

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE
ADMINISTRATIVE LAW COURT
Deborah Brooks Durden, Administrative Law Judge

Case No.: 16-ALJ-22-0380-AP
Appellate Case No. 2017-000669

Patricia Crawford,

Respondent,

v.

South Carolina Department of Employment
and Workforce and Allserv Inc.,

Appellants.

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JUN 13 2017

SC Court of Appeals

RECORD ON APPEAL

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**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Patricia A. Crawford,

Appellant,

vs.

South Carolina Department of Employment
and Workforce and Allserv Inc.,

Respondents.

Docket No. 16-ALJ-22-0380-AP

ORDER

STATEMENT OF THE CASE

This matter is before the Administrative Law Court (ALC or Court) pursuant to a Notice of Appeal filed by Patricia Crawford (Appellant or Crawford). Appellant seeks review of the final decision of the South Carolina Department of Employment and Workforce (Department). The Department's Appellate Panel (Panel) found that Appellant voluntarily quit her employment with Allserv, Inc. (Employer) and indefinitely disqualified her from receiving unemployment benefits.

BACKGROUND

Crawford worked for Employer from November 9, 2014 until April 18, 2016 as a corporate secretary. Who initiated Appellant's separation from her employment was disputed before the agency. Employer alleges that Crawford "resigned" on Thursday, April 14th; that she subsequently cleaned out her desk; and that she did not come into work on Monday, April 18th, so the company "accepted" her resignation. Conversely, Appellant alleges that she was very frustrated by problems she was having with other employees and with company tax procedures; that she tried to address the issues multiple times to no avail; that a coworker told her to take Monday off to consider her options; that she worked over the weekend and had only taken home some, but not all, of her things; and that she had taken a day at home as advised by a company consultant on April 18th when she discovered that the company had shut down her email account. After conferring with her boss, Appellant did not return to work.

The Department's claims adjudicator concluded that Appellant left her employment voluntarily, without good cause. To resolve the issue of disqualification and determine the reason for separation from employment, a telephonic hearing was held by an Appeal Tribunal (Tribunal)

FILED

February 23, 2017

SC ADMIN LAW COURT

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hearing officer on July 6, 2016. The Tribunal issued an order on July 7, 2016, upholding the adjudicator's decision. The Panel's decision reached the same conclusion. Crawford subsequently appealed to the ALC.

ISSUES ON APPEAL

1. Whether the hearing officer erred in denying Appellant the opportunity to submit rebuttal evidence after she experienced technical difficulties.
2. Whether Appellant was denied procedural due process because she did not receive notice of the Appellant Panel's hearing.
3. Whether the Department's decision is supported by substantial evidence in the record.

STANDARD OF REVIEW

The ALC has jurisdiction to review this matter pursuant to South Carolina Code Section 41-35-750. 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 appellate standard governs appeals from decisions of the Department. See S.C. Code Ann. §§ 1-23-380 & 1-23-600(D) (Supp. 2016). The Court's review in appellate cases is limited to the record. S.C. Code Ann. § 1-23-380(4) (Supp. 2016). Additionally, the Court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact, but may modify or reverse the decision of the agency when substantial rights of the appellant have been prejudiced. S.C. Code Ann. § 1-23-380(5) (Supp. 2016). Substantial rights of the appellant are prejudiced when the agency's decision, including the agency's findings, inferences, and conclusions, are in violation of constitutional or statutory provisions; in excess of the statutory authority of the agency; made upon unlawful procedure; affected by other error of law; clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. Id.

DISCUSSION

Appellant argues that substantial evidence on the record does not support the conclusion that the Department reached. The Court agrees and reverses the Appellate Panel's decision.

The Department concluded that Appellant voluntarily quit her employment without good cause. Leaving work voluntarily without good cause is grounds for disqualification from unemployment insurance benefits. S.C. Code Ann. § 41-35-120(1) (Supp. 2016). "An employee

may be charged with quitting a job by action or inaction with unavoidable ramifications.” Samuel v. S.C. Employment Sec. Comm’n, 285 S.C. 476, 477, 330 S.E.2d 300, 301 (1985) (citation omitted); see also Greenray Indus. v. Unemployment Comp. Bd. of Review, 135 A.3d 1140, 1143 (Pa. Commw. Ct. 2016). “Whether an employee quits or is discharged may be determined by examining whether the employer or the employee committed the final act severing the employment relationship.” Cook v. Accord Bldg. Servs., LLC, 481 S.W.3d 893, 901 (Mo. Ct. App. 2016) (citation omitted). “An employee will not be held to have left voluntarily when the employer decides to end the employment relationship.” Id. “[I]nvoluntary separation of employment is a discharge under the unemployment-benefit statute[;] an employee’s choice to end the employee’s employment must be a free-will-choice for the employee to quit employment.” Posey v. Securitas Sec. Servs. USA, Inc., 879 N.W.2d 662, 665 (Minn. Ct. App. 2016). “An employee involuntarily leaves work ‘when the employer is the moving party in causing the unemployment of an employee at a time when the employee is able and willing to continue working.’” Kelley v. California Unemployment Ins. Appeals Bd., 223 Cal. App. 4th 1067, 1075–76, 167 Cal. Rptr. 3d 802, 808 (2014) (citation omitted). “Whether an employee leaves voluntarily or involuntarily depends on which party initiated the termination of employment.” Id.

A review of the evidence in this case does not support a conclusion of voluntary quit. Indeed, the Department’s own findings show that the Employer took the action that resulted in the ending of Appellant’s employment. “Substantial evidence is relevant evidence that, considering the record as a whole, a reasonable mind would accept to support an administrative agency’s action.” Porter v. S.C. Public. Serv. Comm’n, 333 S.C. 12, 20, 507 S.E.2d 328, 332 (1998). It is clear that Appellant was unhappy in her position due to a number of factors, including tax policy disagreements, foul language from coworkers, and long and weekend work hours. It is also clear that she had made her concerns clear to her employer and that the employer was aware that she was considering quitting. However, there is no evidence that she actually did quit. There is no evidence in the record of an action or inaction with unavoidable ramifications taken by Appellant. See Samuel, 285 S.C. at 477, 330 S.E.2d at 301 (1985). Employer attempts to combine threatening to quit and removing some personal items into a resignation, even though Appellant continued to work days past the alleged “resignation.” Employer took the action that terminated Appellant’s employment by deactivating her email account. Because the Department erred in reaching the conclusion that Appellant voluntarily quit, the Court reverses the Department’s decision.

Therefore, it is unnecessary to address Appellant's other arguments. See Futch v. McAllister Towing of Georgetown, Inc., 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999).

ORDER

THEREFORE, IT IS ORDERED that the Department's decision is **REVERSED**, and this matter is **REMANDED** for the recalculation of benefits due the Appellant.

AND IT IS SO ORDERED.



Deborah Brooks Durden, Judge
S.C. Administrative Law Court

February 23, 2017
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Robin E. Coleman, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).



Robin E. Coleman

Judicial Aide to Deborah Brooks Durden

February 23, 2017
Columbia, South Carolina

FILED

February 23, 2017

SC ADMIN LAW COURT

005

P.O. Box 995
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Nikki R. Haley
Governor

Cheryl M. Stanton
Executive Director

P.O. Box 8597
Columbia, South Carolina 29202
(803) 737-2666
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December 5, 2016

The Honorable Deborah Durden
South Carolina Administrative Law Court
Edgar A. Brown Building
1205 Pendleton Street, Suite 224
Columbia, South Carolina 29201

Re: Patricia A. Crawford v. SCDEW and Allserv Inc.
Docket Number: 16-ALJ-22-0380-AP

Dear Judge Durden:

Enclosed is the Motion to Supplement Record on Appeal and for an Extension for Filing Respondents' Brief in the above referenced case. Also enclosed is a Certificate of Service to the other parties.

With kind regards, I am

Sincerely Yours,

Kristi Chesley

Kristi Chesley
Administrative Legal Assistant for
Todd Timmons
Attorney for SC DEW

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Patricia A. Crawford,	)	Docket No. 16-ALJ-22-0380-AP
	)	
Appellant,	)	
	)	
vs.	)	
	)	
South Carolina Department of	)	MOTION TO SUPPLEMENT
Employment and Workforce,	)	RECORD ON APPEAL AND FOR
and Allserv, Inc.,	)	AN EXTENSION FOR FILING
	)	RESPONDENTS' BRIEF
Respondents.	)	
	)	

Respondent South Carolina Department of Employment and Workforce ("DEW") moves to supplement the Record on Appeal ("ROA") to include the following two documents (attached as exhibits to this Motion), which were inadvertently left out of the previous filing:

1. Notice of Hearing before the Appellate Panel (*Exhibit A*, Bates Nos. 222-23);
2. Appellant's Motion for Reconsideration to the Appellate Panel (*Exhibit B*, Bates Nos. 224-26).

Additionally, DEW moves for an extension of time for filing Respondents' brief, which is currently due December 7, 2016. DEW respectfully requests a 14-day extension until **December 21, 2016**. Respondent respectfully asks the Court to grant this motion because counsel's workload and competing deadlines in several other matters have necessitated the request for this extension.

The undersigned has communicated with counsel for Respondent Allserv, Inc., Sheila Bias, and she did not object. The undersigned has not communicated with Appellant regarding this Motion, as the consultation requirements of SCRPC Rule 11 do not apply to pro se litigants.

Respondent also asks that all time requirements and deadlines be held in abeyance pending resolution of this motion.

Respectfully submitted,



Todd S. Timmons (SC Bar No. 100249)
Deputy General Counsel
Department of Employment and Workforce
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(803) 737-0395
legal@dew.sc.gov

Attorney for Respondent DEW

December 2, 2016

EXHIBIT A

PATRICIA A CRAWFORD



SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE

Post Office Box 1752
Columbia, South Carolina 29202

NOTICE OF HEARING BEFORE THE APPELLATE PANEL

CLAIMANT: PATRICIA A CRAWFORD

SSN: [REDACTED]

APPEAL NO: 1607595

LIABLE EMPLOYER: ALLSERV INC

A hearing has been scheduled in this matter for **11:00 AM** on **Tuesday 9/6/2016**. All hearings are held in Columbia, South Carolina at this location:

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE

C. LEM HARPER, CENTRAL OFFICE ANNEX BUILDING

631 HAMPTON STREET, ROOM 350, COLUMBIA, SC

(The three story reflective green building on the corner of Wayne and Hampton Streets. The entrance is on Wayne Street)

**NO CELL PHONES OR SMALL CHILDREN
ARE PERMITTED IN THE HEARING ROOM**

The Appellate Panel is a Board of Review, and hearings are limited to the record developed by the Administrative Hearing Officer. As such, **no new evidence is admissible**. Parties may appear in person or be represented by counsel. Parties may also submit written arguments. Fees charged by claimants' attorneys are statutorily limited to the greater of \$200.00 or the claimant's weekly benefit amount per appearance.

SPECIAL NOTE: The Appellate Panel can make its own factual findings and may reverse, affirm or modify the decision on appeal. Be advised that this may result in an increase or a decrease of the disqualification.

THE HEARING WILL NOT BE POSTPONED EXCEPT FOR AN EMERGENCY. Contact a representative of the Department at 803-737-0239 **AT ONCE** if you cannot be present at the time scheduled and wish to request a postponement of the hearing.

Higher Authority Appeals
(803) 737-0239
(803) 737-3166 FAX

CC Claimant - X
Claimant Attorney -
Liable Employer - X
Separating Employer -
Employer Attorney - X
File - X

Date Mailed: 8/24/2016

011

EXHIBIT B

Decision No: 2016-P-10234

Appeal No: 1607595

Patricia A Crawford
[REDACTED]
[REDACTED]

REQUEST FOR APPEAL RECONSIDERATION:

On Friday, September 9, 2016 I received an Appellate Panel Decision letter that upheld the disqualification determination decision; however prior to this, I was given the impression that I would be notified of a hearing. After filing my tribunal appeal, I received a letter from SCDEW letting me know the next steps of the process. I called on Monday, September 12th and was told by your office that a hearing was scheduled for Tuesday September 6th, 2016. I was unaware of this. Annette, at SCDEW, stated that I should've received a package with this information detailed in it but this was package was never received. I've fought this long and hard while trying to look for work that there's no way that I wouldn't have shown up. This also wasn't the first time that I didn't receive correspondence from SCDEW. She suggested that I send a request for reconsideration of my appeal as well as file with the administrative law court as indicated on the appeal decisions letter I received.

There are several reasons for my request. First and foremost is that I never received notification of the tribunal hearing scheduled; otherwise I would've appeared. In addition, I provided several documents to SCDEW that, during my telephone hearing, weren't presented or addressed. Below are the dates and times and with whom my correspondence was directed to. If given the opportunity, I will provide copies of the emails to validate what I'm saying is true and correct.

April 29th, 2016-submitted screenshots as well as emails, texts, etc. to the attention of Shanelle at the following email address. greenvilleuihub@dew.sc.gov

May 4th, 2016-sent another email to ensure they received the information that was emailed on April 29th. I didn't receive an email response. I called the main number for SCDEW and was told that my emails had been received and added to my file.

I received the first determination letter and chose to appeal it. I had my telephone tribunal on July 6th, 2016. The cutoff for providing additional information was July 5th at 12:00 pm. I received an email from my former employer's attorney with what had been provided to unemployment. This email was sent at 9:13 am and I received/read it at 10:22 am. Upon

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SCDEW

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review of the items sent, I noticed discrepancies with text messages missing responses, false statements, etc. I promptly pulled my phone record and screen shots of the same time period that was submitted by employer and they didn't match. In addition, I received a message from a current employee that stated she was asked to lie by my former employer in regards to my situation. I attempted to upload this to the SCDEW claimant site but received an error stating the file was too large. I did it page by page; it still gave me the same error message.

I contacted the main number for SCDEW and they suggested that I fax it instead. While my additional documents were being faxed, I also sent an email to Mr. Thomas in Columbia and Michelle Adams explaining my situation and attached the documents as well. I never heard back from either one.

I would like reconsideration of my appeal as well as reconsideration of the documentation that was provided but apparently not included.

I would also like to make note that my former employer not only incorrectly reported my wages once; but twice and they still aren't correct in your system. In addition, they reported me as a new hire which is clearly inaccurate. This had my claim go to the monetary unit as well as fraud department before my original appeal.

I've been actively seeking employment for five months when I shouldn't even be in this position to begin with.

Thank you in advance for your consideration.

Sincerely,



Patricia Crawford

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SCDEW
HUMAN RESOURCES

ia Crawford



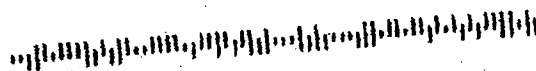
COLUMBIA SC 29202
16 SEP 2016 PM 1 L



The Appellate Panel Office
631 Hampton Street
C. Lem Harper Bldg.
Columbia, SC
29202

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SC DEW
HIGHER AUTHORITY APPEALS

29201-271931



STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Patricia Crawford,
Appellant,

v.

South Carolina Department of Employment
and Workforce and Allserv Inc.,
Respondent(s).

Docket No: 16-ALJ-22-0380-AP

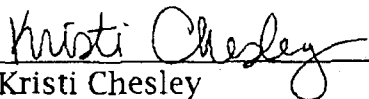
CERTIFICATE OF SERVICE

I certify that I am the Administrative Legal Assistant for the South Carolina Department of Employment and Workforce; and that I served by mail a copy of the Motion to Supplement Record on Appeal and for an Extension for Filing Respondents' Brief in the above named action to the parties addressed to:

Patricia Crawford


Reyburn Lominack
Fisher & Phillips
1320 Main St. Suite 750
Columbia SC 29201

that the postage was duly prepaid; and that it was deposited in the United States Mail to the parties on the 5th day of December, 2016.


Kristi Chesley

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Rec'd
11/21

Patricia Crawford

Appellant/Petitioner,

vs.

SC Department of Employment and
Workforce and Allserv, Inc.

Respondent.

Docket No. 16 -ALJ- 22 - 0380 - AP

PROOF OF SERVICE

I hereby certify that I have served the Appellant Brief
(Description of the document) in the above-captioned matter by depositing it in the
United State Mail, postage prepaid, on November 17th, 2016 (Month/Day/Year) to the
below named parties at their address of record:

Patricia Crawford

Name



City/State/Zip

The Honorable Deborah Durden

SC Administrative Law Court

Edgar A. Brown Building

Name

1205 Pendleton Street, Suite 224

Address

Columbia, SC 29201

City/State/Zip

Allserv, Inc.

c/o Employer's Edge

Name

PO Box 351567

Address

Westminster, CO 80035

City/State/Zip

Todd Timmons

Office of General Counsel-SCDEW

Name

PO Box 8597

Address

Columbia, SC 29202

City/State/Zip

Patricia Crawford

(Print Your Name)

(Your Signature)



(Street)



(City, State, Zip Code)

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

PATRICIA CRAWFORD,

Appellant,

vs.

**SC DEPARTMENT OF EMPLOYMENT AND
WORKFORCE AND ALLSERV, INC.,**

Respondent,

Docket No.: 16-ALJ-22-0380-AP

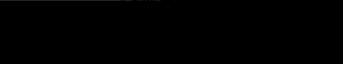
APPELLANT BRIEF

**THE STATE OF SOUTH CAROLINA
In the Administrative Law Court**

**APPEAL FROM SOUTH CAROLINA
DEPARTMENT OF EMPLOYMENT
AND WORKFORCE APPELLATE PANEL**

Dated this 4th day of November, 2016.

Patricia Crawford



Claimant

Todd Timmons
Office of General Counsel-SCDEW
PO Box 8597
Columbia, SC 29202
803-737-0395
legal@dew.sc.gov
Attorney for Respondent

Allserv Inc.
c/o Employer's Edge
PO Box 351567
Westminster, CO 80035
Employer

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- A. STATEMENT OF THE ISSUES ON APPEAL
 - I. INITIAL DETERMINATION
 - II. DENIAL OF TRIBUNAL
 - III. DENIAL OF APPEAL

STATEMENT OF THE ISSUES ON APPEAL

I. INITIAL DETERMINATION

I, Patricia Crawford, received initial determination from SCDEW on June 6, 2016. The determination notice was mailed on June 3, 2016 from SCDEW.

II. DENIAL OF TRIBUNAL

I, Patricia Crawford, appealed the decision of the *initial determination* on SCDEW Form APP-100 along with documentation to the SCDEW Appeal Tribunal via email to Michelle Adams. Her email address is Madams@dew.sc.gov. The notarized appeal form was submitted to SCDEW on June 6, 2016. I received an acknowledgement from Michelle Adams indicating the request for appeal form and additional supporting documentation for my case were received and submitted to the Appeal Tribunal on June 7, 2016. My Appeal Tribunal phone conference was scheduled for July 6, 2016. I received the Appeal Tribunal Disqualifying Decision on July 8th, 2016.

The denial *determination* for Tribunal Appeal No. 1607595:

"The Tribunal holds the claimant disqualified from receiving benefits indefinitely, effective April 17th, 2016 until requalification, upon a finding the claimant voluntarily quit the most recent bona fide employment without good cause. The decision affirms the determination mailed on June 3, 2016."

III. DENIAL OF APPEAL TO TRIBUNAL

On Friday, September 9, 2016 I received an Appellate Panel Decision letter that upheld the disqualification determination decision; however prior to this, I was given the impression that I would be notified of a hearing. After filing my tribunal appeal, I received a letter from SCDEW letting me know the next steps of the process. I called on Monday, September 12th and was told by your office that a hearing was scheduled for Tuesday September 6th, 2016. I was unaware of this. Annette, at SCDEW, stated that I should've received a package with this information detailed in it but this was package was never received. I've fought this long and hard while trying to look for work that there's no way that I wouldn't have shown up. This also wasn't the first time that I didn't receive correspondence from SCDEW. She suggested that I send a request for reconsideration of my appeal as well as file with the administrative law court as indicated on the appeal decisions letter I received.

B. STATEMENT OF THE CASE

- I. Initial Determination
- II. Denial of Telephone Tribunal
- III. Denial of Appeal to Tribunal

STATEMENT OF THE CASE

I. Initial Determination Statement

I, Patricia Crawford, was employed with Allserv, Inc. from November 9, 2014 through April 18th, 2016. The cause of my separation per Allserv, Inc. was my resignation. An apparent conversation took place on April 14th, 2016 where I told Tanya Calvin (Vice President, Allserv) that I was looking for another job. As indicated in the Tribunal records, this conversation didn't take place in the manner specified. I was speaking with Tanya Calvin on April 14th, 2016 about issues within our business that needed to be addressed because I felt that these issues could potentially lead to legal or ethical negative ramifications. The response I received from Tanya Calvin stated her own dissatisfaction about her Allserv, Inc. Vice President position and a desire to pursue her previous career in management within the banking industry; whereas my grievances were overlooked and not addressed.

Timeline:

April 14th, 2016: Conversation with Tanya Calvin; also indicated as day of my supposed verbal resignation.

April 15th, 2016: I readdressed one of my many concerns with Tanya Calvin regarding being directed to reimburse travel for an employee's spouse. I was told to process the reimbursement but that this would be the last time. I insisted that this could potentially get Allserv, Inc. into legal trouble. Tanya Calvin indicated that this would be discussed with the owner/her spouse, Jeffrey Calvin. Given various other ongoing issues including working in a hostile environment, knowingly not adhering to established tax and payroll laws, etc. hadn't been responded to by Tanya Calvin or acknowledged by Jeffrey Calvin (owner) or Kris Mitchell (business partner and consultant) to Jeffrey Calvin; I felt that I needed to speak to the owner (Jeff Calvin) myself. Due to my frustration, I did remove family pictures from the office on Friday, April 15th, 2016 but several other of my personal belongings remained there and are still at the Allserv, Inc. office that I wouldn't have left if my intent was to quit my job.

April 16th, 2016: While at the office, I knew by indicating my frustrations to one of our managers; it would immediately illicit a response from either Jeff Calvin (owner) or Kris Mitchell (business partner/consultant to Jeff Calvin). Within in minutes of my text, Kris

Mitchell contacted me via text. He indicated the grievances I had would be addressed when the timing was right. He told me to take a day off to consider if I had the patience to wait for that to happen. I concurred and intended to return to work on April 18th, 2016. I have emails and texts indicating my return on Tuesday the 19th of April that were sent to vendors and employees; including Tanya Calvin.

April 18th, 2016: In an attempt to regroup on the day I was granted to take off; I received an alert on my cell phone that my Allserv, Inc. email account password was incorrect. I reached out to Kris Mitchell as well as Tanya Calvin to find out what was going on and what happened to my email access. I was sent a text by Tanya Calvin stating that I told her I was quitting on Thursday April 14th, 2016 and that she and Jeff Calvin accepted my resignation. I responded to her text and asked her how that was possible. There was no documentation or resignation letter, I worked Friday April 15th, 2016, Saturday April 16th, 2016, as well as Sunday April 17th, 2016. I have saved emails and texts- including business correspondences indicating that Tanya Calvin knew I was planning on taking Monday April 18th off.

I filed for unemployment through SCDEW. I indicated during my initial filing of unemployment claim that I felt I was wrongfully terminated. I received my initial determination on June 3rd, 2016 with Allserv, Inc. claiming on left for reasons unknown to them. I received a notice disqualifying because of my earnings. I contacted the SCDEW monetary unit where it was discovered my wages were incorrectly reported twice to SCDEW by Allserv, Inc. It was eventually corrected. Additionally, I received another notice from SCDEW fraud department indicating that I was currently reported as actively working. This was inaccurately reported by Oasis-Allserv, Inc. PEO Company. This was corrected after numerous attempts to have it corrected.

II. DENIAL OF TELEPHONE TRIBUNAL

I, Patricia Crawford, appealed the decision of the *initial determination* on SCDEW Form APP 100 along with documentation to the SCDEW Appeal Tribunal via email to Michelle Adams. Her email address is Madams@dew.sc.gov. The notarized appeal form was submitted to SCDEW on June 6, 2016. I received an acknowledgement from Michelle Adams indicating the request for appeal form and additional supporting documentation for my case were received and submitted to the Appeal Tribunal on June 7, 2016. My Appeal Tribunal phone conference was scheduled for July 6, 2016. I received the Appeal Tribunal Disqualifying Decision on July 8th, 2016.

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"The Tribunal holds the claimant disqualified from receiving benefits indefinitely, effective April 17th, 2016 until requalification, upon a finding the claimant voluntarily quit the most recent bona fide employment without good cause. The decision affirms the determination mailed on June 3, 2016."

I received the first determination letter and chose to appeal it. I had my telephone tribunal on July 6th, 2016. The cutoff for providing additional information was July 5th at 12:00 pm. I received an email from my former employer's attorney with what had been provided to unemployment. This email was sent at 9:13 am and I received/read it at 10:22 am. Upon review of the items sent, I noticed discrepancies with text messages missing responses, false statements, etc. I promptly pulled my phone record and screen shots of the same time period that was submitted by employer and they didn't match. In addition, I received a message from a current employee that stated she was asked to lie by my former employer in regards to my situation. I have a screenshot of that correspondence. I also provided previously and attempted to provide again other correspondence between myself and other Allserv employees as well as vendors indicating my return Tuesday the 19th of April. I attempted to upload this to the SCDEW claimant site but received an error stating the file was too large. I did it page by page; it still gave me the same error message. I have a screenshot of this error message as well.

I contacted the main number for SCDEW and they suggested that I fax it instead. While my additional documents were being faxed, I also sent an email to Mr. Thomas in Columbia and Michelle Adams explaining my situation and attached the documents as well. I never heard back from either Mr., Thomas or Ms. Adams regarding my emails that were sent. At this point the deadline was missed.

After receiving the tribunal disqualification notification, I proceeded to file an Appeal to the Tribunal.

III. DENIAL OF APPEAL TO TRIBUNAL

September 9, 2016 I received an Appellate Panel Decision letter that upheld the disqualification determination decision; however prior to this, I was given the impression that I would be notified of a hearing. After filing my tribunal appeal, I received a letter from SCDEW letting me know the next steps of the process. I called on Monday, September 12th and was told by your office that a hearing was scheduled for Tuesday September 6th, 2016. I was unaware of this. Annette, at SCDEW, stated that I should've received a package with this information detailed in it but this was package was never received. I've fought this long and hard while trying to look for work that there's no way that I wouldn't have shown up. This also wasn't the first time that I didn't receive correspondence from SCDEW. She suggested that I send a request for reconsideration of my appeal as well as file with the administrative law court as indicated on the appeal decisions letter I received.

C. ARGUMENT

The focus of my argument is that I didn't resign from my position with Allserv, Inc. The timeline of events provides proof of that statement. I asked that certain improper activities be addressed. Including: illegal reimbursement practices-this was discussed with management on 3 different occasions over the course of my employment, not wanting to partake in the activity of rubbing my breasts on business proposals for "good luck", suggesting that the reason I'm not eligible for a bonus or a raise is because I'm a woman working in a male dominant industry, being coerced into not going to doctor appointments for PTSD therapy (underhanded threats from Tanya Calvin but held no substance when discussing flexibility with owner, Jeff Calvin, working in a hostile environment where I've been subjected to screaming, having objects thrown and other various abusive behavior that no reasonable person would find acceptable. Each of these issues were discussed during Appeal Tribunal telephone hearing. Tanya Calvin admitted knowledge of some of the issues listed however Jeff Calvin (owner) and his business partner/consultant (Kris Mitchell) were made aware of the volatility of her behavior on numerous occasions to other employees, vendors and subcontractors without any resolution.

Until April 18th, 2016, I had a tolerable working relationship with Tanya Calvin. We worked directly in close quarters together for the length of my employment. As agreed to and verified by Tanya Calvin, I was a good employee without any disciplinary occurrences. I had excellent relationships with all of the employees as well as managers and vendors.

