagree with the wording left without good cause the definition mean nothing happen. There are two important links missed

- (1) What happened?
- (2) Why did the situation occur?

I am dined unemployment benefits February 8, 2006 I did not quit a job nor  
dismiss from a job I worked and was eligible to receive partial unemployment benefits.

Respectfully Yours,

*Betty M Brown*  
Betty M Brown

803-418-0741

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

LOCAL OFFICE 430

EFFECTIVE DATE 01/29/06

DATE FILED 02/08/06

DATE PREPARED 02/08/06

O	247-68-7043
BETTY M BROWN 26 MALIBU STREET	
SUMTER	SC 29150

POTENTIAL BENEFITS ESTABLISHED

MILITARY ASSIGNMENTS

WEEKLY BENEFIT AMOUNT 147.00

MAXIMUM TOTAL BENEFITS 3583.00

BENEFIT YEAR ENDS 01/28/07

FORM 6  
NOTICE OF APPEAL FROM ADMINISTRATIVE TRIBUNAL  
THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
[IN THE SUPREME COURT]

APPEAL FROM THE ADMINISTRATIVE LAW COURT [OR NAME  
AGENCY]

HONORABLE CAROLYN C MATTHEWS

Case NO. 11-ALS-30-0031-AP

South Carolina Department of  
Employment and Workforce and  
Wal Mart Associates, Inc.,  
Respondents.

**RECEIVED**

DEC 20 2011

**SC Court of Appeals**

Betty M Brown <sup>✓</sup> Appellant

NOTICE OF APPEAL

Betty M Brown appeals the decision of the Honorable  
Carolyn C Matthews dated November 31, 2011.

Appellant received a COPY of this decision on November  
23, 2011.

Sandra B Grooms, Esquire  
Legal Department - Dept of Employment and  
Workforce  
PO Box 995

Columbia, SC 29202  
803 737-2666

legal@dw.sc.gov  
Attorney for Respondent

Betty M Brown  
26 Malibu St  
Sumter SC 29150  
803-418-0741

Betty M Brown

**FILED**

DEC 20 2011

FUKM'I  
PROOF OF SERVICE OF A NOTICE OF APPEAL  
THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS  
[IN THE SUPREME COURT]

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Honorable Carolyn C Matthews

Case No. 11-ALJ-30-0031-AP

South Carolina Department of  
Employment and Workforce and  
Walmart Associates

Respondent,

Betty M Brown

v

Appellant.

RECEIVED

DEC 20 2011

SC Court of Appeals

PROOF OF SERVICE

I Betty M Brown certify that I have served the Notice of Appeal on Honorable Carolyn C Matthews, Administrative Law Court, Sandra B Grooms, Esquire Attorney for Respondent Kristin Stranes Gray, Esquire Employer Attorney, by depositing a copy of it in the United States Mail, postage prepaid, on December 20, 2011, addressed to his attorney of record.

December 29, 2011

Betty M Brown  
26 Melibust  
Sumter, SC 29150  
803 418-0741  
Betty M Brown

Kistin Starnes Gray, Esquire  
100 Dunbar Street, Suite 300  
Spartanburg, SC 29306  
864-699-1100  
Employer Attorney

**RECEIVED**  
DEC 20 2011  
**SC Court of Appeals**

**FILED**

NOV 13 2011

**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

SC ADMIN. LAW COURT

Betty M. Brown, )  
 )  
 Appellant, )  
 )  
 vs. ) **AMENDED ORDER**  
 )  
 South Carolina Department of )  
 Employment and Workforce and )  
 Wal Mart Associates, Inc., )  
 )  
 Respondents. )  
 \_\_\_\_\_ )

**STATEMENT OF CASE**

This matter is an appeal by Betty M. Brown from a January 13, 2011 decision of the South Carolina Department of Employment and Workforce (Department) disqualifying Brown from receiving unemployment benefits. The Department found that Brown voluntarily left her employment at Wal Mart (Wal Mart) without good cause. On appeal, Brown argues that she was forced to retire due to reduced wages and hours scheduled. The Administrative Law Court (ALC or Court) has jurisdiction to hear this matter pursuant to Section 41-35-750 of the South Carolina Code (Supp. 2010). Upon consideration of the briefs and record, this Court affirms.

