



The South Carolina Court of Appeals

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June 28, 2016

The Honorable Jeanette W. McBride
PO Box 2766
Columbia SC 29202-2766

REMITTITUR

Re: Betty J. Keitt v. City of Columbia
Lower Court Case No. 2012CP4007273
Appellate Case No. 2014-000961

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: J. Lewis Cromer, Esquire
W. Allen Nickles, III, Esquire
Julius Wistar Babb, IV, Esquire

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Betty J. Keitt, Appellant,

v.

City of Columbia, Respondent.

Appellate Case No. 2014-000961

Appeal From Richland County
Alison Renee Lee, Circuit Court Judge

Unpublished Opinion No. 2016-UP-059
Heard December 8, 2015 – Filed February 17, 2016

AFFIRMED

Julius Wistar Babb, IV, and J. Lewis Cromer, both of J.
Lewis Cromer & Associates, LLC, of Columbia, for
Appellant.

W. Allen Nickles, III, of Nickles Law Firm, of Columbia,
for Respondent.

PER CURIAM: Betty J. Keitt appeals the circuit court's order granting the City of Columbia's motion for summary judgment on her claim for wrongful termination in violation of public policy. On appeal, Keitt argues the circuit court erred in finding (1) Keitt had an existing remedy under the South Carolina

Whistleblower Act¹ and (2) a claim of wrongful termination in violation of public policy is not available to an at-will employee when the employee has a statutory remedy. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

As to Issue 1: *Turner v. Milliman*, 392 S.C. 116, 122, 708 S.E.2d 766, 769 (2011). ("Summary judgment is appropriate when the pleadings, depositions, affidavits, and discovery on file show there is no genuine issue of material fact such that the moving party must prevail as a matter of law."); *McLendon v. S.C. Dep't of Highways & Pub. Transp.*, 313 S.C. 525, 526 n.2, 443 S.E.2d 539, 540 n.2 (1994) (noting "the denial of a motion to dismiss does not establish the law of the case and the issue raised by the motion can be raised again at a later stage of the proceedings"); *Barron v. Labor Finders of S.C.*, 393 S.C. 609, 614, 713 S.E.2d 634, 636 (2011) ("An at-will employee may be terminated at any time for any reason or for no reason, with or without cause."); *Taghivand v. Rite Aid Corp.*, 411 S.C. 240, 243, 768 S.E.2d 385, 387 (2015) ("However, our adherence to the at-will employment doctrine is not without limits."); *Mason v. Mason*, 412 S.C. 28, 63, 770 S.E.2d 405, 423 (Ct. App. 2015), *cert. dismissed* (July 31, 2015) ("Where the retaliatory discharge of an at-will employee constitutes violation of a clear mandate of public policy, a cause of action in tort for wrongful discharge arises."); *Stiles v. Am. Gen. Life Ins. Co.*, 335 S.C. 222, 228, 516 S.E.2d 449, 452 (1999) (explaining the public policy "exception [to the at-will employment doctrine] is not designed to overlap an employee's statutory or contractual rights to challenge a discharge, but rather to provide a remedy for a clear violation of public policy where no other reasonable means of redress exists" (Toal, J., concurring)); § 8-27-20(A) ("No public body may dismiss . . . an employee . . . because the employee files a report with an appropriate authority of wrongdoing."); § 8-27-30(A) (providing an employee is entitled to bring an action against his employer under the Whistleblower Act when he is terminated within one year of reporting alleged wrongdoing); *Lawson v. S.C. Dep't of Corr.*, 340 S.C. 346, 350, 532 S.E.2d 259, 261 (2000) ("[W]hen a statute creates a substantive right (i.e. the Whistleblower Act) and provides a remedy for infringement of that right, the plaintiff is limited to that statutory remedy."); *id.* (stating that when an employee "alleges a wrongful discharge only on the ground of his whistleblowing, he is limited to his remedy under the Whistleblower Act").

¹ S.C. Code Ann. §§ 8-27-10 through -60 (Supp. 2015).

As to Issue 2: *Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (noting an appellate court need not address an appellant's remaining issues when its determination of a prior issue is dispositive).

AFFIRMED.

HUFF, A.C.J., and WILLIAMS and THOMAS, JJ., concur.