Because of our continued growth I felt it was time to finally take care of the issues at hand so they no longer a distraction to the growth of our company. When Tanya Calvin realized that I was going to continue to pursue doing the right thing, she took the opportunity to manipulate the situation by saying I resigned. Tensions were high the week of April 11, 2016 and frustration flamed the hostility. I knew that my complaints would not be taken seriously. They hadn't been on the numerous times I brought it up before or when other employees brought the same issues to Allserv's attention, particularly to Tanya Calvin. On Friday, I brought my personal family pictures and personal office supplies home (office supplies wasn't unusual. It was done on a weekly basis over the weekend because I needed items while working remotely) Tanya Calvin was aware of this and my frustration. I returned to work on Saturday, April 16, 2016 for over 5 hours and Sunday, April 17, 2016 for 2 hours. While working on Saturday, I voiced my frustration to a manager with close personal ties to the owner: Jeff Calvin and business partner/consultant: Kris Mitchell to illicit a response. Within 5 minutes, Kris Mitchell contacted me via text. He promised to address all of the issues at hand and that they would finally be taken seriously but he couldn't right at that moment because he didn't want to upset anyone. He suggested that I take Monday April 18th, 2016 as a personal day to collect my thoughts and determine whether or not I would be able to continue working for Allserv. I concurred and decided to use Monday the 18th as a personal day. Kris Mitchell's authority was to be taken seriously as all Allserv employees have been advised to contact him in regards to situations Jeff

Calvin or Tanya Calvin couldn't handle themselves. It was up to Kris Mitchell to make Tanya Calvin aware of our conversation. She stated that she never heard from him. However, I did send her a text message letting her know of my absence on Monday. She continued to correspond with me as if I were still an employee up until the evening of Sunday April 17th, 2016 including processing of a bank transfer.

Monday April 18th, 2016, I received numerous error messages that my Allserv email address password was incorrect. I attempted to call and text Tanya Calvin and Kris Mitchell and didn't receive a response until the afternoon from Tanya Calvin stating that they accept my resignation effective Thursday April 14th, 2016. I never resigned. There was no written resignation letter nor were there any emails or texts that validated my resignation ever occurring. I questioned her on how that was even possible considering I worked April 15th, 16th, 17th, early a.m. on the 18th. I have emails and texts that made it clear Monday was a personal day that were provided to SCDEW upon initially filing my claim. Below is a timeline of what and when documents were submitted.

April 29th, 2016-I submitted screenshots as well as emails, texts, etc. that substantiate my position regarding my separation to the attention of Shanelle at the following email address. greenvilleuihub@dew.sc.gov

May 3rd, 2016-I received a letter from the SCDEW stating my disqualification of benefits was due to not making enough money during the quarters reported. I contacted SCDEW monetary until to have this corrected as I had worked the full calendar year prior to filing claim. SCDEW asserted that Allserv, Inc. was responsible for reporting my wages. I provided my W2 and paystubs for all quarters in question. Allserv, Inc. again attempted to report my wages but they were still incorrect. 1st occurrence: 1 QTR of wages 2nd occurrence: 2 QTRS of wages. This should have shown 4 QTRS. SCDEW made the correction based on the information I provided to them on May 10th, 2016 to Demetriss Haynes via email DHaynes@dew.sc.gov as opposed to the incorrect reporting of wages provided by Allserv. This discrepancy on Allserv's part caused a delay with the unemployment claims process.

May 13th, 2016- I received a letter from SCDEW fraud department stating that I was recently reported as working for Oasis. This was submitted by Allserv and Oasis as part of new hire reporting. I contacted SCDEW and provided employee record and paycheck information to prove that I wasn't employed by Oasis-Allserv, Inc. PEO. This discrepancy on Allserv's part caused a delay with the unemployment claims process.

June 6th, 2016-SCDEW Form APP-100 along with documentation to the SCDEW Appeal Tribunal via email to Michelle Adams. Her email address is Madams@dew.sc.gov. The notarized appeal form was submitted to SCDEW on June 6, 2016. I received an acknowledgement from Michelle Adams indicating the request for appeal form and additional supporting documentation for my case were received and submitted to the Appeal Tribunal on June 7, 2016. My Appeal Tribunal phone conference was scheduled for July 6, 2016.

I received the first determination letter and chose to appeal it. I had my telephone tribunal on July 6th, 2016. The cutoff for providing additional information was July 5th at 12:00 pm. I received an email from my former employer's attorney with what had been provided to unemployment. This email was sent at 9:13 am and I received/read it at 10:22 am. Upon review of the items sent, I noticed discrepancies with text messages missing responses, false statements, etc. I promptly pulled my phone record and screen shots of the same time period that was submitted by employer and they didn't match. In addition, I received a message from a current employee that stated she was asked to lie by my former employer in regards to my unemployment situation. I attempted to upload this to the SCDEW claimant site but received an error stating the file was too large. I did it page by page; it still gave me the same error message.

I contacted the main number for SCDEW and they suggested that I fax it instead. While my additional documents were being faxed, I also sent an email to SCDEW to the attention of Mr. Thomas in Columbia and Michelle Adams (Upstate Office) explaining my situation and attached the documents as well. I never heard back from either one. I explained this to tribunal officer but she refused it stating that I had time to provide the information prior to the hearing. Given the timeline above and circumstances, I politely disagreed but she wouldn't allow the additional information.

Final argument; Regarding the denial of Appeal to Tribunal:

September 9, 2016: I received an Appellate Panel Decision letter that upheld the disqualification determination decision; however prior to this, I was given the impression that I would be notified of a hearing. After filing my tribunal appeal, I received a letter from SCDEW letting me know the next steps of the process. I called on Monday, September 12th and was told by Annette, an employee of the Tribunals office with SCDEW, office that a hearing was scheduled for Tuesday September 6th, 2016. I was unaware of this. Annette stated that I should've received a package with this information detailed in it but this was package was never received. I asked if it was sent certified and she said that it was sent via regular mail. I've fought for this claim for too long and hard while trying to look for work that there's not any way that I wouldn't have shown up to the scheduled hearing had I been aware of it. This also wasn't the first time that I didn't receive correspondence from SCDEW. She suggested that I send a request for reconsideration of my appeal as well as file with the administrative law court as indicated on the appeal decisions letter I received. I believe that I should have been given another opportunity within SCDEW to reschedule a meeting that I was unaware of.

D. CONCLUSION

The relief I'm requesting is approval of my unemployment benefits. To reiterate what is stated above and within the Record On Appeal; I did not resign from Allserv, Inc. on April 14th, 2016 as it has been reported by Allserv, Inc. Company management approved my absence for Monday April 18th, 2016 and all parties involved were aware that my concerns were finally acknowledged but unable to be handled at time of formal complaint. There is no documentation indicating I resigned verbally or written; Allserv employees as well as vendors continued to contact me regarding work issues post April 18th, 2016-indicating a formal announcement had not been made. Documentation was provided on 2 separate occasions. Proof of hostile work environment, sexual harassment and Human Affairs case information was also provided to SCDEW. This was a wrongful termination based on my desire to report illegal behavior and practices. The offer of taking a day off for me to recollect by management was used as an opportunity to manipulate the circumstances. Had I verbally resigned on April 14th, 2016 as stated by Tanya Calvin-Vice President; I certainly wouldn't have worked the 15th, 16th, 17th, 18th of April 2016. There is nothing in the Allserv, Inc. policy book stating that I can't remove my family photos or various personal belongings. Discussions of my approved day off were after bringing pictures home and I continued to work in the office for several days after removing personal items but as mentioned; they are still in possession of several of my personal items and have made no attempt to return them to me.

In addition, based on the screenshots from Tanya Calvin that were submitted and included in the Record on Appeal, there are several discrepancies and the screenshots appear to be manipulated with no responses from Tanya Calvin. I have the original screenshots as well as my Verizon bill to substantiate my claim. An email was also provided by Tanya Calvin that was sent days after they stated I had resigned. Only a portion of the email was sent. I provided this information (screenshots, emails, texts) to SCDEW on 2 different occasions and additionally the day before my Tribunal hearing.

I appreciate your time and consideration of the relief requested.

Patricia Crawford

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Nikki R. Haley
Governor

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December 21, 2016

The Honorable Deborah Durden
South Carolina Administrative Law Court
Edgar A. Brown Building
1205 Pendleton Street, Suite 224
Columbia, South Carolina 29201

Re: Patricia Crawford v. SCDEW and Allserv Inc.
Docket Number: 16-ALJ-22-0380-AP

Dear Judge Durden:

Enclosed are the original and one copy of the Brief of the Respondent SCDEW in the above referenced case. Also enclosed is a Certificate of Service to all parties. Please contact me if you have any questions.

With kind regards, I am

Sincerely Yours,

Kristi Chesley
Administrative Legal Assistant for
Todd Timmons
Attorney for SC DEW

Elizabeth Boone,
Appellant,

VS.

South Carolina Department of
Employment and Walgreen Pharmacy
Services Midwest LLC,
Respondent,

**BRIEF OF THE RESPONDENTS SOUTH
CAROLINA DEPARTMENT OF
EMPLOYMENT AND WORKFORCE**

Claimant

Todd Timmons
Office of General Counsel
SC Dept. of Employment and Workforce
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Columbia, SC 29202
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Attorney for Respondent SCDEW

030

STATEMENT OF ISSUE ON APPEAL

DID THE SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT
AND WORKFORCE ERR IN DISQUALIFYING APPELLANT FROM
UNEMPLOYMENT INSURANCE BENEFITS UPON FINDING SHE
LEFT WORK VOLUNTARILY, WITHOUT GOOD CAUSE?

STATEMENT OF THE CASE

Appellant Patricia Crawford filed a claim for unemployment insurance ("UI") benefits with Respondent South Carolina Department of Employment and Workforce ("DEW") on April 22, 2016. (R. 6-13.) Respondent Allserv Inc. ("Allserv"), Appellant's former employer, responded to the claim on April 27, 2016. (R. 17-19.) Appellant provided a rebuttal and documents in support of her application on April 29, 2016. (R. 24-34.) The claims adjudicator determined Appellant voluntarily left employment without good cause and, consequently, disqualified her from receiving benefits under S.C. Code § 41-35-120(1). (R. 37.)

Appellant appealed the claims adjudication to the Appeal Tribunal ("Tribunal"). (R. 38-47.) On July 6, 2016, a hearing was held on Appellant's claim. (R. 48-216.) The Tribunal affirmed the claims adjudicator's determination, finding Appellant disqualified from receiving UI benefits because she voluntarily left employment without good cause. (R. 217-18.)

Appellant appealed to the DEW Appellate Panel ("Panel"). (R. 219-221.) On August 27, 2016, the Panel mailed a Notice of Hearing before the Appellate Panel to Appellant and Allserv informing the parties of the hearing for September 6, 2016. (R. 22-23.) Allserv's counsel attended the hearing, but Appellant did not appear. Two days later, on September 8, 2016, the Panel issued Decision No. 2016-P-10234, affirming the Tribunal's finding and the resulting disqualification. (R. 1-5.) On September 27, 2016, the Panel received a "Request for Appeal Reconsideration" from Appellant. (R. 224-26.) Appellant thereafter filed her Notice of Appeal with this

Court, seeking judicial review of Panel Decision No. 2016-P-10234, the final decision of DEW in this matter.

FACTS

I. Background

Appellant worked for Allserv as a Corporate Secretary from November 9, 2014, through April 18, 2016. (R. 58, lines 2-3; R. 151, lines 12-17.) Allserv stated in response to Appellant's application for UI benefits that she verbally resigned:

Employee verbally stated on 4/14/2016 that she was going to find another job and that she no longer could work here if other employees were not being disciplined. On 4/17/2016 employee worked and sent text message to a manager she packed her things. She also sent a text message to her supervisor that she had completed tasks and she would not be in on Monday. Upon arrival on Monday 4/18/2016 employee's desk had been cleaned out of all personal effects.

(R. 19.)

Appellant, on the other hand, denied resigning:

... I was told to take a day off to think about whether I wanted to continue working so I did. When I asked to schedule a meeting with owner and VP . . . , I received a text from VP Tanya Calvin which indicated I had resigned which is not true and I have text documentation of this event.

(R. 8.)

At the hearing, the hearing officer entered into the record Agency Exhibit 1, which included, among other things, a two-page statement and text messages submitted by Appellant during fact-finding. (R. 55, lines 1-30.) Employer introduced 18 pages of additional text messages as Employer Exhibit 1. (R. 115, line 8 – R. 116, line 14.) Employer also introduced a one-page email from Appellant as Employer Exhibit 2. (R. 140, line 10 – 143, line 7.)

II. Employer Witness Testimony

Vice President Tanya Calvin testified for Allserv at the hearing. Calvin explained she had a conversation with Appellant at work on Thursday, April 14, 2016, at which time Appellant stated, "I've had enough of this, I don't need this job, this isn't worth it to me, I'm going to find somewhere else to work." (R. 152, lines 1-15.)

After the April 14th conversation, Appellant worked at least part of the day on April 15, April 16, and April 17. Over the weekend, Appellant sent Calvin a series of profanity-laced texts expressing dissatisfaction over various work matters, to which Calvin ultimately responded: "Go spend the day with your family. Quit working." (R. 205-13.)

Calvin explained that on Sunday, April, 17th, Appellant texted her to state that she would not be in Monday. (R. 152, lines 1-15.) Specifically, Appellant sent the following text: "All my paperwork is caught up, I've filed and will do checks in just a minute after Kris is done with my computer. I will not be in tomorrow." (R. 212.)

The following day, Calvin learned Appellant had cleaned out her desk and removed her personal belongings. (R. 152, lines 1-15) She explained that because of this and Appellant's repeated threats to quit, most recently on April 14th, she considered Appellant's declaration that she would "not be in tomorrow" to be a resignation:

On Thursday, . . . she had gotten upset about something one of the managers had not done for her, she rant[ed] and raved her hands up in the air as she's done before, stating I've had enough of this, I don't need this job, this isn't worth it to me, I'm going to find somewhere

else to work. So, when I came into the office on that Monday, I took that she actually did quit, that she abandoned her job.

Id.

III. Appellant's Testimony

Appellant testified she was "burnt out," her frustration was at its "all time high," she was tired of working weekends, she felt underappreciated, and the workplace "would push any reasonable person out of the door." (R. 137, lines 4-16; R. 143, line 20 – R. 147, line 3.) The text messages show Appellant had previously threatened to quit if she did not get everything she had asked for:

FYI . . . if I don't get everything I've asked for from the managers . . . I won't be there Monday Tuesday or ever again . . . I have no intention of doing my job half ass and these asswipes will not lazily force me into doing their jobs for them. Hahaha this is no April fools joke.

(R. 198.)

Notwithstanding this evidence, Appellant repeatedly insisted at the hearing that she never said she was quitting or looking for work elsewhere. (R. 66, lines 16-19; R. 110, lines 9-11.) According to Appellant, Calvin brought up her own aggravations with the company and she (Appellant) merely concurred with that sentiment. (R. 66, lines 1-9.)

Appellant also texted with Allserv's business consultant Kris Mitchell during the time period in question. (R. 184-86.) Although Appellant testified Mitchell told her, "You should take Monday off to consider if you can continue working here with what's going on" (R. 68, line 19 – R. 69, line 2), the text message shows Mitchell actually texted: "Should take a day away without answering phone and think it

through. Make sure it is what you want to do.” (R. 184.) Mitchell is not an Allserv employee and, according to Calvin, did not have authority to grant leave requests. (R. 108, lines 1-12; R. 156, line 22 – R. 157, line 3.) Appellant texted back that she enjoyed her job but that she “really need[s] to think about whether or not I can learn how to deal with [the work environment].” (R. 185.) She continued, “. . . Chances are I’ll be back on Tuesday or whenever but I need to make sure my family is in agreement. Some of the bs has taken a toll on them as well.” (*Id.*)

Appellant admitted that, over the weekend, she cleaned out her desk and took home her pictures, pens, and her daughter’s drawing. (R. 79, line 19 – R. 80, line 27.) She testified she did this to “declutter” and update her personal photographs. (*Id.*) However, she stated in her Notice of Appeal to this Court that she removed her belongings “out of frustration” and “to let Allserv know that I had concerns that needed immediate attention.” (Notice of Appeal 1.)

Appellant further testified that on Monday, April 18th, she received notification that her Allserv email access had been cancelled. (R. 69, lines 19-25.) She then texted Calvin and the ensuing text message exchange is in the record. (R. 182-83; R. 213-15.) Notably, however, Calvin texted Appellant the following:

You told me on Thursday that you had enough and you were [quitting] and finding another job. You have said this before but this time I took you seriously when I came in this morning and found you had removed all of your personal things over the weekend. Jeff and I have accepted your resignation.

(R. 182; R. 214.)

In response, Appellant texted that Mitchell gave her permission to take “a few days off” and that she could not have resigned Thursday because she worked three more days. (R. 182-83; 214.) At the hearing, she testified she also texted Calvin to “question[] what resignation she was referring to because that never happened.” (R. 66, line 24 – R. 67, line 2.) However, the text messages reveal she sent no such message. (R. 182-83; R. 214.)

IV. The Tribunal and Panel Decisions

The Tribunal found that Appellant voluntarily left employment without good cause. (R. 78-79.) Appellant appealed and the Panel affirmed the Tribunal’s decision.

(R. 1-3.) The Panel explained the basis for its decision as follows:

Given [Appellant’s] comments about looking for work elsewhere, her continued complaining about the work environment, and the removal of her personal belongings from her desk, it was not unreasonable for the employer to assume [Appellant] had followed through on her threat to quit her job. Although [Appellant] maintains she was merely taking a day off to regroup, she did not request that day off from someone who had the authority to grant it, nor did she confirm . . . that she was going to return to work on April 19, 2016. . . . [Appellant] was frustrated with her work environment and with what she perceived as a lack of action from management to resolve the issues which were making her job difficult. Although [Appellant’s] dissatisfaction may have been justified, she had been told the issues would be resolved in the near future when the owner returned. As such, [Appellant] has not presented circumstances which would cause a reasonable person to become totally unemployed rather than continue working. Therefore, we find [Appellant] voluntarily quit without good cause

(R. 5.)

ARGUMENT

I. Standard of Review

SCDEW is an agency governed by the Administrative Procedures Act (APA). *See Gibson v. Florence Country Club*, 282 S.C. 384, 386, 318 S.E.2d 365, 367 (1984) (finding SCDEW's predecessor, the Employment Security Commission, subject to the APA). Under the APA, a reviewing court:

[M]ay 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 if substantial rights of the appellant have been 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.

S.C. Code Ann. § 1-23-380(5).

This standard of review is commonly referred to as the "substantial evidence" rule:

"Substantial evidence" is something less than the weight of the evidence; it is evidence which, considering the record as a whole, would allow reasonable minds to reach the conclusion that the administrative agency reached in order to justify its action. The substantial evidence rule does not allow judicial fact-finding, or the substitution of judicial judgment for agency judgment.

Todd's Ice Cream, Inc. v. S.C. Emp. Sec. Comm'n, 281 S.C. 254, 258, 315 S.E.2d 373, 375 (Ct. App. 1984); *see also Friends of Earth v. Pub. Serv. Comm'n of S.C.*, 387 S.C. 360, 366,

692 S.E.2d 910, 913 (2010) (Substantial evidence is “evidence which, considering the record as a whole, would allow reasonable minds to reach the same conclusion as the agency”).

Under the substantial evidence rule, the party challenging an agency action bears the burden “to prove convincingly that the agency’s decision is unsupported by the evidence.” *Waters v. S.C. Land Resources Conservation Comm’n*, 321 S.C. 219, 226, 467 S.E.2d 913, 917 (1996).

II. Substantial Evidence Supports the Panel’s Decision that Appellant Voluntarily Left Employment, Without Good Cause.

A. Appellant’s statements and actions show she resigned.

S.C. Code Ann. § 41-35-120(1) requires disqualification from benefits until the employee has secured employment and earned at least eight times the weekly benefit amount when DEW finds that an employee left work voluntarily, without good cause. Applying this statute, the Panel concluded that Appellant made threats to resign if other employees were not disciplined and removed her personal belongings from the workplace. In the Panel’s judgment, these facts demonstrated Appellant left work voluntarily without good cause, notwithstanding the fact that she later asserted she had not intended to resign. There is ample evidence in the record to support that conclusion.

A formal letter of resignation is not a prerequisite for such a finding because “[a]n employee may be charged with quitting a job by action or inaction with unavoidable ramifications.” *Samuel v. S.C. Emp. Sec. Comm’n*, 285 S.C. 476, 477, 330 S.E.2d 300, 301 (1985) (upholding a voluntary quit finding where a claimant did not

respond to a letter from her employer stating claimant would be terminated if she did not apply for a leave of absence) (emphasis added). “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.

Calvin gave firsthand testimony that Appellant said, “I don’t need this job, this isn’t worth it to me, I’m going to find somewhere else to work.” (R. 15, lines 2-15.) She also explained that she arrived at the office on Monday to learn Appellant had removed all of her personal belongings after announcing via text that she “won’t be in Monday.” This terse announcement, the clearing of her desk,¹ the evidence of her threats to resign, and Appellant’s communications upon learning Allserv accepted her resignation² all support the Panel’s finding that Appellant voluntarily quit. Although Appellant denied making certain statements, the Panel was within its discretion to credit Calvin over Appellant, whose testimony was inconsistent and unreliable:

¹ Appellant claimed at the hearing that she did this to “update” the photographs as a part of her “spring cleaning,” presumably to suggest the removal of her belongings was unrelated to her conversation with Calvin that Thursday. (R. 80.) But, in her appeal to this Court, Appellant concedes she removed her belongings out of frustration to send a message to Allserv: “I did remove some but not all of my personal belongings from the office out of frustration. It was a measure taken to let Allserv know that I had concerns that needed immediate attention.” (Notice of Appeal 1.)

² For example, Crawford texted Calvin saying, “All I wanted was a thank you.” (R. 154, lines 13-21; R. 189.) She did not, as she testified she did at the hearing, deny saying she was quitting and looking for work elsewhere. Similarly, Crawford emailed Calvin saying she “could no longer handle it” and was pushed “over the edge,” but again did not deny saying she was quitting and looking for work elsewhere (R. 216.)

<i>Appellant's statements</i>	<i>Contradictory evidence</i>
"... never once did I say I'm currently looking for other employment or that I was going to quit." (R. 64)	"... if I don't get everything I've asked for ... I won't be there Monday Tuesday or ever again" (R. 198)
Q: "Ms. Crawford, had you threatened to quit your job before?" A: "No." (R. 110, lines 9-11.)	"[You] [s]hould take a day away without answering phone and think it through. Make sure it is what you want to do." (R. 184.) ³
"Kris said I could have a few days off." (R. 214.)	"[You] [s]hould take a day away" (R. 184)
"I said 'What resignation, I never resigned I questioned what resignation she was referring to because that never happened.'" (R. 66, line 24 -- R. 67, line 2.)	No such text in the record "All I wanted was a thank you, no money, nothing else. . . ." (R. 154, lines 13-21; R. 189.)
"Part of it was to declutter considering how busy we were, but another was to get my stuff out of there, review my old pictures, . . . update them, she talked about spring cleaning and I still have personal effects that are in the office as we speak." (R. 80, line 3-6.)	"It was a measure taken to let Allserv know that I had concerns that needed immediate attention." (Notice of Appeal 1.)
"I tried reaching out to Tanya." (R. 131, line 27.)	Q: "You didn't directly ask her, did you Ms. . . . Crawford?" A: "Not in those words, no." (R. 132, lines 15-17.)

In her brief, Appellant essentially argues she (1) never told Calvin she was quitting or looking for work elsewhere and (2) could not have resigned on April 14th because she worked on the 15th, 16th, and 17th. As to the April 14th statement, the record is in dispute. Yet, for the reasons stated above, the Panel reasonably credited Calvin over Appellant on this point. Appellant has given this Court no basis to overturn this finding, particularly since "a reviewing court will not overturn a finding

³ This is a text sent by Allserv's business consultant, which would only make sense if Appellant had told him she intended to quit.

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) (citations omitted).⁴

As to the fact that Appellant worked three days after she made the comments, this does not preclude a finding that Appellant voluntarily quit her job “by action or inaction with unavoidable ramifications.” *Samuel*, 285 S.C. at 477, 330 S.E.2d at 301. The Panel did not find, and Allserv never stated, that Appellant resigned effective Thursday, April 14th. It was a combination of Appellant’s statements and actions – which she admits to this Court were designed to send a message (Notice of Appeal 1) – that led Allserv to conclude she resigned. Likewise, the fact that Appellant may have later claimed she was merely taking a “breather” from employment is of no consequence. As the Panel correctly notes, Appellant failed to confirm that she intended to return to work.⁵

⁴ If nothing else, it is abundantly clear that Appellant was burned out at work and told Mitchell she wanted to resign. Otherwise, of course, he would have no reason to text back, “Make sure it is what you want to do.” (R. 184.) This evidence bolsters the reliability of Calvin’s testimony that Appellant stated to her, “I’m going to find somewhere else to work.” (R. 152, lines 1-15.)

⁵ This Court recently rejected a similar argument that returning to work should be evidence the employee did not voluntarily leave employment. *See Toney v. South Carolina Dep’t of Emp’t and Workforce and McLeod Reg’l Med. Ctr. of the Pee Dee, Inc.*, Docket No. 15-ALJ-22-0498-AP (Mar. 23, 2016). In his analysis in that case, Chief Judge Anderson reiterated that drawing fact-based inferences such as whether an employee intended to resign or not is “the province of the Panel, as a finder of fact, to weight the evidence”

B. No “good cause” to leave employment

Although maintaining that she did not quit her employment, Appellant spends a considerable portion of her brief reciting work concerns and alleging they were not addressed. (App. Br. 8, 11.) It appears Appellant is asserting an alternative argument that, assuming she is treated as voluntarily leaving employment, she had “good cause” for doing so. There is no evidence, beyond Appellant’s self-serving accusations, to support her claim she was asked to engage in illegal behavior or was otherwise experiencing a hostile work environment. Indeed, the Panel specifically rejected any such argument by finding Appellant “has not presented circumstances which would cause a reasonable person to become totally unemployed rather than continue working.” (R. 5.)

Good cause means “cause attributable to or connected with claimant’s employment.” *Stone Mfg. Co. v. S.C. Emp. Sec. Comm’n*, 219 S.C. 230, 247, 64 S.E.2d 644, 647 (1951). An employee who voluntarily leaves employment bears the burden of showing good cause existed. *Id.* In *Sviland v. S.C. Emp. Sec. Comm’n*, 300 S.C. 305, 308, 308 S.E.2d 688, 689 (1998), the Court of Appeals held that an employee’s disagreement with an employer’s business practices – absent a showing of illegality – is “a personal judgement which amounts to nothing more than a disagreement with management decisions.” Appellant’s various work concerns are precisely the sort of disputes, which, according to the *Sviland* court, are insufficient to support a finding that an employee had good cause to leave employment.

Appellant received assurances that Allserv's owner would personally address her concerns upon his return. (R. 158, lines 3-12). Appellant also admitted Calvin had previously addressed her concerns with staff, even though every concern may not have been resolved to her personal satisfaction. (R. 73, lines 18-23.) These undisputed facts make Appellant's intentional acts, calculated to give the impression she was resigning, unreasonable. Beyond that, Appellant has presented no legal authority to show the accounting practices of which she complained, i.e., a private employer reimbursing an employee for a spouse's travel and purchasing holiday gift cards, were inappropriate, much less illegal.

Also, Appellant's complaints surrounding offensive language and sexually suggestive behavior are disingenuous. She admitted using "potty mouth words" (R. 99, lines 10-18), and a cursory glance at the text messages reveal Appellant often cursed and insulted co-workers. (R. 198-215.) Similarly, Calvin testified Appellant started the inappropriate gestures, not her. (R. 162, line 1 – R. 163, line 9.) Regardless of who initiated the conduct, the record is clear that Appellant did not report any of this behavior through Allserv's harassment policy. (*Id.*)

Faced with this evidence, particularly the pledge from Allserv's owner to address Appellant's complaints, the Panel concluded Appellant had "not presented circumstances which could cause a reasonable person to become totally unemployed rather than continue working." (R. 5.) By simply re-hashing her workplace complaints, Appellant fails "to prove convincingly that the agency's decision is unsupported by the evidence." *Id.* Again, the possibility of drawing two inconsistent

conclusions from the evidence does not mean the agency's conclusion is unsupported by substantial evidence. *Waters v. S.C. Land Res. Conservation Comm'n*, 321 S.C. 219, 226, 467 S.E.2d 913, 917 (1996).