**BACKGROUND**

Brown was employed by Wal Mart from October 2000 to April 2010. Brown was employed on a part time basis for the last five years of her employment. On April 8, 2010, Brown submitted her resignation and completed an exit interview which stated that she wished to retire.

Shortly after her resignation, Brown filed a claim for unemployment benefits. Upon reviewing the documentation submitted by the parties, the Department's Claims Adjudicator found that Brown left her employment at Wal Mart without good cause and that she was therefore disqualified from receiving unemployment benefits under Section 41-35-120(1) of the South Carolina Code.

Brown subsequently appealed the Claims Adjudicator's decision to the Department's Appeal Tribunal.<sup>1</sup> In a decision dated November 30, 2010, the Tribunal upheld the Claims Adjudicator's decision. Like the Claims Adjudicator, the Tribunal found that Brown voluntarily left her job at Wal Mart without good cause. The Tribunal's decision was later affirmed by the Department's Appellate Panel. In agreeing with the Claims Adjudicator and the Tribunal that Brown voluntarily left Wal Mart without good cause, the Panel stated:

The record establishes that the claimant submitted her resignation for retirement. This was a personal reason not attributable to the work. Therefore, we find that she quit without good cause attributable to the employment.

This appeal followed.

### ISSUES ON APPEAL

1. Did the Appellate Panel err in determining that Brown voluntarily quit without good cause?

### STANDARD OF REVIEW

The Department is an "agency" under the Administrative Procedures Act (APA). See Gibson v. Florence Country Club, 282 S.C. 384, 386, 318 S.E.2d 365, 367 (1984) (finding that the Employment Security Commission, a predecessor of the Department, was an agency within the meaning of the APA). Accordingly, the APA's standard of review governs appeals from decisions of the Department. See S.C. Code Ann. §§ 1-23-380, 1-23-600(D) (Supp. 2010); Gibson, 282 S.C. at 386, 318 S.E.2d at 367; McEachern v. S.C. Employment Sec. Comm'n, 370 S.C. 553, 557, 635 S.E.2d 644, 646-47 (Ct. App. 2006). The standard used by appellate bodies to review agency decisions is provided by S.C. Code Ann. § 1-23-380(5) (Supp. 2010). See § 1-23-600(D) (directing administrative law judges to conduct appellate review in the same manner prescribed in § 1-23-380(5)). That section states:

The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision [of an agency] if substantial rights of the appellant have been

<sup>1</sup> Despite its name, the Department's Appeal Tribunal actually functions as a trial tribunal, hearing testimony, taking evidence, and making findings of fact. See 24 S.C. Code Ann. Regs. 47-51(C)(1), (E)(1) (Supp. 2010). Hearings before the Tribunal are held de novo. Regs. 47-51(C)(1).

prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

§ 1-23-380(5).

A decision is supported by "substantial evidence" when the record as a whole allows reasonable minds to reach the same conclusion as the agency. Friends of the Earth v. Pub Serv. Comm'n of S.C., 387 S.C. 360, 366, 692 S.E.2d 910, 913 (2010). The fact that the record, when considered as a whole, presents the possibility of drawing two inconsistent conclusions from the evidence does not prevent the agency's findings from being supported by substantial evidence. Waters v. S.C. Land Res. Conservation Comm'n, 321 S.C. 219, 226, 467 S.E.2d 913, 917 (1996). In applying the substantial evidence rule, "a reviewing court will not overturn a finding of fact by an administrative agency 'unless there is no reasonable probability that the facts could be as related by a witness upon whose testimony the finding was based.'" Sea Pines Ass'n for Prot. of Wildlife, Inc. v. S.C. Dep't of Natural Res., 345 S.C. 594, 603-04, 550 S.E.2d 287, 292 (2001) (quoting Lark v. Bi-Lo, Inc., 276 S.C. 130, 136, 276 S.E.2d 304, 307 (1981)).

### DISCUSSION

Brown argues that the Appellate Panel's finding that she left Wal Mart without good cause is erroneous is light of the evidence in the record. I disagree.