III. Appellant's Arguments That She Was Precluded From Submitting Evidence at the Tribunal Hearing and That It Was Not Her Fault She Missed the Panel Hearing Should Be Rejected.

Lastly, Appellant asserts: (1) a technical issue prevented her from uploading documents at the last minute before the Tribunal hearing; and (2) she did not receive the Notice of Hearing before the Appellate Panel and, thus, failed to appear. (App. Br. 7, 10, 11.) Appellant's unproven claims regarding technical glitches, manipulated evidence, and lost correspondence are nothing more than red herrings – pressed by Appellant to distract DEW and this Court from the issue at hand.

As to (1), Appellant presented no documentation, such as a fax confirmation, email, or error message screenshot, at any point in the DEW proceedings, to verify her claim regarding the MyBenefits portal and last minute emails/faxes. Further, Appellant's allegations that Employer Exhibit 1 contains "several discrepancies and the screenshots appear to be manipulated" is baseless. Allserv's counsel questioned Appellant about most of the texts, and Appellant admitted sending them. Thus, it is not as if Appellant is disputing she actually sent the texts attributed to her.

Importantly, the texts Appellant submitted during fact-finding are a part of Agency Exhibit 1. Appellant did not point to any meaningful discrepancy between

the texts she submitted and the ones Allserv submitted at the Tribunal hearing.⁶ Thus, it was not legal error for the Panel to have relied upon the texts and emails contained in Allserv's exhibits, notwithstanding Appellant's claim that she tried unsuccessfully to submit last-minute rebuttal evidence.

As to (2), Appellant contends she "should have been given another opportunity" because she did not receive the hearing notice. However, the fact that the Panel heard this matter in Appellant's absence does not mean DEW's handling of the case failed to comport with due process. *DeGroot v. Empl. Sec. Comm'n*, 285, S.C. 209, 212, 308 S.E.2d 668, 670 (Ct. App. 1985). In a case involving DEW's predecessor the Employment Security Commission, the South Carolina Court of Appeals rejected such an argument: "[DEW's] regulations state the hearing 'shall be held solely upon the evidence in the record.' In denying [the appellant's] request [that] the hearing be postponed . . . , the commission did not violate her right to due process because she would not have been able to testify or introduce additional evidence." *Id.* (explaining the appellant received notice and an opportunity to present witnesses at the Tribunal level and, thus, received due process).

Beyond that, DEW can only respond that it mailed the hearing notice to Appellant's address of record on August 24, 2016. (R. 222-23.) DEW is not aware of any mailing issues, and the hearing notice obviously reached Allserv, as its counsel

⁶ If there truly was something untoward about Allserv's evidence, Appellant could demonstrate that by comparing Agency Exhibit 1 to the employer's exhibits and highlighting any manipulation. She also could have testified as to what the discrepancies are and explained what bearing that had on the facts. Having done neither, Appellant's claim that she was prejudiced by the inability to submit last-minute evidence rings hollow.

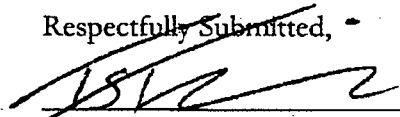
attended the hearing. There is, frankly, no basis upon which this Court could conclude DEW failed to give Appellant notice of the hearing.

CONCLUSION

The Panel reasonably concluded that Appellant's actions in clearing her desk and texting her supervisor that she would not be in, combined with prior statements about quitting and looking for work elsewhere, amount to a "voluntary quit, without good cause" under S.C. Code Ann. § 41-35-120(1). Appellant has given this Court no credible reason to disturb that conclusion on appeal.

Accordingly, this Court should affirm Panel Decision No. 2016-P-10234 disqualifying Appellant for unemployment benefits for having left work voluntarily, without good cause.

Respectfully Submitted, -



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803.255.0202 (fax)
rlominack@fisherphillips.com
Attorney for Respondent Allserv

December 21, 2016

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Patricia Crawford,
Appellant,

v.

South Carolina Department of Employment
and Workforce and Allserv Inc.,
Respondent(s).

Docket No: 16-ALJ-22-0380-AP

CERTIFICATE OF SERVICE

I certify that I am the Administrative Legal Assistant for the South Carolina Department of Employment and Workforce; and that I served by mail a copy of the Brief of Respondent SCDEW in the above named action to the parties addressed to:

Patricia Crawford


Reyburn Lominack
Fisher & Phillips
1320 Main St, Suite 750
Columbia SC 29201

that the postage was duly prepaid; and that it was deposited in the United States Mail to the parties on the 21st day of December, 2016.


Kristi Chesley

P.O. Box 995
1550 Gadsden Street
Columbia, SC 29202
dew.sc.gov



Nikki R. Haley
Governor

Cheryl M. Stanton
Executive Director

P.O. Box 8597
Columbia, South Carolina 29202
(803) 737-0395
FAX (803) 737-0124
November 2, 2016

The Honorable Deborah Durden
SC Administrative Law Court
Edgar A. Brown Building
1205 Pendleton Street, Suite 224
Columbia, SC 29201

Re: Patricia Crawford v. SCDEW and Allserv Inc.
Docket Number: 16-ALJ-22-0380-AP

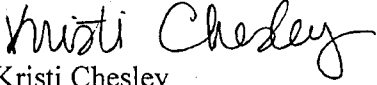
Dear Judge Durden:

Enclosed is the original Record on Appeal in the above referenced case. Also enclosed is a Certificate of Service to the parties. And electronic copy has been sent to your clerk, Ms. Coleman, today.

If you have any questions, please contact me at the above number.

With kind regards, I am

Sincerely Yours,


Kristi Chesley
Administrative Legal Assistant for
Todd Timmons
Attorney for SC DEW
Legal@dew.sc.gov

Patricia Crawford,
Appellant,

SC Department of Employment and
Workforce and Allserv Inc.,
Respondent,

RECORD ON APPEAL

APPEAL FROM SOUTH CAROLINA
DEPARTMENT OF EMPLOYMENT
AND WORKFORCE APPELLATE
PANEL

Claimant

Allserv Inc.
c/o Employer's Edge
PO Box 351567
Westminster CO 80035
Employer

Columbia, South Carolina

The South Carolina Department of Employment and Workforce, by its Legal Department, hereby certifies that the attached hereto is a true and correct copy of the Record on Appeal in the matter of Crawford v. SCDEN & All Serv. Inc. together with a true and correct copy of the original decision of the Appellate Panel therein.

Kristi Chesley
Kristi Chesley, Administrative Legal Assistant

051

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**SOUTH CAROLINA
DEPARTMENT OF EMPLOYMENT AND WORKFORCE
Columbia, South Carolina**

PATRICIA A. CRAWFORD)

[REDACTED])

[REDACTED])

CLAIMANT SSN: [REDACTED])

**APPELLATE PANEL
DECISION**

ALLSERV, INC.)

C/O EMPLOYERS EDGE)

PO BOX 351567)

WESTMINSTER, CO 80035)

Appellant: Claimant

The claimant appealed Appeal Tribunal Decision 2016-A-08344 to the Appellate Panel. The Tribunal indefinitely disqualified the claimant from benefits upon finding she voluntarily quit without good cause. This decision affirmed the claims adjudicator's determination.

The Appellate Panel notified the parties of its hearing to consider the appeal.

DECISION

Appeal Tribunal Decision 2016-A-08344 is affirmed. The claimant is indefinitely disqualified from benefits effective April 17, 2016, upon finding she voluntarily quit without good cause attributable to the employment.

The claimant worked from November 9, 2014, to April 18, 2016, most recently as a corporate secretary. On April 14, 2016, the claimant became frustrated and upset because employees were not providing her with the information she needed to do her job in a timely manner. She complained to the company vice-president, who informed the claimant the matter would be addressed when the owner of the company returned to town in a few weeks. The claimant continued to vent her frustrations, telling the vice-president she had had enough and would start looking for work elsewhere. The claimant returned to work on April 15, 2016. On Saturday, April 16, 2016, she continued to express her displeasure with her colleagues in a series of text messages to the vice-president. Her main complaint was that she was working on the weekend and not spending time with her family. The vice-president told the claimant to stop working and go home, which the claimant eventually did. The claimant also complained on that day about the situation to a consultant the employer was using. The consultant told the claimant she should take a day or two to think things through before taking any action. The claimant agreed, telling the consultant she needed to think about whether or not she could learn to deal with the situation at work, since she did not think things would change. She told the consultant chances were she would be back "on Tuesday or whenever," but she needed to make sure her family was in agreement with any decision she made. The claimant worked again the next day, Sunday, April 17, 2016. Upon completing her work that day she sent the vice-president a text message stating she would not be in on Monday, April 18, 2016. The vice-president acknowledged that text later in the evening. On the morning of April 18, 2016, the claimant

discovered her work email account had been disabled. She tried to contact the consultant, but was unsuccessful. The vice-president then sent the claimant a text message explaining the employer assumed the claimant had quit her job based upon the statements she made on April 14, 2016, her dissatisfaction at work, and the fact all her personal belongings had been removed from her desk. The claimant acknowledges removing her personal belongings on April 16, 2016, but maintains she did so only to clean up her desk and to replace her families' pictures with more recently-taken photographs. The claimant denies quitting her job.

S.C. Code Ann. § 41-35-120(1) requires an indefinite disqualification from benefits when the Department finds the claimant has voluntarily quit without good cause attributable to the employment. The disqualification continues until the claimant returns to work and earns eight times the weekly benefit amount of the claim in covered employment. "Good cause" refers to a material, substantial change in the conditions of employment, or other circumstances directly attributable to the employment, which would cause a reasonable person to become totally unemployed rather than continue working.

Despite her assertions to the contrary, the record establishes the claimant voluntarily quit her employment. Given the claimant's comments about looking for work elsewhere, her continued complaining about the work environment, and the removal of her personal belongings from her desk, it was not unreasonable for the employer to assume the claimant had followed through on her threat to quit her job. Although the claimant maintains she was merely taking a day off to regroup, she did not request that day off from someone who had the authority to grant it, nor did she confirm with any degree of certainty that she was going to return to work on April 19, 2016. The evidence clearly shows the claimant was frustrated with her work environment and with what she perceived as a lack of action from management to resolve the issues which were making her job difficult. Although the claimant's dissatisfaction may have been justified, she had been told the issues would be resolved in the near future when the owner returned. As such, the claimant has not presented circumstances which would cause a reasonable person to become totally unemployed rather than continue working. Therefore, we find the claimant voluntarily quit without good cause attributable to the employment. The Appeal Tribunal decision is affirmed.

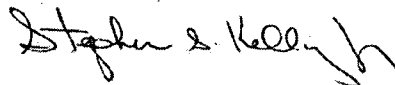
**SOUTH CAROLINA DEPARTMENT OF
EMPLOYMENT AND WORKFORCE**



E.B. Ayers



Tim Dangerfield



Stephen S. Kelly, Jr.

Hearing Date : _____

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE
(SCDEW)
Columbia, South Carolina

NOTICE OF MAILING OF APPELLATE PANEL DECISION

Attached is a copy of the final agency decision of SCDEW in this case. Any further appeal is to the South Carolina Administrative Law Court. To obtain judicial review of this decision, you must comply with the requirements of S.C. Code Ann. § 41-35-750 and the Rules of Procedure of the Administrative Law Court. The Court may require a filing fee.

The law requires that a Petition for Judicial Review must be filed with the Court and served on all parties and SCDEW within thirty (30) days from the date of mailing of the agency's final decision (**see the mailing date above**).

The address of the Administrative Law Court is:

**S.C. Administrative Law Court
Edgar A. Brown Building
1205 Pendleton St., Ste. 224
Columbia, SC 29201**

Service of the Petition on SCDEW must be addressed and mailed to:

**Office of General Counsel
S.C. Department of Employment and Workforce
Post Office Box 8597
Columbia, SC 29202**

SCDEW cannot advise a party on any legal matter. For legal advice or assistance in filing an appeal to the Administrative Law Court, you should consult an attorney licensed to practice in South Carolina.

Form App-115
Rev.8/12

Date Mailed: 9/8/2016

053

**SOUTH CAROLINA
DEPARTMENT OF EMPLOYMENT AND WORKFORCE
Columbia, South Carolina**

PATRICIA A. CRAWFORD)

[REDACTED])

CLAIMANT SSN: [REDACTED])

**CORRECTED
APPELLATE PANEL
DECISION**

ALLSERV, INC.)

C/O EMPLOYERS EDGE)

PO BOX 351567)

WESTMINSTER, CO 80035)

Appellant: Claimant**This decision corrected to include hearing date.**

The claimant appealed Appeal Tribunal Decision 2016-A-08344 to the Appellate Panel. The Tribunal indefinitely disqualified the claimant from benefits upon finding she voluntarily quit without good cause. This decision affirmed the claims adjudicator's determination.

The Appellate Panel notified the parties of its hearing to consider the appeal.

DECISION

Appeal Tribunal Decision 2016-A-08344 is affirmed. The claimant is indefinitely disqualified from benefits effective April 17, 2016, upon finding she voluntarily quit without good cause attributable to the employment.

The claimant worked from November 9, 2014, to April 18, 2016, most recently as a corporate secretary. On April 14, 2016, the claimant became frustrated and upset because employees were not providing her with the information she needed to do her job in a timely manner. She complained to the company vice-president, who informed the claimant the matter would be addressed when the owner of the company returned to town in a few weeks. The claimant continued to vent her frustrations, telling the vice-president she had had enough and would start looking for work elsewhere. The claimant returned to work on April 15, 2016. On Saturday, April 16, 2016, she continued to express her displeasure with her colleagues in a series of text messages to the vice-president. Her main complaint was that she was working on the weekend and not spending time with her family. The vice-president told the claimant to stop working and go home, which the claimant eventually did. The claimant also complained on that day about the situation to a consultant the employer was using. The consultant told the claimant she should take a day or two to think things through before taking any action. The claimant agreed, telling the consultant she needed to think about whether or not she could learn to deal with the situation at work, since she did not think things would change. She told the consultant chances were she would be back "on Tuesday or whenever," but she needed to make sure her family was in agreement with any decision she made. The claimant worked again the next day, Sunday, April 17, 2016. Upon completing her work that day she sent the vice-president a text message stating she would not be in on Monday, April 18, 2016. The vice-president acknowledged that text later in the evening. On the morning of April 18, 2016, the claimant

discovered her work email account had been disabled. She tried to contact the consultant, but was unsuccessful. The vice-president then sent the claimant a text message explaining the employer assumed the claimant had quit her job based upon the statements she made on April 14, 2016, her dissatisfaction at work, and the fact all her personal belongings had been removed from her desk. The claimant acknowledges removing her personal belongings on April 16, 2016, but maintains she did so only to clean up her desk and to replace her families' pictures with more recently-taken photographs. The claimant denies quitting her job.

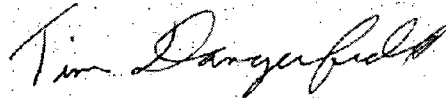
S.C. Code Ann. § 41-35-120(1) requires an indefinite disqualification from benefits when the Department finds the claimant has voluntarily quit without good cause attributable to the employment. The disqualification continues until the claimant returns to work and earns eight times the weekly benefit amount of the claim in covered employment. "Good cause" refers to a material, substantial change in the conditions of employment, or other circumstances directly attributable to the employment, which would cause a reasonable person to become totally unemployed rather than continue working.

Despite her assertions to the contrary, the record establishes the claimant voluntarily quit her employment. Given the claimant's comments about looking for work elsewhere, her continued complaining about the work environment, and the removal of her personal belongings from her desk, it was not unreasonable for the employer to assume the claimant had followed through on her threat to quit her job. Although the claimant maintains she was merely taking a day off to regroup, she did not request that day off from someone who had the authority to grant it, nor did she confirm with any degree of certainty that she was going to return to work on April 19, 2016. The evidence clearly shows the claimant was frustrated with her work environment and with what she perceived as a lack of action from management to resolve the issues which were making her job difficult. Although the claimant's dissatisfaction may have been justified, she had been told the issues would be resolved in the near future when the owner returned. As such, the claimant has not presented circumstances which would cause a reasonable person to become totally unemployed rather than continue working. Therefore, we find the claimant voluntarily quit without good cause attributable to the employment. The Appeal Tribunal decision is affirmed.

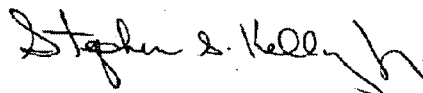
**SOUTH CAROLINA DEPARTMENT OF
EMPLOYMENT AND WORKFORCE**



E.B. Ayers



Tim Dangerfield



Stephen S. Kelly, Jr.

Hearing Date: 9-6-16
Mailed Date: 9-8-16



SC Department of Employment and Workforce Initial Claims Application

Filing location: Home
Office location: LEXINGTON
Claim creator: Claimant
Worked under a different name: No

Ethnicity

Claimant Hispanic or Latino: No

Claimant

Claimant's name: Patricia A Crawford
Date of birth: [REDACTED]
Gender: Female
US citizen: Yes

Aliases

Alias type: SocialSecurityCard
Name: Patricia Anne Crawford

Alias type: Current
Name: Patricia A Crawford

Race(s)

* White

Addresses

Address type: physical
Address: [REDACTED]
United States address: Yes

Address type: mailing
Address: [REDACTED]
United States address: Yes

Telephone Number

Telephone number type: Home
Telephone number: 803-312-5422 Ext:

Email Address(es)

Email address type: Personal
Email address: pcraw4d78@yahoo.com
Email certification: Yes

Alien Information

Alien card number: None

Expiration date: No

Veteran Information

Service branch: None

Date entered:

Date released:

Character of service: None

Reason for separation:

Completed first full term of service: No

In the National Guard or a Reserve Unit and served on active duty during a period of war or in a campaign or expedition: No

Served on active duty in the military for a period of more than 180 days: No

Separated from military in the last 48 months: No

Accrued days lost: No

Accrued leave: 0

(Item #16 on DD-214)

Pay grade:

(Item #4b on DD-214)

Retired from military service: No

Have a service related disability: No

Percent disabled: 0%

Awarded a campaign badge or ribbon for service during a conflict: No

Badges and ribbons: None

Will receive pension: No

Have you worked in the last 18 months : Yes

Employer Name: **ALLSERV INC**

Employer delivery address: PO BOX 85

Employer city: CHAPIN

Employer state: SC

Employer zip code: 29036

Employer telephone number: 8038164128

Bona fide employer: Yes

Worked for this employer: Yes

Worked part-time only: No

Hire date: 11/9/2014

Termination date: 4/19/2016

Gross amount made during claim filing week: \$673.07

Type of work: Payroll and Timekeeping Clerks

Earned at least \$2,608.00: Yes

Occupational license required: No

Job city: Chapin

Job state: South Carolina

Job duties: accounts payable, payroll, data entry, filing

Child or spouse of employer: No

Owner or corporate officer of a business: No
Accepting all work offered by the employer: Yes
Initiated reduction in work hours: No
Discharge reason: Discharged/Terminated/Fired
Discharge explanation: Asked employer to handle a situation involving harassment on several occasions. I was told to take a day off to think about whether I wanted to continue working so I did. When I asked to schedule a meeting with owner and VP (i directly reported to them) I received a text from VP, Tanya Calvin which indicated I had resigned which is not true and I have text documentation of this event.

Discharge

Discharge Reason: Other

Date of final incident: 4/18/2016

Final incident that caused discharge:

I had asked VP, business consultant on several occasions to address a situation but was told they would not at this time. I have a text indicating this. Because of severity of situation: I was offered a day think about whether or not I wanted to continue my employment. 4/18 was the day I was taking. I received a text from VP indicating the accepted my resignation effective previous Thursday. I never gave my resignation as it's documented I worked Friday the 15th, 16th and 17th of April. As well as part of Monday morning. In fact, I still haven't received a job status update but because of hostility feel forced into not returning. Again, the situation was documented via text message.

Discharge date: 4/18/2016

Discharged by: Nobody did but it's been insinuated that I resigned which isn't true

Title of person who discharged you: Tanya Calvin-Vice President

Violated company policy: No

Final incident impacted employer's business: No

Received prior warnings: No

Federal employer: No

Received SF8 form: No

Payroll office address based on SF8: No

Job Registration

Spouse of a veteran: Yes

Spouse of a deceased veteran with a total disability rating: No

Spouse of a 100% total disabled veteran: No

Spouse of a veteran killed in the line of duty: No

Spouse of a MIA or POW: No

Worked on a farm: No

Worked in a food processing plant: No

Farm Worker Information

Earned at least half income performing farm work in the last 12 months: No

Employed all year in farm work: No

Traveled to perform farm work: No

Worked at least 25 days or parts of days during the last 12 months performing farm work: No

Food Processing Information

Earned at least half income performing food processing in the last 12 months: No

Employed all year in food processing: No

Traveled to perform food processing: No

Worked at least 25 days or parts of days during the last 12 months performing food processing: No

Do you have a valid driver's license: Yes

Driver License Classes

- * D Regular Operator's License

Commercial Driver License Classes

- * None

Commerical Driver License Restrictions

- * None

Additional Claim Information

Filed UI claim outside SC in the last 18 months: No

Worked in state outside SC in the last 18 months: No

Filed claim for Trade Readjustment Allowances(TRA): No

Filed claim for Disaster Unemployment Assistance(DUA): No

Receive or have received Federal-Funded assistance: No

Receive or have received retirement: No

Receive or have received federal civilian employee benefits: No

Receive or have received federal military employee benefits: No

Claimant wants taxes withheld from unemployment benefits: Yes

Extra Earned Income

Pension amount: \$0.00

Pension paid by:

Employer pension contribution percentage:

Pension effective date:

Retirement amount: \$0.00

Retirement paid by:

Employer retirement contribution percentage:

Retirement effective date:

Disability amount: \$0.00

Disability paid by:

Disability effective date:

Social security amount: \$0.00

Social security effective date:

Job Eligibility

Only available for part-time work: No

Willing to relocate: No

Can begin work immediately: Yes

Children or dependants in household who require care during working hours: Yes

Can arrange adequate care for dependents: Yes

Date dependant care began: N/A

Self-Employed: No

Self-Employed job title:

Will be recalled to last job: No

Date of recall to last job:

Have a health condition that limits ability to accept full-time work now or in the future: No

Date This Condition Began: N/A

Condition Details: None

Health status explanation: None

Willing to look for other types of work: Yes

Kind of Jobs Seeking

Office and Administrative Support Workers, All Oth

Years of experience: Greater Than One Year

Office Clerks, General

Years of experience: Greater Than One Year

Last Job

Rate of pay on last job: \$35,000.00

Unit of pay on last job: Yearly

Job Schedule Availability

Sunday

Start time: 7:00 AM

End time: 7:00 PM

Monday

Start time: 7:00 AM

End time: 7:00 PM

Tuesday

Start time: 7:00 AM

End time: 7:00 PM

Wednesday

Start time: 7:00 AM

End time: 7:00 PM

Thursday

Start time: 7:00 AM

End time: 7:00 PM

Friday

Start time: 7:00 AM

End time: 7:00 PM

Saturday

Start time: 7:00 AM

End time: 7:00 PM

Next Job

Willing to travel the same distance or greater Yes
than you traveled to your last job?

Willing to accept the same pay as Yes
previously earned on your last job?

Pay Willing Accept:

Willing to work the same hours/shift/days Yes
you worked on your last job?

Work Counties

Lexington

County FIPS: 63

Richland

County FIPS: 79

Last grade completed: Two Years of College or Vocational School

Current School Information

Name of school: None

School location:

When did you start school:

School Schedule

Are you willing to quit or change your school schedule to be No
available for hours that are customary for your last occupation:

Transportation Methods

* Automobile

Benefit Payment Method

Benefit payment type: Direct Deposit

Bank name: [REDACTED]

Account type: [REDACTED]

Account number: [REDACTED]

Routing number: [REDACTED]

Debit card agreement accepted: No

Direct deposit agreement accepted: Yes

Confirmation

You must make at least (4) four contacts per week. At least (1) one of these (4) four contacts must be made by logging on to SC Works Online Services (jobs.scworks.org) and searching for work unless you are a resident of another state and did NOT regularly cross the SC state lines to work or look for work. In order for your online job search to be counted in our system, you must log on to SC Works Online Services with the original username you received when you registered for work as part of filing your initial claim and then complete your search. If you last worked for a temporary agency, you must make a weekly contact with that agency and document the contact on this form. Your work searches and accompanying documentation are subject to random audits and verification by DEW. If you do not adhere to the work search requirements, you may be denied benefits which may result in an overpayment.

BY CLICKING HERE YOU ARE ACKNOWLEDGING THAT YOU I Acknowledge
UNDERSTAND THE WORK SEARCH REQUIREMENT AND
UNDERSTAND THAT YOU ARE RESPONSIBLE FOR COMPLYING
WITH ALL REQUIREMENTS FOR RECEIVING UNEMPLOYMENT
BENEFITS.

By checking this box and choosing "Submit My Claim", you hereby certify I Acknowledge
the information you are submitting to the South Carolina Department of
Employment and Workforce is true and accurate to the best of your
knowledge. Any individual found to have submitted fraudulent information
to obtain Unemployment Benefits may be subject to penalties of law – up to
and including FELONY prosecution.

UI-5
UCB104-S 20WK
Rev. 7/11

SOUTH CAROLINA
DEPARTMENT OF EMPLOYMENT AND WORKFORCE
P.O. BOX 1477
COLUMBIA, S. C. 29202
OFFICIAL BUSINESS
UCB-104S

FORWARDING SERVICE REQUESTED

PATRICIA A CRAWFORD

INFORMATION FOR CLAIMANT

This is a monetary determination of your claim for benefits based on wages paid during your Base Period. This determination shows your Base Period Employment Record. It lists your covered employer(s) that paid you wages, their account number, and the wages paid to you by quarter and year during the base period of your claim. The total amount of wages paid to you by quarter in the base period is shown beside Base Quarter Total. This determination covers only the monetary portion of your claim. Another determination will be issued that states if you are eligible to receive benefits. It will be based on the reason for separation from your most recent bona fide employer.

Under Potential Benefits Established, your Weekly Benefit Amount, Maximum Benefit Amount, and the date your Benefit Year Ends are shown.

BASE PERIOD: The first four of the last five completed calendar quarters prior to the effective date of your initial claim. If you earned wages in covered employment not shown on the face of this form, give the information to your claimstaker at the local workforce center.

If the monetary determination was invalid using base period wages, this determination may show wages and employment from an Alternate Base Period.

ALTERNATE BASE PERIOD: The first four most recently completed calendar quarters prior to the effective date of your initial claim. If you earned wages in covered employment not shown on the face of this form, give the information to your claimstaker at the workforce center.

HIGH QUARTER: The quarter in our Base Period during which wages paid to you for insured work were highest.

WEEKLY BENEFIT AMOUNT: The amount of benefits you may receive weekly, if unemployed and otherwise eligible, shall be one-half of the average weekly wage in the high quarter of your base period but shall not be less than \$42.00 nor greater than the maximum weekly benefit amount as determined by the Commission on or before June 30 of each year for benefit years on or after July 1 of such current calendar year, and prior to July 1 of the succeeding calendar year as provided in Section 41-35-40 of the Law.

MAXIMUM POTENTIAL BENEFITS: The greatest amount of compensation that you may receive during your benefit year.

BENEFIT YEAR: The one (1) year period following the effective date of your Initial Claim. To establish a Benefit Year in accordance with the provisions of the Law, you must meet the following wage requirements:

1. You were paid at least \$1,092.00 for insured work during the high quarter of your base period;
2. You were paid at least \$4,455.00 for insured work during your base period;
3. The total of your base period wages for insured work equaled or exceeded one and one-half times the total of your high quarter wages.

AVERAGE WEEKLY WAGE: Shall be determined by dividing the high quarter wages by 13 weeks.

REDETERMINATION RIGHTS: You have the right to request a correction if you do not agree that this determination is correct. Your request for redetermination may be made by letter or by personal visit to the office where your claim was filed and it should be made without delay. No change can be made on this determination after one year from the date of this notice.

BE SURE TO NOTIFY YOUR WORKFORCE CENTER ANYTIME YOUR MAILING ADDRESS CHANGES WHILE FILING A CLAIM FOR BENEFITS.

EXAMPLE OF COMPUTATION OF BENEFITS:

High Quarter Wages	\$1092.00
Base Period Wages	\$4455.00
Average Weekly Wage	\$1092.00 divided by 13 = \$ 84.00
Weekly Benefit Amount	84.00 divided by 2 = \$ 42.00

Maximum Potential Benefits:

Your maximum total benefit amount for this benefit year is the lesser of:

1. Twenty (20) times your Weekly Benefit Amount, or
2. One-third (1/3) of your total Base Period Wages as shown on this determination.
(1) $20 \times \$42.00 = \$840.00$ (2) $1/3$ of $\$4455.00 = \$1485.00$.

Maximum Benefits would be \$840.00 since that amount is less than \$1485.00.

0616

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

WORKFORCE CENTER 320

EFFECTIVE DATE 04/17/16

DATE FILED 04/22/16

DATE PREPARED 04/22/16

O
[REDACTED]
PATRICIA A CRAWFORD
[REDACTED]
[REDACTED]

*BENEFITS YOU MAY BE ELIGIBLE FOR:

MILITARY ASSIGNMENTS

WEEKLY BENEFIT AMOUNT .00

MAXIMUM TOTAL BENEFITS .00

BENEFIT YEAR ENDS 04/16/17

* 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.
ALLSERV INC	[REDACTED]		2015	01	2015	02	2015	03	2015	04
				.00		.00		8054.29		.00
STANDARD BASE QUARTER TOTAL				.00		.00		8054.29		.00

*QTR.

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

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

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE

NAME: PATRICIA A CRAWFORD		SSN: [REDACTED]	BYE: 04/16/17
CLAIMSTAKER ID:	WFC #: 320	FILED: 04/22/16	EFF DATE: 04/17/16
MAILING ADDRESS: [REDACTED]			
CITY: [REDACTED]		STATE: [REDACTED]	ZIP: [REDACTED]
OTHER NAME: PATRICIA A CRAWFORD			

☒ 1-UI	☐ 4-UI/UCFE/UCX	☐ 7-UCX	☒ NEW	☐ TRANSITIONAL
☐ 2-UI/UCFE	☐ 5-UCFE	☐ 8-CW	☐ ADDITIONAL	☐ R-ADD
☐ 3-UI/UCX	☐ 6-UCFE/UCX	☐ OTHER	☐ CONTINUED	

BONA FIDE EMPLOYER NAME & PAYROLL ADDRESS INFORMATION:		DATES OF EMPLOYMENT:	
NAME: ALLSERV INC			
STREET: PO BOX 85		FROM:	TO:
		11/09/14	04/19/16
CITY: CHAPIN	ST: SC	ZIP: 29036	EMP. ACCT. # [REDACTED]

BONA FIDE EMPLOYER LOCAL ADDRESS INFORMATION:			
STREET:			
CITY: CHAPIN	ST: SC	ZIP:	PHONE #: (803) 816-4128

SEPARATION REASON:	☐ LOW	☐ VQ	☒ DISCHARGE	☐ STILL WORKING
--------------------	------------------------------	-----------------------------	---	--

ISSUE CODES: 01	
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LIABLE EMPLOYER INFORMATION:		DATES OF EMPLOYMENT:	
NAME: ALLSERV INC			
EMP. ACCT # [REDACTED]		FROM:	TO:
JOB LOCATION (CITY/STATE): CHAPIN, SC		11/09/14	04/19/16

SEPARATION REASON:	☐ LOW	☐ VQ	☐ DISCHARGE	☐ STILL WORKING
--------------------	------------------------------	-----------------------------	------------------------------------	--

NARRATIVE REASON FOR SEPARATION FROM LIABLE EMPLOYER:



SC Department of Employment and Workforce SCBOS NET101 Employer Response

NOTE: This verification must be completed on or before: 5/2/2016

Created date: 4/27/2016

Employer account number: [REDACTED]

Employer name: ALLSERV INC

Employer FEIN: [REDACTED]

Employer enrollment date:

Employer status:

Employer address type: Tax

Employer address: PO BOX CHAPIN, SC 29036 US

Employer phone number: 8038164128

Employer email address:

Employer's statement of employee's first day at work: 11/10/2014

Employer's statement of employee's last day at work: 4/18/2016

Did the employer pay the claimant more than \$0.00: Yes

Employer's statement of claimant's total wages earned by claimant: \$2,608.00

Are you paying or will you pay the claimant a pension or retirement pay: No

Amount employer pays claimant in pension or retirement: (\$1.00)

Frequency of pension or retirement payment: N/A

Explain the claimant's retirement situation:

Claimant contributed: No

Percentage the claimant contributed: -1%

UI local office to contact: LEXINGTON

UI local office telephone number: 8668311724

UI local office fax number: 8037370621

Review completed date: 4/22/2016

Fact finding interview type: No Interview

Claimant's name: Patricia A Crawford

Additional last name for claimant: N/A

Claimant's SSN: [REDACTED]

Claimant's separation date: None

Separation reason: VOLUNTARYQUIT

Claim effective date: 4/17/2016

Claimant's statement of his/her first day at work: 11/9/2014

Claimant's statement of his/her last day at work: 4/19/2016

Claimant's statement of total wages earned: \$2,608.00

Contact person for NET-101 verification: Jeff Calvin

Contact title: President

Contact phone number: 8039417376

Contact fax number:

Contact email address(es): jeff.calvin@allservinc.com
tanya.calvin@allservinc.com

Voluntary Quit

Claimant quit in lieu of termination: No

Final incident date: 4/18/2016

Explain the final incident:

Employee verbally stated on 4/14/2016 that she was going to find another job and that she no longer could work here if other employees were not being disciplined. On 4/17/2016 employee worked and sent text message to a manager she packed her things. She also sent a text message to her supervisor that she had completed tasks and she would not be in on Monday. Upon arrival on Monday 4/18/2016 employees desk had been cleaned out of all personal effects.

Explain company's policy:

Details about the warnings given:

Voluntary Quit - Quit Reason

Reason claimant quit: Working-Related Reason

Claimant quit due to working conditions: Yes

Explain working conditions which caused claimant to quit:

Mrs. Crawford duties included bookkeeping of accounts, payroll, processing expense reports and other various office tasks. Her position is an extremely flexible one, allowing her to work the hours she chooses, at the office or at her home. Mrs. Crawford did not like how paperwork was inconsistent by managers, mistakes made by mgrs, how the mgrs operated their jobsites, she questioned actions and behaviors of others and spent more time worrying about them.

Working conditions changed: No



SC Department of Employment and Workforce FFATNET Report

CRAWFORD, PATRICIA

(803) 312-5422

Gender: F

pcraw4d78@yahoo.com

Date of Birth: [REDACTED]

Claim Office: 320

Effective Date: 4/17/2016

Entered On: 4/22/2016

BYE: 4/16/2017

WBA: \$0.00

Interview Appointments:

Issues:

Employers:

Employer Name: ALLSERV INC

Bonafide employer: Yes

Hire date: 11/10/2014

Termination date: 4/18/2016

Earned at least \$2,608.00: No

Owner or corporate officer of a business: No

Employer Acct Number: [REDACTED]

NAICS Code: 561730550

Claimant Separation Reason: Discharged/Terminated/Fired

Employer Separation Reason: Voluntary Quit/Resigned

Total Wages: \$8,054.29

Employer Issues:

Kind Description	Discharge		
Create Date	4/22/2016 12:00:00 AM		
Last Modified Time	5/3/2016 12:07:38 PM		
Attachment Info	Description	Created Time	Upload Date

Contact Attempts:

Contact Whom: Claimant

Contact Outcome: Left Voice Mail

Contact Type: Phone

Contact Time: 4/28/2016 9:19:29 AM

Action Data: Called Phone Number 8033125422

Note: 48 hr. notice given to the claimant to provide a rebuttal statement to the employer's reply due no later than 5/2/16 at 9:20am.

Contact Whom: Employer
Contact Type: Phone
Contact Time: 4/29/2016 11:35:07 AM
Action Data: Called Phone Number 8038164128
Note: I left a message for the employer to respond to hear the claimant's rebuttal and give a rebuttal by 5/3/16 at 11:35am.

Claimant Rebuttals:

Employer Rebuttals:

History Events:

FactFindingIssueCreated at 4/22/2016 4:00:08 PM by Patricia A Crawford (PUBLIC\pcraw4d78): Created 'Discharge' Fact Finding Issue for employer 'ALLSERV INC' with status Submitted as part of submit Claim Application.

FactFindingCreated at 4/22/2016 4:00:08 PM by Patricia A Crawford (PUBLIC\pcraw4d78): Fact Finding was created as part of submitting a Claim Application by Patricia A Crawford(PUBLIC\pcraw4d78)

StatusChanged at 4/22/2016 4:06:45 PM by SCES\MWhitlock: Status changed from Initial Claim to Review by the trigger Claim Submit to ABPS.

CheckOut at 4/28/2016 9:19:26 AM by SCES\CDeas: Fact Finding checked out.

SuccessfulClaimantContact at 4/28/2016 9:22:25 AM by sces\CDeas: Claimant via Phone with outcome Left Voice Mail Notes:'new notetest': '48 hr. notice given to th...

ClaimantResponseDueSet at 4/28/2016 9:22:25 AM by sces\CDeas: Claimant Response Due Date Set. Claimant Contact Request Date was 04/28/2016 09:19 AM. Claimant Contact Request Due Date is 05/02/2016 09:19 AM.

CheckIn at 4/28/2016 9:23:29 AM by sces\CDeas: Fact Finding checked in.

CheckOut at 4/29/2016 9:08:38 AM by SCES\SProctor: Fact Finding checked out.

SuccessfulEmployerContact at 4/29/2016 11:36:49 AM by sces\sproctor: Employer via Phone with outcome Left Voice Mail Notes:'new notetest': 'I left a message for the ...'

EmployerResponseDueSet at 4/29/2016 11:36:49 AM by sces\sproctor: Employer Response Due Date Set. Employer Contact Request Date was 04/29/2016 11:35 AM. Employer Contact Request Due Date is 05/03/2016 11:35 AM

StatusChanged at 4/29/2016 11:36:50 AM by SCES\SProctor: Status changed from Employer Response Received to Employer Contact Needed by the trigger Employer Contact Needed. Predefined:'new notetest' Note:'I left a message for the employer to respond to hear the claimant's rebuttal and give a rebuttal by 5/3/16 at 11:35am.'

CheckIn at 4/29/2016 3:31:27 PM by sces\MFulton: Fact Finding checked in by Supervisor on behalf of 'SCES\SProctor'.

CheckOut at 4/29/2016 3:31:29 PM by SCES\MFulton: Fact Finding checked out.

CheckIn at 4/29/2016 3:48:09 PM by sces\MFulton: Fact Finding checked in.

CheckOut at 5/3/2016 12:03:02 PM by SCES\MFulton: Fact Finding checked out.

FactFindingIssueStatusChange at 5/3/2016 12:07:38 PM by SCES\MFulton: Fact Finding Issue " Status changed from 'Submitted' to 'Reviewed' by the trigger 'Review Complete'. Employer Name: ALLSERV INC

StatusChanged at 5/3/2016 12:07:45 PM by SCES\MFulton: Status changed from Employer Contact Needed to Finalized by the trigger Finalize. Note:'rec'd employers rebuttal statement by fax. Imaged and finalized FF.'

Notes:

Note Kind: General **Predefined Kind:**

Note

48 HR. NOTICE GIVEN TO THE CLAIMANT TO PROVIDE A REBUTTAL STATEMENT TO THE EMPLOYER'S REPLY - DUE NO LATER THAN 5/2/16 AT 9:20AM.

Note Kind: General **Predefined Kind:**

Note

The claimant called IVR. I read the employer's statement and the claimant will write her rebuttal and send supporting documentation by the deadline.

Note Kind: Employer Rebuttal **Predefined Kind:** new notetest

Note

I left a message for the employer to respond to hear the claimant's rebuttal and give a rebuttal by 5/3/16 at 11:35am.

Note Kind: General **Predefined Kind:**

Note

Per Tanya calvin Employer will fax in rebuttal.

Note Kind: General **Predefined Kind:**

Note

rec'd employers rebuttal statement by fax. Imaged and finalized FF.

Note Kind: Finalize Fact Finding

**Predefined
Kind:**

Note

rec'd employers rebuttal statement by fax. Imaged and finalized FF.

Reid, Jessica

FEAT

From Proctor, Shanelle
Sent Friday, April 29, 2016 11 30 AM
To Imaging_Fax
Subject Documents for imaging
Attachments Screenshot_20160429-105735 zip, statement for unemployment docx

Follow Up Flag Follow up
Flag Status Completed

Please attach to claim for Patricia Crawford [REDACTED] BYE 04-16-17

From GreenvilleUIHub
Sent Friday, April 29, 2016 11 23 AM
To Proctor, Shanelle
Subject FW Attn Shanelle

From Patty Crawford [<mailto:crawma12@yahoo.com>]
Sent Friday, April 29, 2016 11 11 AM
To GreenvilleUIHub
Subject Attn Shanelle

Patricia Crawford
[REDACTED]

Hi Shanelle,

Attached is my statement and screenshots of text messages regarding what we discussed earlier

Patty Crawford

SC Dept of
Employment & Workforce

APR 29 2016

Received Benefits Div

April 14th, 2016

I had a discussion with Tanya Calvin regarding a multitude of unresolved issues that had been brought to her (vice president), Jeff Calvin (owner), and Kris Mitchell's (business consultant) attention and on numerous occasions I was once again reminded that we can't rock the boat and that the situations would be handled when the time was right I reminded her that it never has been and it's causing a stressful work atmosphere At this time, she states that she understands where I'm coming from and that she contemplates going back to the bank regularly because she's not sure what her job is I told her that I love what I do but by not addressing issues that have been ongoing made for a less conducive work environment

One recent situation occurred when I called an employee to address an error on his expense report I was polite but direct asking if they'd be more cautious I was told "Fuck You" and then hung up on Tanya Calvin witnessed this interaction Again, I brought it to her attention to no avail

April 15th, 2016

We went through a recent payroll system conversion, I was kept busy most of the day but the topic of ongoing issues was brought up again She asked me to not let his actions bother me and that Jeff Calvin would address that particular situation as well as others upon his return from a start up operation

April 16th, 2016

Because of the payroll conversion and additional distractions, I had a few hours worth of work to do Partially from home and then at the office My presence at office would've been captured on office surveillance camera My computer froze and made the office trip necessary so that our consultant, Kris Mitchell could use a vpn (gotomypc com) to retrieve reports from my computer for his weekly financial analysis I text him to let him know this He indicated that he could wait until Sunday which implied I could go to office either day which means I have no break from my employment Per Tanya on several occasions asked me to relay my problems to Kris as he may be able to handle them more effectively I sensed that things would only escalate since nothing had been done to resolve them up until that point When I text him about the computer situation, I once again brought up the "Fuck You" conversation and was told via text that he would discuss it with him at a later date I expressed my concerns about not being taken seriously to which I received no response through the remainder of the day The same lack of response was received from Tanya Calvin as well

April 17, 2016

I went to the office to catch up on a substantial amount of filing and tidy my work area-this overflow of filing and such was due to an added responsibility of our payroll conversion I reached out to another employee that I didn't understand what was going on because neither the VP or business consultant would reach out to me He told me to hang in there He, in turn, called Kris Mitchell Kris sent me a text saying that I should take a day to think it through (whether tolerating the additional stress was worth it)

I concurred but stressed again that I loved my job but wanted someone to help alleviate that additional stress. I sent Tanya a text letting her know I'd filed and cleaned up my area and that I wouldn't be in on Monday. Although the claim was made that I had a flexible position and could come and go as I wanted isn't exactly accurate. If needed, phone records, security camera footage, emails, etc. could prove quite the contrary. I most recently had a 30 plus minute phone call with her at 1045 PM so that she could vent about another employee. Anytime I took time vacation, there was continued correspondence whether it be from her or managers. This included a lengthy conference call. To avoid not being readily available at all times, I became part of a carpool for my children's activities as well as someone else being entirely responsible for bringing my kids home from school.

Around 730/8 PM Sunday, April 18th, 2016 she sent a text indicating a bank transfer had been completed. She was obviously aware that I would not be in the next day. Not only via this text but also via communication between her and Kris.

April 18th, 2016

830 AM, after already receiving a text message from an employee that needed assistance and helping an employee, I receive a notification on my phone that my work email password was incorrect. I reached out to Kris Mitchell because I now felt intimidated by Tanya Calvin. I told him that the point was made clear by her actions and lack thereof that I was terminated. I received no response. I sent a text to Tanya Calvin, still no response. I sent a final text to Kris asking for a meeting between himself, Tanya Calvin and Jeff Calvin. I finally receive a text from Tanya saying that they accepted my resignation effective Thursday. I asked how was that even possible given that I didn't resign, I wanted issues addressed that weren't be resolved and that she knew I wouldn't be there on Monday with a Tuesday return date. She never responded. Ironically enough, being a disabled veteran owned small business, Jeff Calvin (the owner) should have been made aware of and also the authority that handled this entire situation. I haven't received a text, phone call or email from Jeff pertaining to any of this. It states that he should have 100% control of his operations and administration. I worked at the corporate office and it was indicated time and time again that he was my boss. Unless he is out of town on business, he and I directly work together on a daily basis.

My job duties were as follows: accounts payable, timesheet entry, unemployment claims, keying new hires and medical benefit enrollment forms, filing, pulling reports, etc. I had no management authority, I was not allowed to make final decisions without Tanya's approval. I worked closely with our independent CPA to provide reports during year end close or upon request.

I received a phone call from the employee who I had a complaint against on April 18th, 2016. He indicated that Tanya Calvin said it was all his fault that I wasn't there. I said that wasn't entirely the case. He continued to text me and apologize for his behavior.

Patty Crawford

← Tanya Calvin
Other

MESSAGES

PHOTOS & VIDEOS

eGIFT

CONTA

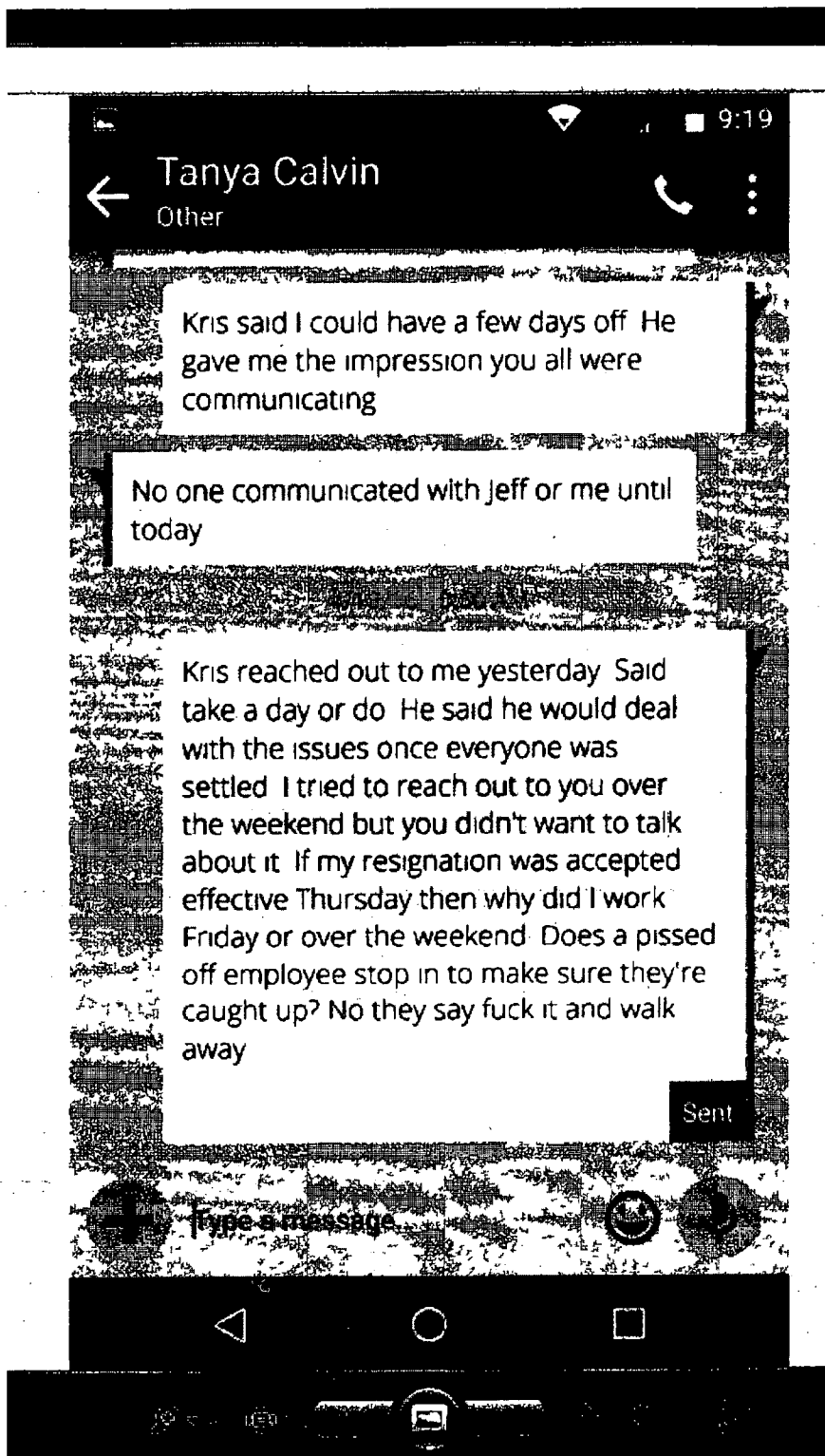
(1/2) You told me on Thursday that you had enough and you were quitting and finding another job. You have said this before but this time I took you seriously whe

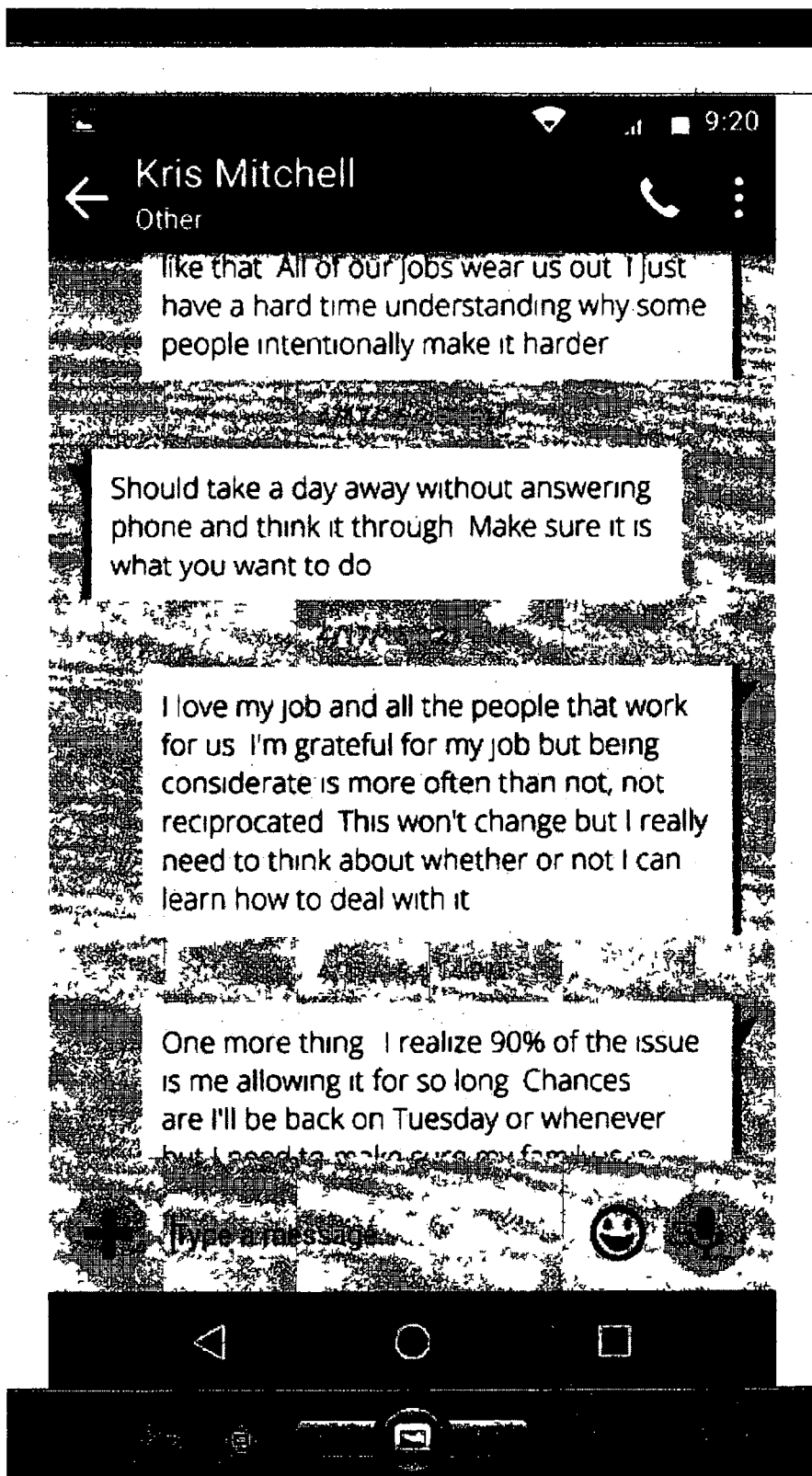
(2/2) n I came in this morning and found you had removed all of your personal things over the weekend. Jeff and I have accepted your resignation.

Kris said I could have a few days off. He gave me the impression you all were communicating.

No one communicated with Jeff or me until today.