Section 41-35-120(1) of the South Carolina Code (Supp. 2010) states that a worker is ineligible for unemployment benefits if he left his most recent employment voluntarily, "without good cause." The phrase "good cause" as used in Section 41-35-120(1) contemplates "a cause attributable to or connected with claimant's employment." Stone Mfg. Co. v. S.C. Employment Sec. Comm'n, 219 S.C. 239, 247, 64 S.E.2d 644, 647 (1951); see also State-Record Pub. Co. v. S.C. Employment Sec. Comm'n, 254 S.C. 1, 9, 173 S.E.2d 144, 147 (1970) ("This court has

heretofore, on more than one occasion, construed the phrase 'without good cause' as meaning without good cause connected with employment.”).

“To constitute good cause, the circumstances which lead an employee to leave the job must be such as would cause a reasonable person to leave.” 76 Am. Jur. 2d Unemployment Compensation § 102 (updated Nov. 2010). Additionally, “[t]o be entitled to unemployment compensation benefits for voluntarily quitting a job for good cause, the claimant must have explored all viable options before making the decision to quit.” Id. An employee who voluntarily leaves his employment has the burden of showing good cause for leaving. 76 Am. Jur. 2d Unemployment Compensation § 104 (updated Nov. 2010).


Here, substantial evidence supports the Appellate Panel’s determination that Brown decided to resign so that she could retire. During the fact finding conference with the Department interviewer on November 2, 2010, Brown affirmed that she had voluntarily resigned, stating that she, “stopped working because, in July 2010, I turned 70 years old, so I retired.” In her brief, Brown asserts that a reduction in hours and wages forced her into retirement. However, this was never mentioned when she initially applied for benefits. This was brought up at the evidentiary hearing along with conflicting testimony from an employer’s witness which supported that her original statement to the Department was accurate and correct.

Accordingly, I find that the evidence in the record substantially supports the conclusion that Brown voluntarily quit without good cause

**ORDER**

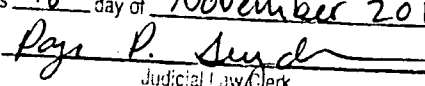
**IT IS THEREFORE ORDERED** that the Appellate Panel’s decision is **AFFIRMED**.

**AND IT IS SO ORDERED.**

  
CAROLYN C. MATTHEWS  
Administrative Law Judge

November 21, 2011  
Columbia, South Carolina

CERTIFICATE OF SERVICE  
This is to certify that the undersigned has this date served the order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).

This 18 day of November 2011  
By:   
Judicial Law Clerk

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Betty M. Brown, )  
 )  
 Appellant, )  
 )  
 vs. )  
 )  
 South Carolina Department of )  
 Employment and Workforce and )  
 Wal Mart Associates, Inc., )  
 )  
 Respondents. )  
 )

Docket Number: 11-ALJ-30-0031-AP

ORDER

FILED

OCT 12 2011

SC ADMIN. LAW COURT

**STATEMENT OF CASE**

This matter is an appeal by Betty M. Brown from a January 13, 2011 decision of the South Carolina Department of Employment and Workforce (Department) disqualifying Brown from receiving unemployment benefits. The Department found that Brown voluntarily left her employment at Wal Mart (Wal Mart) without good cause. On appeal, Brown argues that she was forced to retire due to reduced wages and hours scheduled. The Administrative Law Court (ALC or Court) has jurisdiction to hear this matter pursuant to Section 41-35-750 of the South Carolina Code (Supp. 2010). Upon consideration of the briefs and record, this Court affirms.

**BACKGROUND**

Brown was employed by Wal Mart from October 2000 to April 2010. Brown was employed on a part time basis for the last five years of her employment. On April 8, 2010, Brown submitted her resignation and completed an exit interview which stated that she wished to retire.

Shortly after her resignation, Brown filed a claim for unemployment benefits. Upon reviewing the documentation submitted by the parties, the Department's Claims Adjudicator found that Brown left her employment at Wal Mart without good cause and that she was therefore disqualified from receiving unemployment benefits under Section 41-35-120(1) of the South Carolina Code.