Type a message





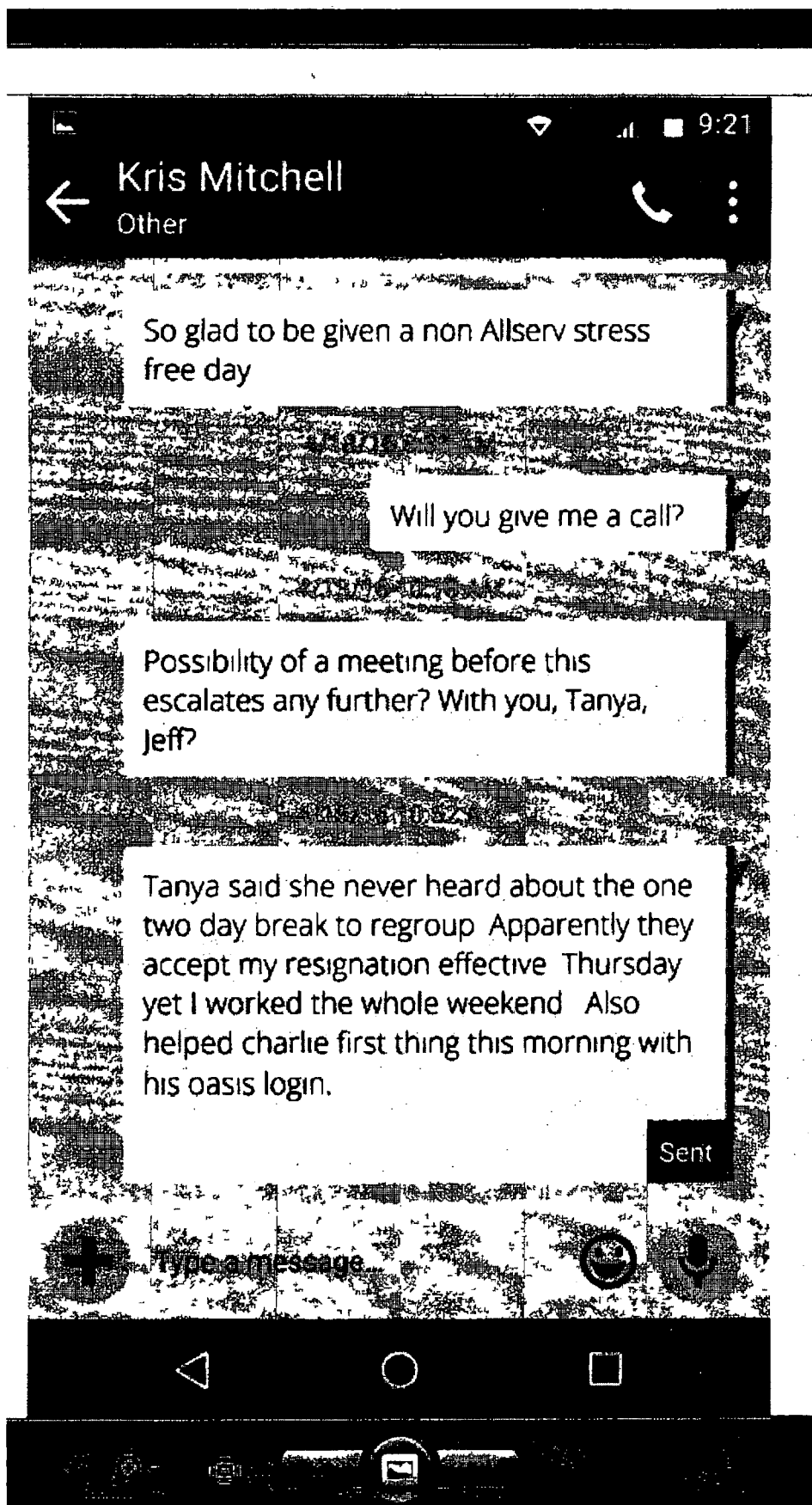
← Kris Mitchell
Other

One more thing .I realize 90% of the issue is me allowing it for so long Chances are I'll be back on Tuesday or whenever but I need to make sure my family is in agreement Some of the bs has taken a toll on them as well

Point made She removed my email access Is that what you do when someone wants to take a one day breather No one in our company has ever been treated this way Little does she know the guys rarely call the office or email me because they're scared it'll get intercepted by her She has yet to even call me to discuss BTW wonder why the guys do that? They've been directed by Scott to do that

So glad to be given a non Allserv stress free day

+ Type a message





9:24



Scott Schroeder

Mobile



MESSAGES

PHOTOS & VIDEOS

eGIFT

CONTACTS

I guess all that's left that needs to be said
it's about how things are handled At this
point it doesn't matter who said it I've
been told since I started certain things
would be dealt with and they haven't been.

I guess I just don't understand how they
don't see how valuable you are And by
they I mean Tonya Because I know Jc sees
your value

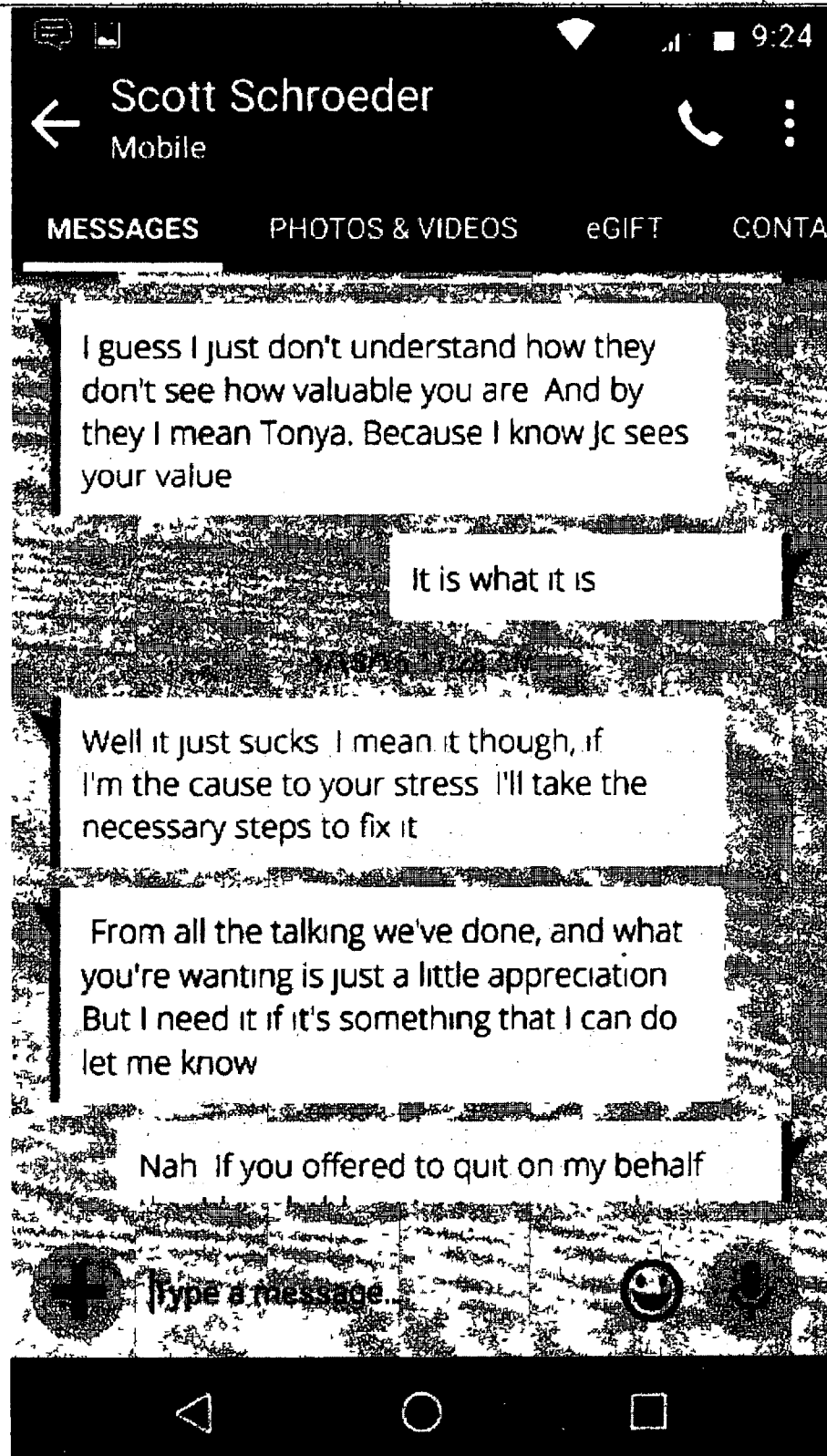
It is what it is

Well it just sucks. I mean it though, if
I'm the cause to your stress I'll take the
necessary steps to fix it



Type a message





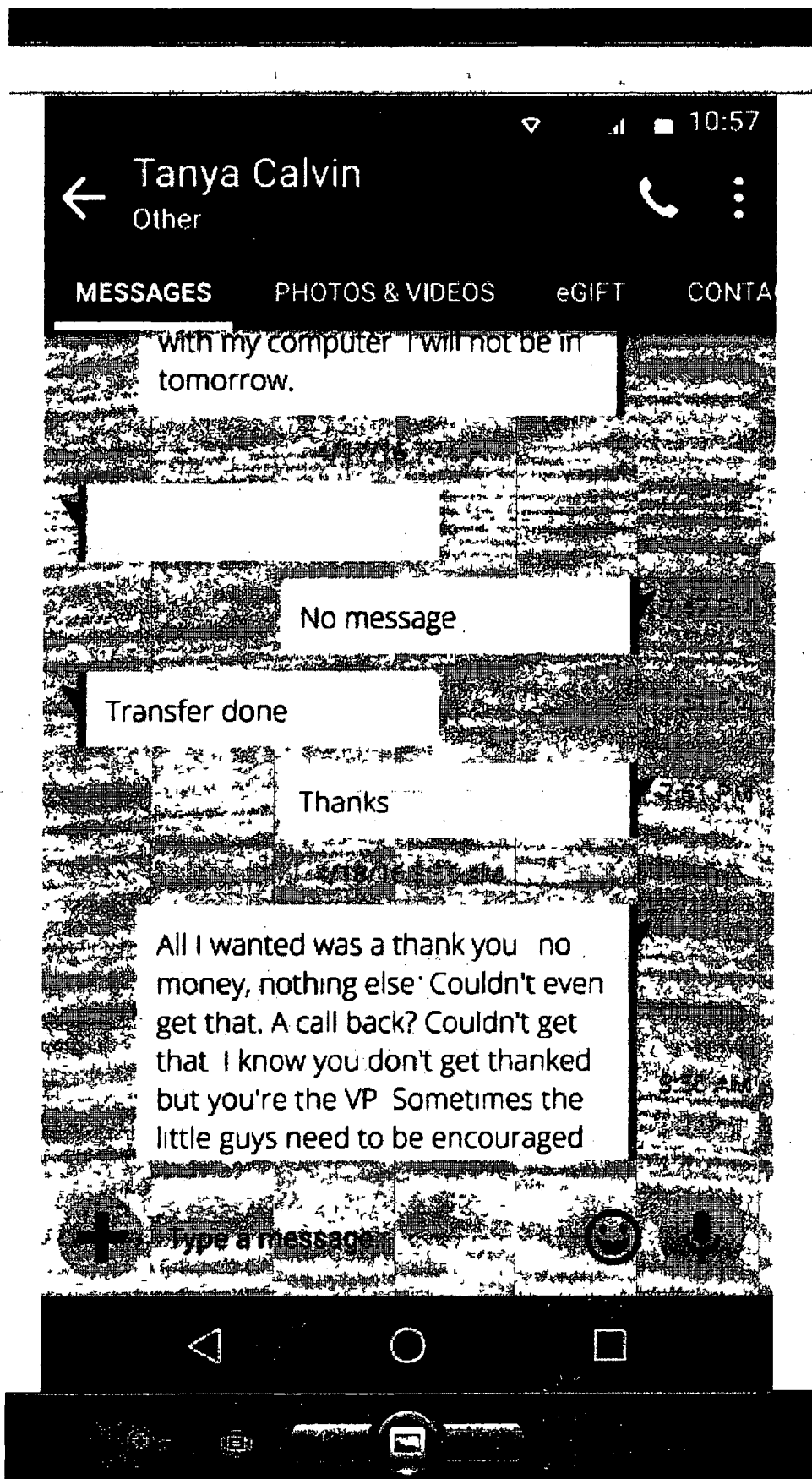
I guess I just don't understand how they don't see how valuable you are And by they I mean Tonya. Because I know jc sees your value

It is what it is

Well it just sucks I mean it though, if I'm the cause to your stress I'll take the necessary steps to fix it

From all the talking we've done, and what you're wanting is just a little appreciation But I need it if it's something that I can do let me know

Nah If you offered to quit on my behalf





SC Department of Employment and Workforce Discharge Report

SSN: [REDACTED]
Claimant's name: Patricia A Crawford
Date of birth: [REDACTED]
Local office: 320
Benefit year begin date: 4/17/2016
Benefit year end date: 4/16/2017
Claim type: New
Potentially Eligible: No
Employer name: ALLSERV INC
Employer Account #: [REDACTED]
Hire date: 11/9/2014
Termination date: 4/19/2016
Discharge reason: Discharged/Terminated/Fired
Earned at least \$2608: Yes
Bonafide: Yes

Discharge

Discharge Reason: Other

Date of final incident: 4/18/2016

Final incident that caused discharge: [REDACTED]

I had asked VP, business consultant on several occasions to address a situation but was told they would not at this time. I have a text indicating this. Because of severity of situation, I was offered a day think about whether or not I wanted to continue my employment. 4/18 was the day I was taking. I received a text from VP indicating the accepted my resignation effective previous Thursday. I never gave my resignation as it's documented I worked Friday the 15th, 16th and 17th of April. As well as part of Monday morning. In fact, I still haven't received a job status update but because of hostility feel forced into not returning. Again, the situation was documented via text message.

Discharge date: 4/18/2016

Discharged by: Nobody did but it's been insinuated that I resigned which isn't true

Title of person who discharged you: Tanya Calvin-Vice President

Violated company policy: No

Final incident impacted employer's business: No

Received prior warnings: No

2 UI-5
B1038
REV. 1/71

2 SOUTH CAROLINA
DEPARTMENT OF EMPLOYMENT AND WORKFORCE
2 P.O. BOX 995
COLUMBIA, S.C. 29202
OFFICIAL BUSINESS
2 UCB-103

2 FORWARDING SERVICE REQUESTED

2 PATRICIA A CRAWFORD
2
2
2

EXPLANATION OF DETERMINATION

South Carolina Code provides varying penalties for a claim deemed not meeting the requirements of the law. The appropriate Section of the law is explained below.

South Carolina Code has interpreted "BONA FIDE" employer to be the employer with whom the claimant last earned at least eight (8) times his weekly benefit amount.

SECTION 41-35-120 (1) provides that a claimant who leaves work without good cause connected with work shall be ineligible for benefits from the effective date of the claim and until the claimant works and earns at least (8) times the weekly benefit amount of the claim with one or more employers. Personal reasons do not constitute good cause for quitting. Examples of such personal reasons are as follows: Job dissatisfaction without material change in working conditions, lack of transportation, moving to another location, lack of child care, distance to and from work and domestic problems.

SECTION 41-35-120 (2) provides that a claimant will be disqualified for benefits if the Department finds that the discharge was for cause connected with work. The period of disqualification shall begin on the effective date of the claim and shall continue for not less than five nor more than twenty-six weeks, with a corresponding reduction of the claimant's benefits to be calculated by multiplying the weekly benefit amount by the number of weeks of the disqualification.

Discharged for cause as used in this law means an act or course of conduct in violation of the employee's duties such as an intentional disregard of the employer's interest, destruction of company property, excessive absenteeism, violation of company rules, or any act of insubordination connected with the employment.

SECTION 41-35-120 (3) provides that any claimant who has failed (1) without good cause to either apply for available suitable work, when so directed by the Employment Service or the Department, or (2) to accept available suitable work when offered by the Employment Service or an employer, shall be disqualified until the claimant furnishes satisfactory evidence of having been reemployed and having earned wages of at least eight (8) times the weekly benefit amount.

SECTION 41-35-120 (6) provides that a claimant shall be disqualified if the Department finds that the claimant retired voluntarily from his most recent work. The disqualification shall begin on the effective date of the claim and continue until the claimant submits evidence of having been reemployed and having earned wages of at least eight (8) times the weekly benefit amount of the claim.

SECTION 41-35-110 provides that a claimant is eligible for benefits for any week only if the week is claimed according to the regulations, and the claimant has registered and continued to report to an employment office for work as required. In addition, a claimant must be physically "able to work" at his usual occupation which prior training and experience show him to be qualified. Also, a claimant must be "available for work" which means being ready, able and willing to accept suitable full-time work and that personal circumstances would not prevent him from accepting such work.

No weeks of unemployment will be paid for weeks for which the claimant is held to be unavailable. If the condition which caused the unavailability changes, the claimant may report to the local Workforce center to reopen his claim.

TO THE CLAIMANT: If you are still unemployed at the end of a period of disqualification or believe you have met the requalification requirements imposed, you may reopen your claim by reporting to the local unemployment office on the earliest possible date following the end of the disqualification or after meeting the earnings requirement.

TO THE EMPLOYER: South Carolina Code provides that benefits paid to a claimant shall be charged to the account of the account of the most recent "covered" employer by whom the claimant has been paid at least eight (8) times the weekly benefit amount. If it is found by the Department that the claimant was separated under disqualifying conditions, the employer will not be charged.

NOTE: Reimbursable employers are not subject to the above charge provisions, but are charged according to base period wages

088

DATE OF THIS NOTICE 06/02/16

1 RECONSIDERATION

DETERMINATION BY CLAIMS ADJUDICATOR ON CLAIM FOR BENEFITS

1 _____ You are eligible for benefits from the above effective date.

1 X You have been disqualified from receiving benefits or have been found to be ineligible for benefits for the following reason(s).

1 YOU LEFT YOUR MOST RECENT BONA FIDE EMPLOYER FOR REASONS BEST KNOWN TO YOU. SINCE YOU HAVE NOT
1 PRESENTED ANY EVIDENCE TO ESTABLISH GOOD CAUSE, IT IS DETERMINED THAT YOU LEFT VOLUNTARILY
1 WITHOUT GOOD CAUSE UNDER THE SOUTH CAROLINA CODE SECTION 41-35-120. YOU ARE DISQUALIFIED FROM
1 04/17/16 AND UNTIL YOU RETURN TO WORK AND EARN AT LEAST EIGHT TIMES YOUR WEEKLY BENEFIT AMOUNT.

1 _____ LAST SEPARATION FROM NON-LIABLE EMPLOYER

UI CLAIMS ADJUDICATOR

1 MAILING DATE 06/03/2016

IMPORTANT: THIS DETERMINATION WILL BE THE FINAL DECISION OF THE DEPARTMENT UNLESS YOU FILE AN APPEAL SETTING FORTH IN DETAIL THE GROUNDS FOR APPEAL WITHIN TEN (10) CALENDAR DAYS, INCLUDING WEEKENDS AND HOLIDAYS, FROM THE MAILING DATE SHOWN ABOVE. IF THE TENTH DAY FALLS ON A SATURDAY, SUNDAY, OR HOLIDAY, THE APPEAL PERIOD IS EXTENDED TO THE NEXT BUSINESS DAY. YOUR APPEAL MAY BE FILED IN PERSON AT ANY WORKFORCE CENTER, BY MAIL, ADDRESSED TO THE 'APPEAL TRIBUNAL,' P.O. BOX 995, COLUMBIA, SOUTH CAROLINA 29202, OR BY FAX (803) 737-0287. FOR ADDITIONAL INFORMATION OR ASSISTANCE IN FILING AN APPEAL, CONTACT YOUR LOCAL WORKFORCE CENTER OR THE APPEALS DEPARTMENT AT (803) 737-2520.

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE
P. O. Box 995, Columbia, South Carolina 29202

Notice of Appeal to Appeal Tribunal

Claimant's Name: Patricia Crawford

Social Security Number: [REDACTED]

Claimant's Address: [REDACTED]

Telephone: 803/312-5422

Employer's Name: Allserv, Inc.

Telephone: 803/941-7376

Employer's Address: 307 Lexington Avenue Chapin, SC 29036

Please refer to Determination by Claims Adjudicator to complete section below.

On 6/6/2016

(Date of receipt)

I received the determination mailed 6/2/2016

(Mailing date on Notice)

I appeal and hereby apply for a hearing because I believe it was issued in error for the following reasons:

Neither a verbal or written resignation was given to employer at any time. No conversation of me looking for other employment took place between myself or Tanya Calvin. I still have personal belonging at Allserv. Including a stick vacuum, my notary certification and a jacket. I was told to take a day off to regroup and consider whether or not I wanted to continue my employment even though my complaint would not be addressed as it should've been.

I indicated to Tanya Calvin that I would be taking a personal day on Monday the 18th of April per Kris Mitchell's (business consultant) suggestion. I have a business text from Tanya after I told her I wouldn't be there on Monday that was sent to me Sunday the 17th of April. By her sending this to me, indicated I still worked for Allserv as well as her knowing I wouldn't be back until Tuesday. I had every intention of returning Tuesday the 19th of April which was indicated in a text to Kris Mitchell as well as implied to Tanya Calvin. On the morning of my day off April 18th, 2016, I received a notification that my work email password was incorrect. I contacted Kris Mitchell and asked him what was going on and asked for a meeting with management but I received no response. I then sent a text message to Tanya. She responded with a text stating that she and I had a conversation on Thursday, April 15th where I said I was going to look for a new job and that she accepts my resignation. As stated above, that isn't true. If anything, this was a constructive termination. All management refused to address my concerns or even respond to my request to discuss harassment in the workplace. This did cause aggravation but I didn't leave on my own accord. I've included copies of the text messages between myself and Tanya as well as between myself and Kris Mitchell.

If appeal is untimely or you were absent from a prior hearing, state the reason: _____

I must continue to file my claim for each week of unemployment until I receive the Appeal Tribunal or Appellate Panel decision, until I return to work, or until my claim is exhausted. If I win the appeal, I know I can only be paid for those weeks that I have timely claimed.

PC

(Claimant's initials)

SCDEW

JUN 09 2016

Lower Authority Appeals

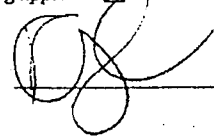
Does claimant need an interpreter? ☐ YES ☒ NO What language/dialect?

Claimant is ☐ Deaf ☐ Mute

(If it appears necessary to subpoena witnesses or documents, please complete Form APP-107 and attach it when you submit your appeal.)

SUBPOENA ☒ YES ☐ NO

Who is filing appeal: ☒ Claimant ☐ Employer

Signature: 

Title: _____

Date: 6/16/16

Please submit form by fax to 803.737.0287 or by mail to: "Appeal Tribunal, P.O. Box 995, Columbia, SC 29202."

SCDEW

JUN 09 2016

Lower Authority Appeals



with my computer. I will not be in tomorrow.

4/17/16 7:46 PM

7:46 PM

No message

7:47 PM

Transfer done

7:51 PM

Thanks

7:51 PM

4/18/16 8:50 AM

All I wanted was a thank you...no money, nothing else. Couldn't even get that. A call back? Couldn't get that. I know you don't get thanked

8:50 AM

SCDEW

JUN 09 2016

Lower Authority Appeals

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Tanya Calvin

Other



MESSAGES

PHOTOS & VIDEOS

eGIFT

CONTACT

(1/2) You told me on Thursday that you had enough and you were quitting and finding another job. You have said this before but this time I took you seriously whe

(2/2) n I came in this morning and found you had removed all of your personal things over the weekend. Jeff and I have accepted your resignation.

Kris said I could have a few days off. He gave me the impression you all were communicating.

No one communicated with Jeff or me until today.

4/18/16 10:50 A.M.

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Lower Authority Appeals

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Kris said I could have a few days off. He gave me the impression you all were communicating.

No one communicated with Jeff or me until today.

4/18/16 10:50 AM

Kris reached out to me yesterday. Said take a day or so. He said he would deal with the issues once everyone was settled. I tried to reach out to you over the weekend but you didn't want to talk about it. If my resignation was accepted effective Thursday then why did I work Friday or over the weekend. Does a pissed off employee stop in to make sure they're

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like that. All of our jobs wear us out. I just have a hard time understanding why some people intentionally make it harder.

4/17/16 2:51 PM

Should take a day away without answering phone and think it through. Make sure it is what you want to do.

4/17/16 3:21 PM

I love my job and all the people that work for us. I'm grateful for my job but being considerate is more often than not; not reciprocated. This won't change but I really need to think about whether or not I can learn how to deal with it.

4/17/16 4:14 PM

One more thing...I realize 90% of the issue is me allowing it for so long. Chances are I'll be back on Tuesday or whenever but I need to make sure my family is in

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One more thing...I realize 90% of the issue is me allowing it for so long. Chances are I'll be back on Tuesday or whenever but I need to make sure my family is in agreement. Some of the bs has taken a toll on them as well.

4/18/16 8:20 AM.

Point made. She removed my email access. Is that what you do when someone wants to take a one day breather. No one in our company has ever been treated this way. Little does she know the guys rarely call the office or email me because they're scared it'll get intercepted by her. She has yet to even call me to discuss. BTW wonder why the guys do that? They've been directed by Scott to do that.

So glad to be given a non Allserv stress free day.

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Lower Authority Appeals

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So glad to be given a non Allserv stress free day.

4/18/16 8:31 AM

Will you give me a call?

4/18/16 10:18 AM

Possibility of a meeting before this escalates any further? With you, Tanya, Jeff?

4/18/16 10:52 AM

Tanya said she never heard about the one two day break to regroup. Apparently they accept my resignation effective Thursday yet I worked the whole weekend. Also helped charlie first thing this morning with his oasis login.

Sent

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0947
Lower Authority Appeals

SCDEW

JUN 09 2016

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Thomas, Michaela Robertson

From: Adams, Michelle
Sent: Tuesday, June 07, 2016 8:43 AM
To: Thomas, Michaela Robertson
Subject: 591-60-3527 - APP100 along with supporting documentation
Attachments: unemployment appeal.docx; tanya calvin texts.docx; kris mitchell texts.docx

Good Morning Michaela – please see the attached documents from the claimant -

Thank You

Michelle M. Adams
Lowcountry Regional Manager

madams@dew.sc.gov

SCDEW

JUN 09 2016

Lower Authority Appeals

see it. own it. work it. dew it.

From: Patty Crawford [<mailto:crawma12@yahoo.com>]
Sent: Tuesday, June 07, 2016 8:37 AM
To: Adams, Michelle
Subject: appeal form

Hi Michelle,

Attached are my appeal form and screenshots. Please let me know if I need to provide anything else.

Thank you again for your help.

Patty Crawford
803/312-5422

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE

P.O Box 995, Columbia, SC 29202

NOTICE OF APPEAL HEARING BY TELEPHONE**CLAIMANT'S NAME : PATRICIA A CRAWFORD****SOCIAL SECURITY NO:** [REDACTED]**ADDRESS :** [REDACTED]**PHONE: (803) 312-5422****EMPLOYER'S NAME : ALLSERV INC****ADDRESS : PO BOX 351567****PHONE: (720) 891-4900****WESTMINSTER ,CO, 80035**

An administrative hearing will be held by TELEPHONE CONFERENCE on: 7/6/2016 AT 9:30 AM, Eastern Standard Time, BEFORE: Robin R. Bradley, Administrative Hearing Officer, for the SC Department of Employment and Workforce. The parties will be called by the hearing officer at the telephone numbers shown on this form. IF THE TELEPHONE NUMBER IS INCORRECT OR NO TELEPHONE NUMBER IS SHOWN, YOU MUST CALL THIS TOLL-FREE NUMBER (866) 269-5680 IMMEDIATELY TO INFORM US OF YOUR TELEPHONE NUMBER SO THAT YOU CAN PARTICIPATE IN THE HEARING.

If you have not been called within 10 minutes after the scheduled time of the hearing, you must call (803) 737-2520. Either another hearing is still in progress, or we are unable to contact you. Failure to call or participate in the hearing may result in your interests being considered abandoned.

THE ISSUE(S) FOR THE HEARING ARE (those marked below):

☒	Voluntary Quit (for good cause)	☐	Voluntary Retirement	☐	Timeliness of Appeal
☒	Discharge (for disqualifying cause)	☐	Absence from Hearing	☐	Fraud & Overpayment
☐	Availability	☐	Overpayment	☐	Job Offer & Referral
☐	Eligibility	☐	Other		

SCHEDULE CONFLICTS: Hearing postponements are not ordinarily granted. However, if you have a justifiable conflict, notify the Department as soon as possible before your hearing. If you don't, a later request to reopen your hearing may be denied. Contact an appeals representative at (803) 737-2520, AT ONCE, if you cannot be present at the time scheduled and wish to request a postponement of the hearing.

PURPOSE OF THE HEARING: The hearing is a fact-finding process that uses a question-and-answer method. Each side may present testimony, witnesses, and documents relevant to its case. The hearing officer will conduct a fair hearing, determine what is relevant, and make sure the record is complete. After the hearing, the officer will prepare a written decision based on the evidence. That decision will be mailed to you.

WHAT HAPPENS AT A HEARING: This notice lists what issues the hearing will cover. The hearing is recorded and all proceedings are taken under oath. After explaining the law and procedures, the hearing officer will ask questions of each side and its witnesses in turn. After all testimony is taken from one side the same procedure is repeated for the other side. Wait your turn, as you may not interrupt while another person is testifying. The hearing officer will tell you when it's your turn to ask questions. Ask relevant questions that have not already been asked and answered. If you don't have any questions, let the hearing officer know.

EVIDENCE: Written evidence or documents such as letters, timecards, or doctors' statements may help your case. Photos, maps, or charts may also help explain what happened. Be ready to tell who prepared the evidence and how it helps your case. Send legible copies of the documents to the hearing officer and the other side before the hearing. Do this even if you believe the

Department or the other side already has them. **EVIDENCE MUST BE SUBMITTED TO THE APPEAL TRIBUNAL AND PROVIDED TO THE OPPOSING PARTY AT LEAST 24 HOURS PRIOR TO THE HEARING.** If you don't, the documents may not be considered as evidence. Include only evidence that relates directly to issues listed on the hearing notice.

Any evidence that you want to be considered in this hearing must be sent immediately to the Appeal Tribunal at the address shown on the top of this notice, or faxed to our number (803) 737-0287, or uploaded through the MyBenefits Portal for claimants or the South Carolina Business One-Stop (SCBOS) for employers.

WITNESSES: You may present witnesses to support your case. Choose witnesses who actually saw or heard what happened. Notify them of the date and time of the hearing and arrange for them to be available at that time. When the hearing begins, give the hearing officer the telephone number where each witness can be reached for the hearing.

DO I NEED A LAWYER? The unemployment appeal process is designed for claimants and employers who don't have attorneys. However, an attorney may represent you at your own expense. If you do choose to retain a lawyer, fees charged to represent claimants are limited to the greater of \$200 or a claimant's maximum weekly benefit amount for each proceeding.

SUBPOENAS: A subpoena is a legal document issued by the Department that orders an essential witness to testify or produce certain documents for the hearing. You may apply for a subpoena of witnesses and/or documents by downloading a form APP-107 under the Appeal Hearings heading at www.dew.sc.gov/appeals.asp. The form must be completed,

Date Mailed: 6/24/2016

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signed and sent to the Appeal Tribunal. It may be sent by mail to "Appeal Tribunal, P.O. Box 995, Columbia, SC, 29202;" by fax to (803) 737-0287, or through the *MyBenefits Portal* for claimants or SCBOS for employers. ***SUBPOENA APPLICATIONS MUST BE RECEIVED SIX (6) BUSINESS DAYS PRIOR TO THE HEARING DATE OR THE REQUEST MAY NOT BE CONSIDERED.***

INTERPRETERS: The Appeal Tribunal will provide qualified language interpreter or interpreter for the deaf when requested. If you or any of your witnesses need an interpreter and you have not previously requested one, contact the Tribunal immediately.

WITHDRAWING AN APPEAL: Only the party who filed the appeal may withdraw it. If you wish to withdraw your appeal, please contact an appeals representative at (803) 737-2520 or mail your notice of withdrawal to the Tribunal at P.O. Box 995, Columbia, SC 29202.

TIME ZONES: If you call from a time zone other than Eastern Standard Time, be sure to properly calculate the time difference.

OVERPAYMENT OF BENEFITS: An adverse decision may result in an overpayment of benefits. In the event you are overpaid benefits, you will be required to repay those benefits to the Department.

DECISION: The Appeal Tribunal's written decision will resolve each issue, but it may not review in detail all testimony or documents given at the hearing. If you disagree with the decision, you may file a further appeal. The decision will explain how to file an appeal.

FILING FOR BENEFITS DURING APPEAL: A CLAIMANT MUST CONTINUE TO FILE WEEKLY CLAIMS FOR BENEFITS DURING THE APPEAL PROCESS, IF STILL UNEMPLOYED. Claim Weeks that are not timely filed cannot be paid, even if the claimant wins the appeal and is later held eligible. CONTACT THE DEPARTMENT AT ONCE AT (866) 831-1724 if there are any problems or questions when filing weekly claims.

THIS NOTICE SUPERSEDES ANY PREVIOUS HEARING NOTICE YOU MAY HAVE RECEIVED. IF THE DATE ON THIS NOTICE IS LATER THAN THE DATE ON ANY OTHER NOTICE, YOU SHOULD ASSUME THAT THE PREVIOUS HEARING HAS BEEN POSTPONED AND FOLLOW THE INSTRUCTIONS ON THIS NOTICE.

Selected Sections of the South Carolina Unemployment Law

VOLUNTARY QUIT: Section 41-35-120(1) provides that a claimant found to have left work voluntarily without good cause is indefinitely disqualified from receiving benefits until s/he returns to work and earn at least eight (8) times the weekly benefit amount. Good cause is a reason that is connected to employment and would justify a reasonable person leaving employment.

DISCHARGE FOR MISCONDUCT: Section 41-35-120(2) (a) provides that a claimant found to have been discharged for misconduct is disqualified for twenty (20) weeks.

"Misconduct" includes conduct showing willful disregard of an employer's interests, such as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee. No finding of misconduct may be made for discharge resulting from an extreme hardship, emergency, sickness, or other extraordinary circumstance.

DISCHARGE FOR CAUSE: Section 41-35-120(2)(b) provides that a claimant found to have been discharged for cause (i.e., fault), other than misconduct, is partially disqualified from benefits from five (5) to nineteen (19) weeks, according to the seriousness of the cause for discharge.

GROSS MISCONDUCT: Section 41-35-120(4) provides if a claimant is discharged for gross misconduct claimant is indefinitely disqualified from receiving benefits until s/he returns to work and earn at least eight (8) times the weekly benefit amount.

UNEMPLOYMENT DUE TO DOMESTIC ABUSE OR COMPELLING FAMILY CIRCUMSTANCES: Section 41-35-125 provides that a claimant may be found to be eligible for unemployment benefits if the separation from employment is attributable to domestic abuse or other compelling family circumstances. Compelling family

circumstances may involve illness or disability of the claimant or an immediate family member and a required relocation for the claimant's spouse. The burden is on the claimant to show these circumstances exist. Where required by statute, the claimant must produce documentary evidence supporting the claim.

AVAILABILITY: Section 41-35-110 provides that a claimant is eligible for benefits for any week only if the week is claimed according to the regulations and the claimant has registered and maintained contact with the Department as required.

Additionally, a claimant must be physically "able to work" at his/her usual occupation which prior training and experience shows him to be qualified. Also, a claimant must be "available for work," which means being ready, able and willing to accept suitable work, and that personal circumstances would not prevent him/her from accepting such work.

Unemployment benefits will not be paid for weeks in which the claimant is held to be unavailable. If the conditions which cause the unavailability change, the claimant may contact the Department to reopen his claim. The burden is on the claimant to show availability for work and reasonable effort to obtain work.

JOB OFFER AND REFERRAL: Section 41-35-120(5) provides that any claimant who has failed (1) without good cause to either apply for available suitable work, when so directed by the Department, or (2) to accept available suitable work when offered by the Department or an employer, shall be ineligible until the claimant furnishes satisfactory evidence of having been reemployed and having earned at least eight (8) times the weekly benefit amount. The burden is on the claimant to show availability for work and reasonable effort to obtain work. See S.C. Code Ann. Regs. 47-23.

**SOUTH CAROLINA
DEPARTMENT OF EMPLOYMENT & WORKFORCE**

Columbia, South Carolina

Transcript of Testimony

Before

Robin Bradley, Administrative Hearing Officer

Patricia A. Crawford

CLAIMANT

[REDACTED]

Claimant SS#:

[REDACTED]

Allserv, Inc.

LIABLE EMPLOYER

c/o Employer's Edge

P. O. Box 351567

Westminster, CO 80035

PLACE OF HEARING: SC Department of Employment & Workforce
Central Office Annex
631 Hampton Street
Columbia, SC

HEARING DATE: July 6, 2016

APPEARANCES:

For Claimant:

Participated

For Employer:

One Witness
Attorney

TESTIFYING WITNESSES

CLAIMANT:

Patricia A. Crawford

EMPLOYER WITNESSES:

Tanya Calvin, Vice President

EMPLOYER ATTORNEY:

Reyburn W. Lominack, III

1 Before: Robin Bradley, Administrative Hearing Officer

2 **HEARING OFFICER'S PREAMBLE.**

3 **ALL WITNESSES SWORN.**

4 HEARING OFFICER: Let the record reflect that all parties have responded in
5 the affirmative and are considered to be duly sworn. I will initially ask questions
6 of each party. You will have the opportunity to respond to those questions, to
7 direct questions to your own witness, to cross examine opposing party witnesses
8 and then to provide any additional testimony relevant to the hearing today. If you
9 have faxed or mailed in any documents or exhibits you wish to have considered
10 during today's hearing, it is your responsibility to bring those items to my attention
11 whenever they become relevant to your testimony as they will not automatically be
12 entered into the record on your behalf, you must move to have those items
13 considered. No documents, exhibits or testimony can be accepted after the
14 conclusion of the hearing. Notification of a decision will be mailed as soon as
15 possible to your most recent address of record. Ms. Crawford, our records reflect
16 your address as [REDACTED], is that correct?

17 CLAIMANT: That is correct.

18 HEARING OFFICER: I have your telephone number of record as 803-312-5422,
19 is that correct?

20 CLAIMANT: That's correct.

21 HEARING OFFICER: All right. And, for the employer, Mr. Lominack, we have
22 the employer's address c/o Employer's Edge, LLC at P. O. Box 351567,
23 Westminster, CO 80035, telephone contact 720-891-4900, is that correct?

24 EMPLOYER ATTORNEY: Ms. Calvin is going to give you a local address for
25 the company.

1 HEARING OFFICER: Is this the official agency address that has been listed
2 with this Department?

3 EMPLOYER WITNESS-1: The address you have is our Payroll Company,
4 Oasis.

5 HEARING OFFICER: Okay. And, is that who you all have designated to be
6 your third-party representative where benefit information should be addressed?

7 EMPLOYER WITNESS-1: Yes, ma'am, but I do not know if that is their
8 correct address for that information.

9 HEARING OFFICER: How did you find out about this hearing today?

10 EMPLOYER WITNESS-1: Via e-mail...I received an e-mail from Oasis.

11 HEARING OFFICER: Okay. Then, they would have received that notification
12 at that address because that's where it was mailed in regards to today's hearing.
13 And, to your knowledge, do you believe that is still to be your third-party agent?

14 EMPLOYER WITNESS-1: Yes, ma'am.

15 HEARING OFFICER: Okay. Mr. Lominack, we have your address c/o Fisher
16 and Phillips, LLP at 320...excuse me 1320 Main Street, Suite 750, Columbia, SC
17 29201, telephone contact 803-255-0000, is that correct?

18 EMPLOYER ATTORNEY: Yes, ma'am.

19 HEARING OFFICER: All right. Because the issue was initially adjudicated as a
20 voluntary quit, we'll begin testimony with the claimant first today, however, before
21 doing so does either party have any questions regarding the issues or procedures of
22 today's hearing? Ms. Crawford, do you have any questions at this time?

23 CLAIMANT: No.

1 HEARING OFFICER: Ms. Calvin, any questions?

2 EMPLOYER WITNESS-1: No, ma'am.

3 HEARING OFFICER: Mr. Lominack?

4 EMPLOYER ATTORNEY: No, ma'am.

5 HEARING OFFICER: Okay. All right. Ms. Crawford, if you would please,
6 state and spell your first and last name for the record.

7 CLAIMANT: Patricia Crawford, P-A-T-R-I-C-I-A, Crawford C-
8 R-A-W-F-O-R-D.

9 HEARING OFFICER: Ms. Crawford, did you appeal the determination mailed
10 to you on June 3, 2016, which held you indefinitely disqualified from receiving
11 benefits effective June 3, 2016 until requalification upon finding you quit your job
12 without good cause?

13 CLAIMANT: That's correct, yes, it is.

14 HEARING OFFICER: Is this the only determination that you are appealing at
15 this time?

16 CLAIMANT: Yes.

17 HEARING OFFICER: All right. I do you have a copy of the determination in
18 front of me, I am required to enter it into the record today to reflect the reason for
19 this hearing along with any other supporting documentation that was considered at
20 the time that the determination was rendered. So, for the record what I have in
21 front of me is a 25-page document. Hold just a moment for me.

22 CLAIMANT: Okay.

1 HEARING OFFICER: Again, the first page is the determination under appeal by
 2 the claimant, it was mailed to both parties on June 3, 2016. The next five pages of
 3 the document is a copy of the discharge fact-finding report which contains the
 4 claimant's statement regarding her reason for separation from employment, the
 5 claimant indicated that she was discharged. The claimant also submitted an
 6 additional 11 pages of documentation to the Department which regard... which
 7 includes a copy of the e-mail communication under which it was submitted, a two-
 8 page typed statement referencing events between April the 14th and April the 18th,
 9 and then a copy of a series of text communications between Tanya Calvin, Chris
 10 Mitchell (phonetic) and the claimant as well as a Scott Schroeder (phonetic). The
 11 next three pages of the document is a copy of the SCBOSNET101 employer
 12 response, it was received in the Department April 27th, it does reflect the claimant's
 13 dates of employment, reason for separation was identified as a voluntary quit. The
 14 employer also submitted an additional one-page document dated Monday, May 2,
 15 2016 indicating that on Thursday, April 14th, Ms. Crawford verbally stated she was
 16 going to find another job. And, on April the 17th, sent a text message to another
 17 manager saying she had packed her things and on Monday April 18th, her desk had
 18 been cleaned out and removed...or all personal items were removed. The next
 19 page of the document is a copy of the UCB101 internet claim form, it does reflect
 20 claimant filed for benefits April 22nd, indicating her last employment with Allserv
 21 on April 19th, the reason for separation identified as discharge. The last three
 22 pages of the document is a copy of pages 1, 2 and 3 of the eight-page initial claims
 23 application which the claimant filed online April 22nd, page 1 contains the personal
 24 identifying information such as name and address to establish the application does
 25 belong to Ms. Crawford. Pages 2 and 3 contain the employment separation
 26 information that she provided regarding her last employment with Allserv. The
 27 remaining pages of the application are not included in this exhibit as they are not
 28 relevant to the separation issue before the Tribunal today. Ms. Crawford, do you
 29 have any objection to any of these documents being entered into the record to
 30 reflect the reason for today's hearing?

31 CLAIMANT: No.

32 HEARING OFFICER: Mr. Lominack, any objection?

1 EMPLOYER ATTORNEY: Ms. Bradley, I have not seen those documents, we
2 have not received a copy of all those documents, the 25 pages, maybe some of
3 those documents I have including the employer's response, but some of the
4 documents you referenced including a statement of some text messages, e-mails
5 that kind of stuff, we have not received copies of.

6 HEARING OFFICER: Did you request any of that from this Department prior to
7 today's hearing because you had the right to do that?

8 EMPLOYER ATTORNEY: Well, the initial response that my client gave,
9 there's no indication that there were other documents available.

10 HEARING OFFICER: Okay. But, as the attorney, you have the right to request
11 any documentation associated with the claim prior to today's hearing. In addition,
12 the Agency...the proposed Agency Exhibit #1 exhibit that was just described was
13 also uploaded to the employer's ...I'm assuming it would be the employer's third-
14 party agent if they have an account with this Department with SCBOS, the
15 proposed exhibit would have also been provided to that address as the official
16 Agency record. But, all the documentation that has been described is what was
17 considered at the time that the initial determination was rendered. So, any
18 objection to those documents being entered into the record?

19 EMPLOYER ATTORNEY: Well, I mean we object because we haven't gotten
20 those documents, so I can find out from the third party administrator, Oasis,
21 whether or not they received those documents, but I would like to see at least the
22 statement that you're referring to...

23 HEARING OFFICER: Okay.

24 EMPLOYER ATTORNEY: ...before, you know, her testifying to it.

25 HEARING OFFICER: All right. Well, as I indicated, sir, we...it's been
26 uploaded to the appropriate third party representative, I'm not sure when the
27 information came in from you as to when this Department received information
28 that you were representing the employer, but all of that information could have

1 been requested prior to today's hearing. So, at this time I'm going to overrule the
2 objection, it is noted for the record however, and allow the documentation to be
3 entered into the record.

4 EMPLOYER ATTORNEY: Ms. Bradley, when we get to that point if you're
5 asking questions to her about it, would...could you please read...at least read that
6 statement in...

7 HEARING OFFICER: Yes.

8 EMPLOYER ATTORNEY: ...into the record?

9 HEARING OFFICER: Yes, I will...I can describe those documents for you if
10 you've not seen the specific ones if they're referenced during the hearing.

11 EMPLOYER ATTORNEY: Thank you.

12 HEARING OFFICER: Okay. All right. Over the objection of the employer, the
13 25-page document as described will be entered into the record as Agency Exhibit
14 #1. All right. Ms. Crawford, the records reflect you worked for the employer from
15 November 1, 2014 to April 18, 2016, is that correct?

16 CLAIMANT: November 9th.

17 HEARING OFFICER: November 9, 2014 to April 18, 2016?

18 CLAIMANT: That's correct.

19 HEARING OFFICER: Was April 18th the last day that you did physically work
20 for the employer?

21 CLAIMANT: The last day I worked for them was that Sunday.

22 HEARING OFFICER: So, April 17th?

1 CLAIMANT: Yes.

2 HEARING OFFICER: What was your position at that time?

3 CLAIMANT: My job title was Corporate Secretary.

4 HEARING OFFICER: And, were you discharged from employment or did you
5 quit your job?

6 CLAIMANT: Neither. I had mentioned...there's certain
7 situations that were going on that I took issue with. They were not being
8 addressed. I went to Tanya, I went to Chris, they said they would handle it, but not
9 at this time and they wouldn't respond to my request for a meeting...

10 HEARING OFFICER: Okay.

11 CLAIMANT: ...but [UNCLEAR] another employee, but she was
12 not a direct manager of mine and said, "I can't get a response from anybody." I
13 knew by doing that it would elicit a response from Chris which it did, but then she
14 [UNCLEAR] sending the text. At that point Chris told me he would handle...me
15 and Tanya and Jeff would handle the situation that I had brought up but not at this
16 time and that I needed to go ahead and take a day off which would have been that
17 Monday the 18th, to ensure that I wanted to be there while not having things
18 addressed and just knowing that they would eventually be talked to. I went back to
19 Tanya and said "I won't be there on Monday, would you do the bank transfers?"
20 She responds "Bank transfers done." That was Sunday night. To me indicates that
21 we're still communicating about business even, but...and she was aware that I
22 would not be there that Monday that Tuesday I would be returning to work.

23 HEARING OFFICER: Did you tell them that you were returning to work on
24 Tuesday?

25 CLAIMANT: Yes, the text message that I sent to Chris said that I
26 would be returning on Tuesday.

1 HEARING OFFICER: Okay. First of all, when did you address whatever issues
2 you had with the employer?

3 CLAIMANT: These have been ongoing, but the most recent one
4 was on Thursday and Friday of the previous week which would have been the 15th
5 and the 14th, regarding how I was talked to by another employee which was Scott
6 Schroeder. I asked him for stuff I needed to get my job done to get payroll done
7 and I caught him at a bad moment and he told me "FU" and hung up on me. I felt
8 he needed to be talked to, especially in regards to work-related items that's
9 completely inappropriate and I can't get my job done if I'm not getting what I need
10 from employees. I asked Tanya to say something, but she indicated that Jeff
11 Calvin said to not talk to me that way anymore, that never occurred and that was
12 per Scott, that he was not talked to about it.

13 HEARING OFFICER: All right. The incident that happened on April the 14th
14 and the 15th, who did you address first about that complaint?

15 CLAIMANT: Tanya Calvin. She was sitting right there when the
16 conversation and the hang up and the FU happened.

17 HEARING OFFICER: And, what day was that?

18 CLAIMANT: That happened I believe on Wednesday.

19 HEARING OFFICER: April the 13th?

20 CLAIMANT: Yes.

21 HEARING OFFICER: All right. So, when she and who else did you say you
22 addressed it with...Chris?

23 CLAIMANT: It was Chris Mitchell...

24 HEARING OFFICER: Who is Mr. Mitchell?

1 CLAIMANT: ...and, Tanya Calvin.

2 HEARING OFFICER: Who is Mr. Mitchell?

3 CLAIMANT: He's the Business Consultant that we've been
4 advised to go to because Jeff Calvin was traveling doing a startup, and because he
5 and Scott conversed quite a bit, I was told to bring it up to him, he said he would
6 handle it, but he could not address it at this moment.

7 HEARING OFFICER: All right. So, if they told you that they would handle it
8 they just couldn't address it at that particular moment in time, then why didn't you
9 just go on with your job, what actually prompted you to have to take a day off from
10 work?

11 CLAIMANT: Over...I had...that particular week we started up a
12 new payroll system, I had worked more than enough, I expressed to both Tanya
13 and Jeff to everybody that I was burnt out. Saturday I received a reimbursement
14 request for an employee's wife to go visit. I had already mentioned it earlier in the
15 week if I'm not mistaken on Friday the 15th, that we can't do that, you cannot
16 reimburse a non-employee for travel and that is the second time we had done it.
17 Saturday morning I did the reimbursement request, I reached out to Tanya and to
18 Chris as to whether or not to pay it. I...that puts me in a predicament where I'm
19 doing something I already know I'm not allowed to do.

20 HEARING OFFICER: Who indicated you were not allowed to do that?

21 CLAIMANT: The IRS.

22 HEARING OFFICER: Okay. So, by doing so then you would have been
23 violating IRS rules and regulations?

24 CLAIMANT: IRS rules...rules and regulations.

25 HEARING OFFICER: Okay.

1 CLAIMANT: And, that the...

2 HEARING OFFICER: But, the company had already done that before?

3 CLAIMANT: They had done it before, and that's why it was an
4 issue because I'm the one keying that expense report, that could not only fall back
5 on the company but on me. I was stressing it because we needed to come up with a
6 different approach and that went upon deaf ears.

7 HEARING OFFICER: Okay. So, when you asked them whether or not to pay it,
8 what were you instructed?

9 CLAIMANT: I was told to pay it.

10 HEARING OFFICER: Who instructed you to pay it?

11 CLAIMANT: Tanya Calvin.

12 HEARING OFFICER: And, did you do so?

13 CLAIMANT: It would have been when I returned to work, I
14 would have done so, yes, but that never happened.

15 HEARING OFFICER: All right. So, if it had occurred before, had you
16 addressed it with the employer before and notified the employer that it was against
17 IRS regulations for you to be able to do that?

18 CLAIMANT: I did, we also had this situation with gift cards as
19 well, that they should be put in the payroll taxes and I even brought the CPA into it
20 which she concurred and sent us documentation and instead a work-around
21 occurred, where it was bought with credit cards, but I indicated when I did the
22 expense report in the memo that was purchased gift cards because if I'm asked to
23 enter something even though I know and we've already been told I shouldn't be
24 doing that, I did it because to cover my own self because if I'm the one processing

1 it, that virtually can fall back on me particularly if I've already given you
2 knowledge that I know that I shouldn't be doing that.

3 HEARING OFFICER: Okay. So, if you were aware that you shouldn't have
4 been doing it and you had documentation from your CPA that you shouldn't have
5 been doing it, is there any reason why you didn't just refuse to do it and let Ms.
6 Calvin or someone else in the company do it so that your name was not attached to
7 anything?

8 CLAIMANT: I didn't feel I was in a position to do that. Had I
9 (talking over each other).

10 HEARING OFFICER: Even though you may have been breaking some type of
11 law or it was illegal or unethical?

12 CLAIMANT: Based on what they said, it was for turkeys and
13 hams directly which would make it de minimis, it wasn't [UNCLEAR]...it wasn't
14 just a general gift card to Target or whatever, so based on what the CPA said, we
15 had to keep it in a de minimis, which again it had to be for a direct object as
16 opposed to here's \$50 to Walmart where you can buy beer, a shirt, personal items.

17 HEARING OFFICER: Okay. But, Ms. Crawford, if she had instructed you to do
18 that and you said you would have done it when you returned to work, what
19 happened that caused you to have to be out of work on April the 18th?

20 CLAIMANT: To take a day off, take a breather.

21 HEARING OFFICER: To take a breather from what and for what reason?

22 CLAIMANT: Okay. When I spoke with Chris Mitchell and
23 when I spoke with Tanya, I had indicated on several occasions because of the
24 payroll conversation on top of my own job, I was getting burnt out. In the very
25 same week, I'm getting cussed at by an employee, I'm getting something that I've
26 already said is not a good idea to do and which I shouldn't be doing, that it was
27 getting to a point that I don't...if I was going to continue to be unheard, I didn't.

1 know if I could continue to be there. He told me to take Monday off to consider
2 everything and that things would eventually be addressed whenever all those
3 startups were done, next meeting things would be discussed and addressed, take
4 Monday off, take a breather. I said I will take Monday off, that's a good idea I'll
5 be back Tuesday. I sent a message to Tanya saying I would not be there on
6 Monday, like I said she responded through a work text message on Sunday evening
7 and I intended on returning on Tuesday.

8 HEARING OFFICER: All right. So, when you indicated to her that you would
9 not be there on Monday, did you indicate why you weren't going to be there on
10 Monday?

11 CLAIMANT: Yes, because I had been stressed out and worn out.

12 HEARING OFFICER: And, was that the only communication that you had with
13 Ms. Calvin in regards to this was via this text communication?

14 CLAIMANT: Yes, and via phone, she knew that there were
15 certain situations including the bad mouthing by the employee, the whole thing
16 with reimbursing the wife's travel. These have been ongoing and it would keep
17 getting pushed back as far as when they're going to get dealt with. So, she knew I
18 was taking the day off, I needed a breather.

19 HEARING OFFICER: All right. So, did you return to work on Tuesday, the
20 19th?

21 CLAIMANT: No, on Monday I received a...I sent out a text
22 message I had...I worked from home so I would be getting these Allserv e-mails
23 on my phone, first thing Monday morning I'm getting an e-mail saying your
24 password isn't correct for Allserv, the first thing Monday morning she'd already
25 disconnected my e-mail address which indicates to me there's an issue. I reached
26 out to her, I reached out to Chris wondering why I didn't...maybe it was a fluke
27 why I didn't have e-mail, I sent a message to both of them asking for a meeting to
28 discuss what was going on to try to resolve everything. Didn't hear anything,
29 didn't hear anything, Tanya sends me a text message saying "You talked about

1 quitting on Thursday, we accept your resignation.” I did not talk about
2 quitting...that Thursday she herself brought up that she wanted to go back to the
3 bank because she didn’t know managerial where she stood within Allserv. I
4 concurred and said I can get what you’re feeling because I have all these issues,
5 nobody addresses them which makes my job more stressful, but never once did I
6 say I’m currently looking for other employment or that I was going to quit.

7 HEARING OFFICER: All right. Is there anyone in the company above Ms.
8 Calvin as Vice President?

9 CLAIMANT: Jeff Calvin which is her husband and the owner.

10 HEARING OFFICER: What’s his name?

11 CLAIMANT: Jeffrey Calvin.

12 HEARING OFFICER: And, had you ever had any conversations with him?

13 CLAIMANT: I was instructed not to because he’s already
14 stressed out traveling and doing the startup, that had been brought up several times
15 given his previous health condition to not add additional stress to him when things
16 were already stressful and that I needed to either go to Tanya and if it was
17 something that Chris could handle, to go to Chris. And, that was from Jeff and
18 Tanya, Tanya, the week prior to that had me call Chris over a similar situation. So,
19 Chris was who we’re directed to when Jeff was busy with other things.

20 HEARING OFFICER: All right. Now, you indicated this had been an ongoing
21 issue as far as trying to get information from employees to do your job, how long
22 had this been going on?

23 CLAIMANT: We had just transferred to a new payroll system
24 which was...it was a completely different process where the employees had to
25 upload...they entered their own information, the managers would have to go back
26 in and onboard them. On a payroll week, I need all that information, especially on
27 our first run on this new payroll system and I was not receiving that.