Brown subsequently appealed the Claims Adjudicator's decision to the Department's Appeal Tribunal.<sup>1</sup> In a decision dated November 30, 2010, the Tribunal upheld the Claims Adjudicator's decision. Like the Claims Adjudicator, the Tribunal found that Brown voluntarily left her job at Wal Mart without good cause. The Tribunal's decision was later affirmed by the Department's Appellate Panel. In agreeing with the Claims Adjudicator and the Tribunal that Brown voluntarily left Wal Mart without good cause, the Panel stated:

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### ISSUES ON APPEAL

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The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision [of an agency] if substantial rights of the appellant have been

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prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

§ 1-23-380(5).

A decision is supported by "substantial evidence" when the record as a whole allows reasonable minds to reach the same conclusion as the agency. Friends of the Earth v. Pub Serv. Comm'n of S.C., 387 S.C. 360, 366, 692 S.E.2d 910, 913 (2010). The fact that the record, when considered as a whole, presents the possibility of drawing two inconsistent conclusions from the evidence does not prevent the agency's findings from being supported by substantial evidence. Waters v. S.C. Land Res. Conservation Comm'n, 321 S.C. 219, 226, 467 S.E.2d 913, 917 (1996). In applying the substantial evidence rule, "a reviewing court will not overturn a finding of fact by an administrative agency 'unless there is no reasonable probability that the facts could be as related by a witness upon whose testimony the finding was based.'" Sea Pines Ass'n for Prot. of Wildlife, Inc. v. S.C. Dep't of Natural Res., 345 S.C. 594, 603-04, 550 S.E.2d 287, 292 (2001) (quoting Lark v. Bi-Lo, Inc., 276 S.C. 130, 136, 276 S.E.2d 304, 307 (1981)).

#### DISCUSSION

Brown argues that the Appellate Panel's finding that she left Blue Cross without good cause is erroneous in light of the evidence in the record. I disagree.

Section 41-35-120(1) of the South Carolina Code (Supp. 2010) states that a worker is ineligible for unemployment benefits if he left his most recent employment voluntarily, "without good cause." The phrase "good cause" as used in Section 41-35-120(1) contemplates "a cause attributable to or connected with claimant's employment." Stone Mfg. Co. v. S.C. Employment Sec. Comm'n, 219 S.C. 239, 247, 64 S.E.2d 644, 647 (1951); see also State-Record Pub. Co. v. S.C. Employment Sec. Comm'n, 254 S.C. 1, 9, 173 S.E.2d 144, 147 (1970) ("This court has

heretofore, on more than one occasion, construed the phrase 'without good cause' as meaning without good cause connected with employment.”).

“To constitute good cause, the circumstances which lead an employee to leave the job must be such as would cause a reasonable person to leave.” 76 Am. Jur. 2d Unemployment Compensation § 102 (updated Nov. 2010). Additionally, “[t]o be entitled to unemployment compensation benefits for voluntarily quitting a job for good cause, the claimant must have explored all viable options before making the decision to quit.” Id. An employee who voluntarily leaves his employment has the burden of showing good cause for leaving. 76 Am. Jur. 2d Unemployment Compensation § 104 (updated Nov. 2010).

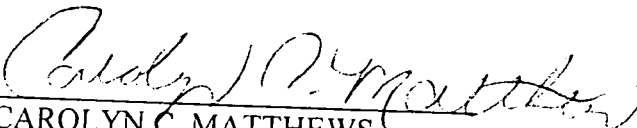
Here, substantial evidence supports the Appellate Panel’s determination that Brown decided to resign so that she could retire. During the fact finding conference with the Department interviewer on November 2, 2010, Brown affirmed that she had voluntarily resigned, stating that she, “stopped working because, in July 2010, I turned 70 years old, so I retired.” In her brief, Brown asserts that a reduction in hours and wages forced her into retirement. However, this was never mentioned when she initially applied for benefits. This was brought up at the evidentiary hearing along with conflicting testimony from an employer’s witness which supported that her original statement to the Department was accurate and correct.

Accordingly, I find that the evidence in the record substantially supports the conclusion that Brown voluntarily quit without good cause

**ORDER**

**IT IS THEREFORE ORDERED** that the Appellate Panel’s decision is **AFFIRMED**.

**AND IT IS SO ORDERED.**

  
CAROLYN C. MATTHEWS  
Administrative Law Judge

October 12, 2011  
Columbia, South Carolina

12 October 2011  
Page P. Snyder