1 HEARING OFFICER: Okay. When did you all go to this new payroll system?

2 CLAIMANT: Our first...I believe the first paycheck was April
3 18th.

4 HEARING OFFICER: So, you had not had any issues...

5 CLAIMANT: Or, excuse me, April 15th.

6 HEARING OFFICER: ...prior to going to this new payroll system?

7 CLAIMANT: Oh no, they had been ongoing even with our old
8 payroll situation where we send them packets that had every specific document we
9 need, and time and time again we would only get four pages versus six which
10 Tanya had addressed with the employees or the managers, but it was ongoing and
11 it never hit a perfection level where we were getting everything that we needed on
12 time.

13 HEARING OFFICER: How many times had Ms. Calvin addressed it?

14 CLAIMANT: I'd say quite a few. I mean off the top of my head
15 I can think of about five times where e-mails were sent out ensuring that they had
16 all the proper documentation and all the proper paperwork.

17 HEARING OFFICER: To your knowledge, had any disciplinary action ever
18 been taken towards any of those or against any of those employees who were not
19 following the policies and procedures?

20 CLAIMANT: No, there was no write ups regarding it, it would
21 just be a bunch of e-mail it was never a forced-upon issue when addressed, there
22 was no disciplinary action.

23 HEARING OFFICER: Were you the only person responsible for the payroll?

24 CLAIMANT: I was. With Tanya as my backup if I was out.

1 HEARING OFFICER: All right. So, you indicated that Ms. Calvin indicated
2 that the...that you had talked on Thursday about quitting and they were accepting
3 your resignation. What occurred on Thursday?

4 CLAIMANT: Nothing occurred on Thursday in particular, she
5 brought up a conversation while we were upstairs doing our work she didn't...she
6 was concerned about where she stood in the company. She felt like things were
7 being taken from her where...I don't know if that's true or not, but she was just
8 bringing up aggravation, it was a general conversation about her own aggravation
9 which, like I said, I concurred due to the fact that (talking over each other).

10 HEARING OFFICER: This was Ms. Calvin?

11 CLAIMANT: This was Ms. Calvin.

12 HEARING OFFICER: The Vice President of the company and the owner's wife
13 and she was concerned about her position in the company?

14 CLAIMANT: She was, she said I was...I had considered going
15 back to the bank because I don't know where I stand in this company.

16 HEARING OFFICER: All right. And, at no time during that conversation did
17 you indicate that you were quitting your job or that you were looking for other
18 work or considering looking for another job?

19 CLAIMANT: No,

20 HEARING OFFICER: All right. So, when you said you sent the text or they
21 indicated that you got a text from her on the 19th, indicating that they accepted your
22 resignation or on Monday, I'm sorry, the 18th, when you were supposed to be off,
23 did you send any response back to her?

24 CLAIMANT: I did respond and I believe I sent screenshots of
25 that where I said "What resignation, I never resigned, I worked this weekend yes I

1 did." I questioned what resignation she was referring to because that never
2 happened.

3 HEARING OFFICER: Had you all ever had a conversation prior to that about
4 your leaving that employment?

5 CLAIMANT: No. In fact, with communication on an e-mail that
6 I sent to Tanya and Jeff on the 19th, I indicated that my only concern was looking
7 out for Allserv to make sure that we were doing things properly and correct, but it
8 kept falling upon deaf ears. And, also my text message with Chris when he told
9 me to take the Monday off, I told him I love my job and I love what I do.

10 HEARING OFFICER: All right. And, do you have documentation, Ms.
11 Crawford, of Chris instructing you to take the day off?

12 CLAIMANT: I do, which I believe I submitted.

13 HEARING OFFICER: You submitted when?

14 CLAIMANT: I submitted on the actual Tribunal form that I had
15 to complete that was sent in. If not, I can resend it.

16 HEARING OFFICER: Are you talking about documentation you submitted with
17 your appeal?

18 CLAIMANT: Yes.

19 HEARING OFFICER: Did you send this documentation to the employer prior to
20 today's hearing?

21 CLAIMANT: No.

22 HEARING OFFICER: Is there any reason why you didn't do that as the Hearing
23 Notice instructed you to do?

1 CLAIMANT: Well, I assumed since they have the same access I
2 did they would see the documentation I provided on the portal.

3 HEARING OFFICER: I'm sorry, can you repeat that, you're phone cut out and I
4 didn't hear everything that you said.

5 CLAIMANT: I said I was under the assumption they were able to
6 see everything I can see under their...the portal...

7 HEARING OFFICER: What did you...

8 CLAIMANT: ...of what had been submitted.

9 HEARING OFFICER: Okay. So, what are you seeing on the portal?

10 CLAIMANT: On the portal it shows what I sent, what the
11 employer sent, you can view the documents that were sent.

12 HEARING OFFICER: Are you referring to the proposed Agency #1 exhibit that
13 was uploaded for today's hearing?

14 CLAIMANT: Yes, all of those documents, yes.

15 HEARING OFFICER: Okay. The 25 page document that was described earlier?

16 CLAIMANT: Yes.

17 HEARING OFFICER: All right. And, your...was your text in those documents?

18 CLAIMANT: It should be, yes.

19 HEARING OFFICER: All right. So, I have several pages of text
20 communications, I have some with Tanya Calvin, Chris Mitchell and Scott
21 Schroeder, so which one are you referring to where Mr. Mitchell indicated or
22 instructed you to take the day off?

1 CLAIMANT: He said, "You should take Monday off to consider
2 if you can continue working here with what's going on."

3 HEARING OFFICER: All right. On what page is that actual communication
4 from Mr. Mitchell to you?

5 CLAIMANT: I'll have to pull it up. Sorry, this will just take a
6 minute. I'm going back here to where this was submitted to get that for you.
7 These are what I submitted to I believe her name is Michelle Adams, I'm not sure
8 if it was one full document or if it was not which you originally got. Based on
9 what the e-mail that I sent her, I don't know which form it got uploaded at, but it
10 would be the first one.

11 HEARING OFFICER: What is it dated? What's the date?

12 CLAIMANT: 4/17.

13 HEARING OFFICER: All right. There is a document initially submitted at the
14 time of the initial claim filing, the same copy appears to have been submitted with
15 your appeal. Mr. Lominack, just so that you are aware, the text communication
16 does contain Chris Mitchell's name at the top of the document, there is a portion at
17 the top of the text that is cut off. A previous text before the one that the claimant is
18 referring to, however, the end of that text does read "All of our jobs wear us out, I
19 just have a hard time understanding why some people intentionally make it
20 harder."

21 EMPLOYER ATTORNEY: That was indicated to be from Chris or Ms.
22 Crawford?

23 HEARING OFFICER: That appears to be Ms. Crawford's statement, the next
24 statement appears to be from Mr. Mitchell that says "Should take a day away
25 without answering phone and think it through. Make sure it is what you want to
26 do." Is that the text that you're referring to, Ms. Crawford?

27 CLAIMANT: It is.

1 HEARING OFFICER: Okay.

2 EMPLOYER ATTORNEY: Do you mind...I'm sorry, do you mind just for my
3 purpose just repeating verbatim what...exactly what that was again? So, Ms.
4 Crawford's message says...

5 HEARING OFFICER: Well, the first part of it is cut off, only have the last three
6 sentences, the first line begins "Like that," but I think that's the end of a sentence.
7 And, then it says "All of our jobs wear us out, I just have a hard time
8 understanding why some people intentionally make it harder." And, then Mr.
9 Mitchell's response is and this is dated April the 17th, 2016 at 2:51 p.m. "Should
10 take a day away without answering phone and think it through, make sure it is
11 what you want to do." Then, Ms. Crawford's response at 4/17 at 3:21 "I love my
12 job and all the people that work for us, I'm grateful for my job, but being
13 considerate is more often than not, not reciprocated. This won't change, but I
14 really need to think about whether or not I can learn how to deal with it." Then
15 there's another text 4/17 at 4...looks like 4:14 also from Ms. Crawford "One more
16 thing (talking over each other)..."

17 CLAIMANT: 4/17?

18 HEARING OFFICER: ...I realize 90% of the issue is me allowing it for so long,
19 chances are I'll be back on Tuesday or whenever." And, then this particular page
20 cuts off at that point, but the next page does contain the completed message of that
21 one, if you want that one read as well.

22 EMPLOYER ATTORNEY: Yes, please.

23 HEARING OFFICER: On this next page where this continues, it says "One
24 more thing, I realize 90% of the issue is me allowing it for so long, chances are I'll
25 be back on Tuesday or whenever, but I need to make sure my family is in
26 agreement, some of the BS has taken a toll on them as well."

27 EMPLOYER ATTORNEY: All right. Can you...do you mind slowing down a
28 little bit, sorry. Is BS the letters BS?

1 HEARING OFFICER: Yes, sir. "Some of the BS has taken a toll on them as
2 well."

3 EMPLOYER ATTORNEY: Okay. Is that it?

4 HEARING OFFICER: And, then there is an additional text on that page which
5 appears to be from Ms. Crawford as well on April 18th...this is on April the 18th, so
6 that's the following day. So that would be all the communications of April the
7 17th, that were just read to you. So, that was the document that was submitted by
8 the claimant at the time of the initial claim filing, it was entered into the record as
9 part of Agency Exhibit #1 that she has referred to. All right. Now, this e-mail
10 communication, Ms. Crawford, indicates you should take a day away, it doesn't
11 specify which particular day you were going to take, so when was that
12 communicated that that day would be on Monday?

13 CLAIMANT: Well, below saying I'll be back on Tuesday would
14 probably indicate that that would have been Monday, but also in the text message
15 that I sent Tanya saying I won't be there on Monday.

16 HEARING OFFICER: So, when you said in your follow up communication to
17 him telling you to take a day away and think it through, what were you having to
18 think through?

19 CLAIMANT: Whether or not I could withstand the issues that I
20 have addressed not being addressed immediately.

21 HEARING OFFICER: Well, they indicated to you that the issues were going to
22 be addressed, did they not?

23 CLAIMANT: They did, but they don't get addressed.

24 HEARING OFFICER: So, did you indicate to them that if they were not
25 addressed immediately that you were going to consider leaving or that you may not
26 be able to stay there?

1 CLAIMANT: No, but I believe it's indicative in my text to Chris
2 that with all that goes on...because it takes a toll on my family, puts stress on it,
3 they knew I was stressed out and burnt out from it, what would have it eventually
4 led to.

5 HEARING OFFICER: All right. So, how long had this stress been building up,
6 Ms. Crawford, how long have you been under this particular stress?

7 CLAIMANT: I would have said most of April because that's
8 when we were converting to the new payroll system.

9 HEARING OFFICER: Okay. So, was the primary issue the fact that you all
10 were converting to this new primary system that all of this tension built up?

11 CLAIMANT: No, these are...other issues would happen
12 periodically, most of our employees are temporary seasonal, so most of the...from
13 the end of fall until spring time, our staff goes down by 50% if not more.

14 HEARING OFFICER: Well, would that not alleviate a lot of stress if your work
15 load goes down?

16 CLAIMANT: Absolutely, but this is...not only did we win new
17 contracts, we went to a new payroll system on top of having my own job, my
18 regular job to do.

19 HEARING OFFICER: All right. How many times, Ms. Crawford, had you
20 addressed the work load or the stress with Ms. Calvin or with Mr. Mitchell?

21 CLAIMANT: I believe I have and I don't know if I submitted it,
22 but I do believe I have text messages that I told all three of them that I was burnt
23 out and would need some time because of having to follow up with the employees,
24 trying to get paper work about being talked to the way that I am, other issues that
25 were on...I had indicated it and it is in writing.

26 HEARING OFFICER: All right. I need to know when that was.

1 CLAIMANT: Okay. Okay. I have to pull it up. I have to get
2 them off my phone, I don't know if those were sent.

3 HEARING OFFICER: Approximately when was it, Ms. Crawford?

4 CLAIMANT: It was in the month of April...early April.

5 HEARING OFFICER: Okay. So, everything that I've asked you about the
6 workload or the stress, everything appears to revert around the month of April, so
7 approximately for a one month period even though you said things are ongoing, the
8 only time frame that you've ever mentioned is April.

9 CLAIMANT: As far as when it came to a head to this point, yes.

10 HEARING OFFICER: Okay. So, had you ever addressed your concerns with
11 the employer prior to April?

12 CLAIMANT: I had, yes.

13 HEARING OFFICER: When?

14 CLAIMANT: Anytime a situation arose that I couldn't handle
15 myself, I would go directly to Tanya if that didn't work, I would bring it up to Jeff
16 or she said she would bring it up to Jeff, there were countless times. There's not
17 one specific date because this has been ongoing since my employment began.

18 HEARING OFFICER: All right. So, each time that there was a specific incident
19 that occurred and you went to them about it, was whatever the issue was at the time
20 resolved?

21 CLAIMANT: They would send a text or they would talk to them
22 or they would ask me to talk to them, but it was the same issues over and over again
23 and they never fully got resolved.

24 HEARING OFFICER: Okay.

1 CLAIMANT: Whether it's missing paper work, not sending the
2 correct year W-4 in, whatever it may have been.

3 HEARING OFFICER: All right. So, if you had addressed Ms. Calvin and you
4 had addressed Mr. Mitchell about these concerns and you had addressed them on
5 numerous occasions and nothing ever seemed to get resolved, at any time did you
6 make any attempt to go to Mr. Calvin himself and address these issues even though
7 they had already told you to direct your concerns to Mr. Mitchell or Ms. Calvin if
8 they weren't addressing your concerns, did you ever make any attempt to speak to
9 Mr. Calvin?

10 CLAIMANT: Mr. Calvin was there 90% of the time when I'm
11 having these conversations with Tanya Calvin as far as getting correct paper work,
12 expense reports, etc.

13 HEARING OFFICER: But, did you ever address him about it directly?

14 CLAIMANT: As far as just me and him?

15 HEARING OFFICER: Yes.

16 CLAIMANT: [UNCLEAR].

17 HEARING OFFICER: And, indicate look, I've been instructed to go to Ms.
18 Calvin, I've been instructed to go to Mr. Mitchell, I have been to them on this
19 occasion and this occasion and this occasion and this occasion, this stuff keeps
20 reoccurring, you know, they're not taking any disciplinary action against any of
21 these employees, I'm still having to go back and request the documentation that I
22 need to do my job, they're not resolving the issue, did you ever have that
23 conversation with him?

24 CLAIMANT: No, I didn't.

1 HEARING OFFICER: Is there any reason why not, particularly if you say he
2 was there a lot of the time when these conversations were going on, why wouldn't
3 you ever directly addressed him about it to find out his response?

4 CLAIMANT: In our office it's me and Tanya upstairs and Jeff
5 downstairs. He was abreast of all the situations, to pinpoint him directly to ask
6 about it, seemed irrelevant if he's already heard it, that's up to him when I've
7 already mentioned it in front of him and her.

8 HEARING OFFICER: Was anything ever put in writing to the employer or were
9 all of these issues or complaints verbal?

10 CLAIMANT: Most of them are verbal, but I do have e-mails that
11 I've saved that show the complaints.

12 HEARING OFFICER: Have any of those been submitted by you as evidence for
13 today's hearing?

14 CLAIMANT: I don't believe so.

15 HEARING OFFICER: All right. So, when...was there any other
16 communication with Ms. Calvin after she indicated...sent the text to you indicating
17 that they accepted your resignation?

18 CLAIMANT: Yes, I've got that up right now. Yes, it's a text
19 message, I believe it's on page 2 of what was submitted and she said "You told me
20 on Thursday that you had enough and were quitting and finding another job..."
21 (talking over each other).

22 HEARING OFFICER: Hang on, ma'am, ma'am, hang on just a moment.

23 CLAIMANT: Okay.

24 HEARING OFFICER: I need for you to...what's the date of the
25 communication?

- 1 CLAIMANT: That was on 4/18.
- 2 HEARING OFFICER: And, the communication is from whom?
- 3 CLAIMANT: It's from Tanya.
- 4 HEARING OFFICER: What time was that communication sent?
- 5 CLAIMANT: That one I don't have the...it doesn't look like we
6 have the time stamp on that one...yeah, I don't have the time stamp on it, I could
7 provide it if need be.
- 8 HEARING OFFICER: What does it...what does it indicate?
- 9 CLAIMANT: But, it's on 4/18 is when I...when this
10 correspondence occurred.
- 11 HEARING OFFICER: All right. It was initially submitted at the time of the
12 initial claim filing, there were two pages of communications with Ms. Calvin. Is
13 that correct is that what you submitted?
- 14 CLAIMANT: I'm showing three pages.
- 15 HEARING OFFICER: All right. So, what was the communication that took
16 place after she indicated they were accepting your resignation?
- 17 CLAIMANT: [UNCLEAR] do you want that first portion...her
18 portion or just mine?
- 19 HEARING OFFICER: Tell me where your...where is the information after it
20 was communicated that they were accepting your resignation? What was the next
21 communication that occurred?
- 22 CLAIMANT: The next communication that occurred was "Chris
23 said I could have a few days off..."

1 HEARING OFFICER: Okay.

2 CLAIMANT: ...he gave me the impression you all were
3 communicating."

4 HEARING OFFICER: Okay. Hold on just a moment. All right. So, Mr.
5 Lominack for your information, this is also part of Agency Exhibit #1. It appears
6 to be two pages of documentation, text communications with Ms. Calvin. The first
7 page contains a text, it appears to be from Ms. Calvin, that says "1/2 You told me
8 on Thursday that you had enough and you were quitting and finding another job,
9 you had said this before, but this time I took you seriously." And, then it says
10 "When...and then it goes to "2 of 2 When I came in this morning and found you
11 had removed all of your personal things over the weekend, Jeff and I have accepted
12 your resignation." Ms. Crawford responded "Chris said I could have a few days
13 off, he gave me the impression you all were communicating." The next
14 communication is from Ms. Calvin "No one communicated with Jeff or me until
15 today." And, then on the second page of this document, the e-mail where Chris
16 said I could have a few days off and then no one communicated with Jeff or me
17 until today is repeated on the second page and then Ms. Crawford's response is
18 "Chris reached out to me yesterday said take a day or do, he said he would deal
19 with the issues once everyone was settled. I tried to reach out to you over the
20 weekend, but you didn't want to talk about it. If my resignation was accepted
21 effective Thursday, then why did I work Friday or over the weekend? Does a
22 pissed off employee stop in to make sure they're caught up? No, they say 'F it'
23 and walk away and...but the word is actually spelled out F-U-C-K it and walk
24 away." Is that the communication that you're referring to, Ms. Crawford?

25 CLAIMANT: That is the communication I'm referring to and on
26 page 1 of that...the top portion, the something with my computer and will not
27 (talking over each other).

28 HEARING OFFICER: Okay. Hang on just a moment because I only...as I
29 indicated, I only have two pages regarding communications with Ms. Calvin. So,
30 anything that I've not received...

1 CLAIMANT: Well, this is one of the original e-mails that I sent
2 Michelle Adams, and its three pages long and the first page indicates (talking over
3 each other).

4 HEARING OFFICER: Okay. Again, I'm telling you, Ms. Crawford, I don't
5 have that documentation.

6 CLAIMANT: Okay.

7 HEARING OFFICER: What I've just read is all that I have.

8 CLAIMANT: Okay.

9 HEARING OFFICER: Okay. So, was there any further communication with
10 Ms. Calvin after that?

11 CLAIMANT: An e-mail was sent on the 19th which I believe was
12 submitted as well where I was telling them that I was looking out for them, that I
13 didn't understand all what was going on, I wanted things addressed they weren't
14 addressed and I wanted to give them an idea of what's being said behind their
15 backs by other employees that have blind copied me when going to Chris Mitchell
16 about her behaviors. I told her I would submit...because she'd already said I
17 resigned and it obviously became a really uncomfortable situation I told her I
18 would return the office keys and the paper work via UPS, and I also forwarded the
19 message that was sent by the other employee to Chris Mitchell.

20 HEARING OFFICER: All right. I don't believe that I have any other questions
21 at this time, Ms. Crawford...

22 CLAIMANT: Okay.

23 HEARING OFFICER: ...I'm going to reserve any further questions until after
24 I've spoken with the employer, so I'm going to reserve the right to come back to
25 you and question you further after I've spoken with the employer. Is there
26 anything else that you want to tell me at this time?

1 CLAIMANT: No.

2 HEARING OFFICER: All right. Mr. Lominack, this is your opportunity to cross
3 examine the witness, do you have any questions for Ms. Crawford?

4 EMPLOYER ATTORNEY: Yes, ma'am, I do have some. Hi, Ms. Crawford.
5 You testified that Mr. Mitchell told you to take a day or so off, right?

6 CLAIMANT: Correct.

7 EMPLOYER ATTORNEY: And, then on that Monday, you did not come into
8 work, is that correct?

9 CLAIMANT: That is correct and (talking over each other).

10 EMPLOYER ATTORNEY: Okay. Did you have a desk at work?

11 CLAIMANT: I do have a desk at work.

12 EMPLOYER ATTORNEY: Okay. Did you have personal items on that desk?

13 CLAIMANT: Yes, like pictures and so on.

14 EMPLOYER ATTORNEY: Can you describe those items a little bit?

15 CLAIMANT: Family pictures that were several years old, a
16 mouse pad, pens.

17 EMPLOYER ATTORNEY: Snacks...did you have snacks, anything like that?

18 CLAIMANT: Not in my desk...not that I'm aware of.

19 EMPLOYER ATTORNEY: Okay. Did you clean out your desk at some point
20 prior to Monday the 18th?

- 1 CLAIMANT: I did.
- 2 EMPLOYER ATTORNEY: So, why did you do that?
- 3 CLAIMANT: Part of it was to declutter considering how busy we
4 were, but another was to get my stuff out of there, review my old pictures, those
5 were my kids from four years ago, update them, she talked about spring cleaning
6 and I still have personal effects that are in the office as we speak.
- 7 EMPLOYER ATTORNEY: Are they...what are those effects?
- 8 CLAIMANT: My jean jacket, the stick vacuum that they used to
9 clean the office, is my personal one that I purchased with my money, my mouse
10 pad, my certification for an update on Notary.
- 11 EMPLOYER ATTORNEY: Okay. Did you...what all did you clean out, you
12 said that you cleaned out your desk, what was it that you cleaned out?
- 13 CLAIMANT: I took my pens with me which I had an
14 overabundance of pens and I took the pictures that were on my desk and a drawing
15 my daughter made for me when she was visiting on the tack board.
- 16 EMPLOYER ATTORNEY: What else, anything else?
- 17 CLAIMANT: Not that I can think of.
- 18 EMPLOYER ATTORNEY: Had you ever taken a day or two off before?
- 19 CLAIMANT: Only when sick or on vacation.
- 20 EMPLOYER ATTORNEY: When you took days off before, did you clean out
21 your desk when you left?
- 22 CLAIMANT: No, I didn't.

1 EMPLOYER ATTORNEY: So, when you cleaned out your desk and you took
2 pictures, you took the pens that you stocked up, you took a drawing from your
3 daughter, are you telling us that that was just a coincidence that you happened to
4 take that stuff on the same day that you had indicated before that you were possibly
5 quitting or the day after you had indicated that you were possibly quitting?

6 CLAIMANT: If my intent was to completely leave, I would have
7 grabbed things that were off...every last item that was mine, which I did not.

8 EMPLOYER ATTORNEY: Ms. Crawford, you talked a lot about issues and
9 concerns that you were having, but I'm not sure that I fully understand what the
10 specific issues were. And, let's start I guess at the beginning of April, 2016. What
11 are the issues that you are claiming were not being resolved by Ms. Calvin?

12 CLAIMANT: I believe I've already mentioned one pertaining to
13 the employees not doing what they'd been asked to do and (talking over each
14 other).

15 EMPLOYER ATTORNEY: I'm sorry, I'm having a hard time hearing you
16 there.

17 HEARING OFFICER: Yeah, it sounds like your phone is cutting out, Ms.
18 Crawford, so please make sure that you are located somewhere you have good
19 reception on that phone so if you need to move to get a better signal on the phone,
20 please do so at this time and if you would please restate your answer for Mr.
21 Lominack.

22 CLAIMANT: Okay. The issues that occurred in April since
23 that's when you're asking for, I believe I already mentioned had to do with
24 employees not doing as they were instructed to do, even including with the
25 employment onboarding with our new payroll system. On two occasions, the
26 manager took I-9 information over the phone, like you cannot do that, these are the
27 issues that were not being addressed.

28 EMPLOYER ATTORNEY: (Talking over each other).

1 CLAIMANT: (Talking over each other).

2 EMPLOYER ATTORNEY: That sounds like one issue, I guess, you know that
3 happened more than once, but that...we'll call that the employees not doing as
4 instructed issue. Any other issues?

5 CLAIMANT: There's several issues, but as...I'm not sure if
6 unemployment is aware of, but there's an ongoing Human Affairs situation going
7 on, so if we're going to go back to the beginning of employment, I can state all the
8 issues if you'd like, but...

9 EMPLOYER ATTORNEY: Well, what are the other issues?

10 CLAIMANT: To me in reference of my unemployment it has to
11 do with I was told to take a day off, I indicated to Tanya that I would not be in on
12 Monday, please do the bank transfer for me, she did the bank transfer after I had
13 already told her I wasn't going to be there on Monday.

14 EMPLOYER ATTORNEY: Okay. But, back to the issues, Ms. Crawford, the
15 only one that I think I understand at this point you communicating to us is that you
16 had problems with employees who were not doing as they were instructed with
17 respect to the onboarding process. Tell me what other issues you were
18 complaining about and had problems with back in April of 2016?

19 CLAIMANT: In April of 2016, the issues I had problems with
20 were ones that had been ongoing. Chris Mitchell and I had discussed them, Scott
21 Schroeder and Chris Mitchell had discussed them.

22 HEARING OFFICER: Okay. Ms. Crawford, if you would please specify as the
23 counsel has asked, what are the issues?

24 CLAIMANT: The issues...okay, I [UNCLEAR] issues with the
25 employee behavior and manager behavior not being addressed, whether that was
26 onboarding, whether that was telling me fuck you and being hung up on when
27 asking for information I needed to process payroll not being addressed, not getting

1 all the paper work as needed, not getting expense reports as needed, as far as the
2 other issues during my employment, rubbing my breasts on proposals for good
3 luck, asking them if I should be hour versus salary considering I was glorified data
4 entry, doing the thing with the gift cards, we're not supposed to do that,
5 reimbursing spouses to travel to see their working husbands or wives, not able to
6 do that.

7 EMPLOYER ATTORNEY: These issues with the managers' behavior,
8 was...what they were doing was that making your job more difficult?

9 CLAIMANT: It absolutely was, I'm the one that does the...I'm
10 the one that does time sheets and processes payroll.

11 EMPLOYER ATTORNEY: And, was it making your job more stressful?

12 CLAIMANT: Yes, of course it was, if I need to have a payroll
13 deadline of noon and I still don't have complete paper work on somebody that's
14 already worked for us that I have to pay, of course that would be stressful because
15 this man needs to be paid, this woman needs to be paid and I don't have everything
16 I need in order to pay them.

17 EMPLOYER ATTORNEY: Okay. Any other issues with managers' behaviors
18 other than the few that you've listed?

19 CLAIMANT: Based on what I've already listed and told you, all
20 of it revolves around their temperaments, their attitudes, trying to obtain stuff,
21 expense reports, sometimes expense reports completely go missing, they are to
22 send them every week that was an ongoing issue.

23 EMPLOYER ATTORNEY: And, you mentioned something about the gift
24 cards?

25 CLAIMANT: Yes.

26 EMPLOYER ATTORNEY: Can you explain that again to me please?

1 CLAIMANT: With gift cards, when you're processing any type
2 of gift card unless it is for a specific de minimus amount for object, for instance
3 either a honey baked ham, you get a honey baked ham gift card, that's all you can
4 buy there. Anything beyond that needs to be added to the employee's payroll so
5 that it can be taxed accordingly.

6 EMPLOYER ATTORNEY: Okay. But, I guess I'm not following what the
7 issue is with that.

8 CLAIMANT: When I brought it to their attention, Chris
9 concurred with me, our CPA concurred, and in essence they still bought the gift
10 cards, it was done on a corporate... Tanya's corporate credit card along with other
11 items, but you could tell on the receipt that it indicated it was for gift cards which I
12 still labeled them that way when I entered them.

13 EMPLOYER ATTORNEY: But, didn't you say something earlier about it
14 being de minimus?

15 CLAIMANT: De minimus but I don't know that Walmart would
16 constitute as de minimus because...since they could buy alcohol, they could buy
17 cigarettes, they could buy clothes, diapers it was not for a specific object.

18 EMPLOYER ATTORNEY: Okay. Are you...are you certified as a CPA or an
19 attorney to make that determination?

20 CLAIMANT: No, I'm not, but I did go to the CPA in which he
21 responded with IRS guidelines as what's considered de minimus and which is not.

22 EMPLOYER ATTORNEY: You talked about reimbursement for travel, explain
23 what you were talking about there.

24 CLAIMANT: Reimbursement for travel, that's in addition, that's
25 something that you cannot do unless it is work-related, we can't reimburse...and
26 even if I'm not certified CPA, if I'm questioning that, if I am showing a document
27 that says unless it is work-related an employer cannot do that because it breaches

1 IRS guidelines, it should be taxed and it shouldn't be done. It should be looked
2 into before you're having people do that, I'm trying to protect you, I'm showing
3 you the documentation and explaining to you this could get us in trouble.

4 EMPLOYER ATTORNEY: Okay. And, it is your belief that that that could get
5 the company in trouble?

6 CLAIMANT: Travel reimbursement for a non-employee, yes.

7 EMPLOYER ATTORNEY: Okay. And, did you raise that issue with Ms.
8 Calvin or somebody else?

9 CLAIMANT: I did earlier in the week of the last week that I was
10 there, we talked about it since it happened once before, we knew that this spouse
11 was traveling again and I said "Are we reimbursing that because I don't believe we
12 can do that?" And, she said "No, we're not paying for it, she's just going down
13 there." I said "Oh, okay." Saturday morning would be the 16th, I get a
14 reimbursement request for it, I questioned it, she came back at first and she said
15 "Absolutely not, we're not going to do this," and then after talking with Chris
16 and/or Jeff, came back and said "We'll pay it but this will be the last time."

17 EMPLOYER ATTORNEY: Sorry, you trailed off there at the end.

18 CLAIMANT: She said that this would be the last time after she
19 had spoken with Jeff and Chris. Originally she concurred with me and said we
20 shouldn't probably...you know, like absolutely not to reimburse her travel and at
21 the moment I guess she talked with Chris and/or Jeff and they said to go ahead and
22 pay it, so she came back and said go ahead and pay it and I believe she did say this
23 would be the last time we would do that.

24 EMPLOYER ATTORNEY: And, did she tell you that in electronic
25 communication?

26 CLAIMANT: I do.

- 1 EMPLOYER ATTORNEY: I'm sorry?
- 2 CLAIMANT: Yes, I do.
- 3 EMPLOYER ATTORNEY: Yeah, did she communicate to you that
4 in...through a text message or e-mail or was that (talking over each other)?
- 5 CLAIMANT: I have it in text message.
- 6 EMPLOYER ATTORNEY: In a text message, okay.
- 7 CLAIMANT: Yes.
- 8 EMPLOYER ATTORNEY: And, then you mentioned something about
9 rubbing...being asked rubbing...to rub your breasts on proposals, tell us about that.
- 10 CLAIMANT: That's correct, it became a "good luck charm," so
11 as proposals were being sent out, I was asked to rub them on my breasts for good
12 luck.
- 13 EMPLOYER ATTORNEY: Who asked you?
- 14 CLAIMANT: Tanya.
- 15 EMPLOYER ATTORNEY: Did anybody else ask you?
- 16 CLAIMANT: No.
- 17 EMPLOYER ATTORNEY: Was anybody else around when she asked you
18 this?
- 19 CLAIMANT: Yes.
- 20 EMPLOYER ATTORNEY: Who?

- 1 CLAIMANT: Jeff Calvin and also there's another witness that
2 had seen it happen, considering our office setup, but there is a visitor and they
3 happen to see it and they're willing to back that claim up.
- 4 EMPLOYER ATTORNEY: Okay. And, who was that?
- 5 CLAIMANT: That's Darla Calvin (phonetic).
- 6 EMPLOYER ATTORNEY: Darla Calvin?
- 7 CLAIMANT: Uh huh.
- 8 EMPLOYER ATTORNEY: And, who is she?
- 9 CLAIMANT: That is Tanya's sister-in-law, Jeff's sister.
- 10 EMPLOYER ATTORNEY: When did this...when did this happen?
- 11 CLAIMANT: I have the dates listed out...let me grab my
12 journal...of the occurrences, but every time...from the moment I started, every
13 time we sent a proposal out which [UNCLEAR] because they have due dates of
14 when they had to be sent out which [UNCLEAR].
- 15 EMPLOYER ATTORNEY: Are you looking for something, Ms...?
- 16 CLAIMANT: Yes, I am, I'm looking for my Human Affairs
17 documentation because that shows the specific dates so that will take me a minute
18 to do that. I have September 17th of 2015, March 22nd of 2016.
- 19 EMPLOYER ATTORNEY: I'm sorry, September what? September 17th you
20 said?
- 21 CLAIMANT: Yes.
- 22 EMPLOYER ATTORNEY: And, then the next one was...?

1 CLAIMANT: No, it was...yeah, so it was 9/17/2015 and 3/22/16.
2 EMPLOYER ATTORNEY: 3/22 what year?
3 CLAIMANT: 2016.
4 EMPLOYER ATTORNEY: Any other times?
5 CLAIMANT: I'm going back through here. That's what I have
6 on the initial paper work, but I would have to go through and see if there's any
7 additional days.
8 EMPLOYER ATTORNEY: Was 9/17/15 the first time when Ms. Calvin asked
9 you to rub your breasts on the proposal?
10 CLAIMANT: Yes.
11 EMPLOYER ATTORNEY: And, on 9/7/15 when that happened, was Mr.
12 Calvin present?
13 CLAIMANT: Yes.
14 EMPLOYER ATTORNEY: And, was you said, Darla Calvin, present?
15 CLAIMANT: Yes.
16 EMPLOYER ATTORNEY: And, is that Jeff Calvin's sister?
17 CLAIMANT: That's correct.
18 EMPLOYER ATTORNEY: Okay. Was anybody else present?
19 CLAIMANT: No, we...there was two of us in an office and Jeff
20 downstairs and our Healthy Lawn employee.

- 1 EMPLOYER ATTORNEY: I'm sorry your what?
- 2 CLAIMANT: Healthy Lawn...the other company that they own.
- 3 EMPLOYER ATTORNEY: Uh huh. Somebody else was there you said?
- 4 CLAIMANT: Yes, but he worked downstairs and/or is out
5 servicing (talking over each other).
- 6 EMPLOYER ATTORNEY: (Talking over each other).
- 7 CLAIMANT: Yes. And, we were upstairs, you'd have to
8 physically be upstairs in that office to see this.
- 9 EMPLOYER ATTORNEY: And, was Mr. Calvin...you said he is downstairs,
10 was he upstairs at that time?
- 11 CLAIMANT: He was upstairs at that time because they were
12 finishing up a proposal to make sure everything was correct on it.
- 13 EMPLOYER ATTORNEY: Okay. Did you say anything in response to Ms.
14 Calvin's statement to you?
- 15 CLAIMANT: Which statement is that?
- 16 EMPLOYER ATTORNEY: Or, I'm sorry question to you about rubbing your
17 breasts?
- 18 CLAIMANT: Oh, there was no questions, she came over and put
19 it there and rubbed it.
- 20 EMPLOYER ATTORNEY: She physically took the proposal and put it on your
21 breasts?
- 22 CLAIMANT: That's correct because they're "good luck."

1 EMPLOYER ATTORNEY: And, she said...you said quote unquote, so that's
2 Ms. Calvin saying that?

3 CLAIMANT: Yes.

4 EMPLOYER ATTORNEY: And, what did you do in response?

5 CLAIMANT: I was stunned and I...I mean I didn't have
6 anything to say, no.

7 EMPLOYER ATTORNEY: Did you laugh?

8 CLAIMANT: I don't know that I laughed, no, I think I was more
9 stunned than anything particularly because Darla was there.

10 EMPLOYER ATTORNEY: Did you say don't do that again?

11 CLAIMANT: I did the last time she asked...or it occurs, I did say
12 that because it was benefiting me none even if we won more contracts. I...it was
13 of no benefit for me to do that.

14 EMPLOYER ATTORNEY: Okay. And, the next time you recall was 3/22/16
15 you said?

16 CLAIMANT: Yes.

17 EMPLOYER ATTORNEY: Was that the last time or just the second time or
18 what?

19 CLAIMANT: That was the last time. Like I said, I'd have to go
20 through all my Human Affairs documents and the documentation I have (talking
21 over each other).

22 EMPLOYER ATTORNEY: What documentation are you talking about?

1 CLAIMANT: I'm sorry?

2 EMPLOYER ATTORNEY: What...you said all the documentation that I have,
3 what are you talking about?

4 CLAIMANT: I kept a journal once I started working there
5 because things changed initially after I started working there, I was supposed to
6 have a flexible schedule, in fact, when I became employed there I wasn't looking
7 for a job, she approached me at school said "Hey, do you know anybody that does
8 this, that needs to do this, do you want to come by?" "Sure." Came by the office.

9 EMPLOYER ATTORNEY: Okay. So, sorry I'm not following the connection
10 there between you kept a journal and then you're supposed to have a flexible
11 schedule.

12 CLAIMANT: Well shortly thereafter, I'm working 10 hours a
13 day, the fiscal year end close was supposedly done upon me starting there, it was
14 not, I...there were times I was getting in at 8 and working till 8:00, Tanya was with
15 me during those times, sometimes it was even later. The very first month that I
16 worked there and I kept a composition notebook on my desk that indicated
17 anything that...so, I could vent like "I'm still sitting at work, I thought this was
18 flexible." I kept documentation as things happened.

19 EMPLOYER ATTORNEY: Did you keep documentation in April about things
20 that were going on, you talked about the issues and all of that and needing time off,
21 did you keep documentation or write down in your composition notebook those
22 events?

23 CLAIMANT: I did.

24 EMPLOYER ATTORNEY: And, what do those notes reflect?

25 CLAIMANT: Do you want me to go through them with you?

26 EMPLOYER ATTORNEY: Yup.

1 CLAIMANT: They're rather lengthy. "4/12/16 I asked Tanya to
2 address the issues with managers and using Oasis, our new payroll system. I have
3 no authority to say anything to any of our guys because when I do it gets twisted
4 around that I've been harsh, so I leave that up to her. I feel if she mentioned it,
5 they'd be more inclined to actually listen, but what do I know. She told me that
6 Scott will be dealt with when the time was right which means it will never happen.
7 I know it doesn't seem like much, but Jeff and Tanya don't take me seriously.
8 Ninety per cent of our troubles are situations created by or made worse by issues
9 not being addressed. I just want to be treated like everyone else. I finally
10 convinced her to use the proper protocol with other employees, don't I deserve the
11 same thing as far as annual reviews so on and so forth." "4/13 I mentioned to
12 Tanya [UNCLEAR], I reiterated about being cautious in wanting to give gift cards,
13 I also advised her and Jeff if she told them to get with Bud about reimbursing
14 spouse travel expenses. Twice we've reimbursed an employee's spouse to travel
15 including flights, this is something we shouldn't be doing at all. She said she'd
16 mention it, but it wasn't worth bringing up right now. I'm worried that we'll
17 eventually get in huge trouble for these things." "4/13/16 I found myself
18 aggravated with the whole work situation today, Tanya told me to vent to Chis
19 about everything and that although nothing will probably be...probably happen, it
20 made me feel better. I called him and talked a bit to release the tension, but he
21 says his hands were tied at the moment, but we still couldn't afford to have any of
22 our managers walk off their jobs. I brought up Tanya and her treatment and he told
23 me that there's nothing he can do right now because Jeff doesn't want to hear it.
24 He said it's a complicated situation because it is his wife." "4/14 Tanya (talking
25 over each other).

26 EMPLOYER ATTORNEY: Let me stop you for one second, Ms. Crawford...

27 CLAIMANT: Okay.

28 EMPLOYER ATTORNEY: ...these things you brought up, you brought up
29 Tanya to him?

30 CLAIMANT: Yes.

31 EMPLOYER ATTORNEY: What specifically did you bring up about Tanya?

1 CLAIMANT: That particular day there was a situation, she got
2 aggravated, not quite sure what caused it, she ended up throwing her phone
3 downstairs it busting in two, breaking the stapler, throwing stuff off of her desk,
4 she talked to Scott on the phone, Scott called to...that's the one that had told me
5 FU, well he was finally ready to give me the information I was looking for, when
6 he called in, she told him FU, full version and hung up on him and started
7 screaming and when it's just she and I in that building, that can be a little bit
8 intimidating even if it's not directed at me, it's right there in my face.

9 EMPLOYER ATTORNEY: Okay. What else?

10 CLAIMANT: Okay. "4/14 This is the one where she
11 [UNCLEAR]. Tanya is agitated today, it's been harder to change my mood to
12 accommodate everybody else's, she was going on about her job or about how she
13 doesn't know what her job is any more and wants to go back to work in that bank.
14 I tried to make her feel better by reminding her she's the VP and is needed for so
15 many things. She said now that proposal season is finishing up, she won't have
16 anything to work on. She's never been in a situation where she doesn't have
17 anything to do, in fact, she nonstop glorifies how busy she is to put an end to her
18 pity party I brought up having the affirmative action plan in place that we
19 [UNCLEAR] for sure. I mean we're only seven years past due requirement. I told
20 her that I understand her aggravation because of how I've been treated while
21 working here, she said she was sorry she couldn't help more, but it is what it is. I
22 told her I love my job and felt grateful for the opportunity but there's little else that
23 encourages me to want to stay besides getting a pay check. I felt like she was
24 actually being sincere, but somehow I can't ignore the idea that she may just be
25 trying to manipulate me. She did thank me for my hard work and says she couldn't
26 run the office without my help, but is that an actual compliment...no...on 4/14."

27 EMPLOYER ATTORNEY: And, that...remind me what day are we talking
28 about there, is that a Thursday?

29 CLAIMANT: That was...yes, that's Thursday 4/14.

30 EMPLOYER ATTORNEY: Okay. What's next?

- 1 CLAIMANT: That's it. The rest is all documented via text and
2 e-mails.
- 3 EMPLOYER ATTORNEY: So, you didn't...so the events that transpired over
4 the weekend right before the 18th that Monday, those events with your
5 conversations with Chris, those were not...you didn't write anything in your
6 notebook about that?
- 7 CLAIMANT: No, since it was documented via text message.
- 8 EMPLOYER ATTORNEY: Okay. So, going back you said that the last time
9 that the breast rubbed on proposal happened March 22, 2016?
- 10 CLAIMANT: Uh huh.
- 11 HEARING OFFICER: I need you to state yes or no answers for the record,
12 ma'am.
- 13 CLAIMANT: Yes.
- 14 HEARING OFFICER: Thank you.
- 15 EMPLOYER ATTORNEY: Okay. Was Ms....Ms. Calvin was present there I
16 assume, right?
- 17 CLAIMANT: That's correct.
- 18 EMPLOYER ATTORNEY: And, was Mr. Calvin present during that event?
- 19 CLAIMANT: He was.
- 20 EMPLOYER ATTORNEY: And, he was upstairs with you?
- 21 CLAIMANT: That's correct.

- 1 EMPLOYER ATTORNEY: And, was Darla Calvin as well?
- 2 CLAIMANT: No.
- 3 EMPLOYER ATTORNEY: So, she was not there that day?
- 4 CLAIMANT: No...no.
- 5 EMPLOYER ATTORNEY: Okay. Is there any other instances that you can
6 recall where Ms. Calvin approached you about rubbing your breasts on proposals?
- 7 CLAIMANT: At this point I'd have to look through all my
8 documentation that I submitted to Human Affairs, but those are the two dates that I
9 have listed.
- 10 EMPLOYER ATTORNEY: All right. On that other day, the March 22nd day,
11 did Ms. Calvin do the same thing that she had done back in September, did she
12 actually physically put the document on you or did she (talking over each other)?
- 13 CLAIMANT: She brought it to me and she says "I need a rub"
14 and I says "This will be the last time I do this because it has nothing to do with my
15 job and it benefits me zilch."
- 16 EMPLOYER ATTORNEY: And, you didn't laugh or joke around about that?
- 17 CLAIMANT: No, particularly the last time, absolutely not.
- 18 EMPLOYER ATTORNEY: Okay. Did you make any complaints to anybody
19 about that?
- 20 CLAIMANT: Me telling her that I'm not going to do it anymore
21 being the VP that is me telling her not to do it anymore.
- 22 EMPLOYER ATTORNEY: Well, did you talk to anybody besides her about it?

1 CLAIMANT: I do know that I brought it up to Scott, Scott
2 Schroeder, whether or not he would attest to that is beyond my knowledge at this
3 point, but I did mention that when it would occur throughout my employment there
4 that that's what they were having me do.

5 EMPLOYER ATTORNEY: All right. Ms. Crawford, one other issue that you
6 mentioned that I don't think I covered yet is you said something about the...or you
7 were asking if you were supposed to be hourly instead of salary, is that correct?

8 CLAIMANT: That's correct.

9 EMPLOYER ATTORNEY: Okay. When did...tell us what that means, what
10 again was the issue?

11 CLAIMANT: Well, because of the amount of hours I worked and
12 based on being paid salary, yes I got paid 35 grand a year, however, my job duties
13 were basically glorified data entry and I started questioning whether or not that
14 was...if that was correct because I'm not able to make decisions, I made no final
15 decision, I'm not an accountant.

16 EMPLOYER ATTORNEY: When did you start questioning that?

17 CLAIMANT: It was all...this all started probably around March
18 where...because we had another situation where an employee was claiming to be
19 misclassified and I looked into for my own self, just to see because there's several
20 different tests/categories that would make you either salary exempt, sales exempt,
21 professional exempt and so on and so forth and based on what I read, it didn't
22 appear that, I mean, I had no say so...no final say so on anything, I was just
23 questioning it.

24 EMPLOYER ATTORNEY: And, who did you question it to?

25 CLAIMANT: Tanya.

26 EMPLOYER ATTORNEY: Do you remember when that was?

- 1 CLAIMANT: It had to have been mid-March.
- 2 EMPLOYER ATTORNEY: Did you question her in person?
- 3 CLAIMANT: Yeah...yes.
- 4 EMPLOYER ATTORNEY: And, how many times did you question her?
- 5 CLAIMANT: I questioned her once, but she said I was getting
6 paid more than enough and it didn't matter because my husband makes good
7 money and offsets that because I was in a position where I was a stay at home
8 mom for four years prior to working for her.
- 9 EMPLOYER ATTORNEY: And, did you bring the issue up again after that?
- 10 CLAIMANT: No, because I got shut down.
- 11 EMPLOYER ATTORNEY: That...that event was the time when you got shut
12 down you're saying?
- 13 CLAIMANT: Right, when she came back "No, you're getting
14 paid well enough, hours will start to go down now that the managers were able to
15 onboard, some of my tasks would be taken away that were time consuming as far
16 as the manager onboarding and the employees doing their own paper work, etc.
- 17 EMPLOYER ATTORNEY: Okay. Who is Scott Schroeder...
- 18 CLAIMANT: (Talking over each other).
- 19 EMPLOYER ATTORNEY: ...you mentioned him a couple times earlier?
20 What is his job title?
- 21 CLAIMANT: He's an Operations Manager.

1 EMPLOYER ATTORNEY: Where does he fall within the organizational
2 structure if you know?

3 CLAIMANT: I don't have any...I mean you have Jeff, Tanya,
4 Chris, then you have Scott and Jeff White and those are the two Operations
5 Managers that fall below Jeff and Tanya directly.

6 EMPLOYER ATTORNEY: So, Jeff White and Scott Schroeder report to Tanya
7 and Jeff?

8 CLAIMANT: That's correct, and there are managers out in the
9 field to ensure that all of the cemeteries are running properly, they do the hiring for
10 the actual Site Managers for locations.

11 EMPLOYER ATTORNEY: Okay. And, you testified that Scott Schroeder, I
12 guess it was in April I think you said, correct me if I'm wrong, but there was an
13 incident where you were on the phone with him and he told you fuck you and then
14 hung up?

15 CLAIMANT: That's correct.

16 EMPLOYER ATTORNEY: Can you tell us a little bit more about that
17 conversation with him on the telephone and how that came to be?

18 CLAIMANT: I had called to ask him for documents I needed to
19 get an employee set up in Oasis because it was incomplete the way that he had
20 done it. And, I was...and that was even per Tanya I was direct, asked him what I
21 needed, he said "fuck you Patty" and hung up the phone.

22 EMPLOYER ATTORNEY: And, did you tell Tanya that that had happened?

23 CLAIMANT: She was sitting right there, we were...we're
24 literally no more than ten feet away from each other where our desks were, she saw
25 it in my face, I told her exactly what happened.

- 1 EMPLOYER ATTORNEY: So, were you on speaker phone or just regular
2 phone?
- 3 CLAIMANT: Regular phone, regular office phone.
- 4 EMPLOYER ATTORNEY: So, after he hung up you then told Tanya that he
5 got (talking over each other)?
- 6 CLAIMANT: (Talking over each other). Yup.
- 7 EMPLOYER ATTORNEY: And, what did Tanya say?
- 8 CLAIMANT: She was just as stunned as I was and she said that
9 she would talk to Jeff about it and that they would talk to Scott about it.
- 10 EMPLOYER ATTORNEY: Did you ever use vulgar language in
11 communicating with people at work?
- 12 CLAIMANT: As far as business-related stuff, yes, I...there are
13 potty mouth words that came out.
- 14 EMPLOYER ATTORNEY: I'm sorry, there were what?
- 15 CLAIMANT: Potty mouth words that came out, but not...so like
16 if we're talking about a football game or things of that nature these guys I worked
17 with closely, yes, there was vulgar words, but bear in mind in text messages, full e-
18 mails, you'll see that it was used by everybody in the company.
- 19 EMPLOYER ATTORNEY: So, was that particularly unusual then or strange
20 for him?
- 21 CLAIMANT: It was in that particular situation it absolutely was.
- 22 EMPLOYER ATTORNEY: Ms. Crawford, let me finish my question first if
23 you don't mind.

1 CLAIMANT: I'm sorry.

2 EMPLOYER ATTORNEY: Was it unusual or strange then for you to have
3 heard Mr. Schroeder say FU on the phone?

4 CLAIMANT: Yes, in that context, yes, he had never spoken to
5 me like that before in regards to anything that had to do with employment.

6 EMPLOYER ATTORNEY: What...describe your relationship with Mr.
7 Schroeder, did you...how did you know him?

8 CLAIMANT: Scott up until the beginning of this year, he was
9 the main Operations Manager, so that's who I had to directly deal with in regards
10 to the Site Managers not getting me their expense reports or if I needed
11 information or benefits, he was the direct contact for several of our locations. He
12 was from Minnesota, that's where I'm from and we had a good working
13 relationship.

14 EMPLOYER ATTORNEY: Did you have a personal relationship with him?

15 CLAIMANT: As far as a friendship, yes.

16 EMPLOYER ATTORNEY: But, nothing other than that?

17 CLAIMANT: No, even though it was insinuated not only to
18 Tanya and Jeff's daughter, but also to my son via her...via Tanya's son at camp.

19 EMPLOYER ATTORNEY: What was insinuated?

20 CLAIMANT: My son and her son who are the same age when to
21 camp last year, my son came home and said "Mom, let me ask you a question, are
22 you having an affair with Scott Schroeder?" There's no way my son would even
23 know who that man is or the name. Two weeks later we were at the Calvin house
24 for Jeff's birthday party, this was in June of last year, Tiffany (phonetic) which is
25 Jeff's daughter, Tanya's stepdaughter, asked me the very same question.

1 EMPLOYER ATTORNEY: But, you deny there was anything going on?

2 CLAIMANT: There was nothing going on, so yeah, of course I
3 denied it.

4 EMPLOYER ATTORNEY: You testified a little bit ago about having to
5 work...or that when you started you were going to work a flexible schedule and
6 that you ended up having to work later than you expected to, do you remember
7 that?

8 CLAIMANT: Yes.

9 EMPLOYER ATTORNEY: Were there any issues or concerns that you had
10 that caused you to have to work a flexible schedule? What was the reason (talking
11 over each other)?

12 CLAIMANT: Yes, and...go ahead, sorry.

13 EMPLOYER ATTORNEY: What was the reason you needed to work a flexible
14 schedule?

15 CLAIMANT: Because when Tanya approached me for this
16 position, I had already committed to being on the PTO Executive Board at the
17 elementary school, I had already had commitments with other personal items,
18 she...for instance, bible study and so on, I was willing to forfeit bible study, I was
19 willing to forfeit working out, but there were other commitments I have, whether it
20 be carpool for my daughter to get to dance and PTO meetings and events up at the
21 school which she was aware of. And, she...in fact, when she hired me, she said
22 chances are you'll be out of here by 2 each day...when we're during slow time.

23 EMPLOYER ATTORNEY: And, that didn't turn out to be the case, did it?

24 CLAIMANT: I'm sorry?

1 EMPLOYER ATTORNEY: That did not turn out to be the case, did it, that you
2 were out by 2?

3 CLAIMANT: No, sir.

4 EMPLOYER ATTORNEY: Did you expect to have to work a lot on the
5 weekends?

6 CLAIMANT: No.

7 EMPLOYER ATTORNEY: Did you end up working a lot on the weekends?

8 CLAIMANT: Absolutely.

9 EMPLOYER ATTORNEY: Did you expect to have to work during like
10 evening hours after, you know, after 5?

11 CLAIMANT: Did I expect that, absolutely not.

12 EMPLOYER ATTORNEY: And, did you end up having to work a lot of
13 evening hours?

14 CLAIMANT: There were evening hours, weekends, there was
15 one particular time I took vacation, it was a three-day vacation or two-day vacation
16 after I first started it was an already planned trip and while I was there I spent more
17 time on the phone with our Allegany's (phonetic) employee, Scott Schroeder,
18 because I'm again trying to get...the man was already working and we still didn't
19 have new hire paper work because it apparently got lost. Then we also had a
20 conference, a sexual harassment conference call that I had to sit in on and this is
21 why I had taken time off.

22 EMPLOYER ATTORNEY: And, do you recall when that was?

23 CLAIMANT: It had to have been January of 2015, again if you
24 need the exact dates, I can pull my flight record of when I was there.

1 EMPLOYER ATTORNEY: Well, did that...let me ask you this, did the
2 workload and the fact that you were not getting out by 2 and that you were
3 working on weekends and nights, did that continue up until your separation in
4 April of this year?

5 CLAIMANT: It did.

6 EMPLOYER ATTORNEY: Okay. Did it ever get better, did it go through
7 phases or was it just constantly like that?

8 CLAIMANT: I would say 90% of the time it was like that,
9 overall I would have shown up at 7 and left at 5 at the latest, but during year end,
10 of course, there's going to be more hours which I expected, not that very first year
11 considering I was told year end was already done, fiscal year end was already
12 completed, it ends up being Tanya and I having to actually do all the stuff that we
13 thought was already done. And, there were times that during like dance carpool,
14 my daughter was getting dropped off at the office at 8:30 where I had already been
15 there since 7:00 that morning.

16 EMPLOYER ATTORNEY: Now, were you a stay at home mom before you
17 started this job, did you say that?

18 CLAIMANT: I did, uh huh.

19 EMPLOYER ATTORNEY: How long had you been a stay at home mom?

20 CLAIMANT: I stayed at home for four years.

21 EMPLOYER ATTORNEY: Okay. And, going back, I mean going back to
22 work was difficult on that personal schedule wasn't it?

23 CLAIMANT: It was for the...again, upon hire, I did let Tanya
24 know that I was not going to go up for re-vote, they were going to the intermediate
25 school our children were, so I had no intention of trying to be on any executive
26 board up there, that if I did anything with the school, it would be volunteering here

1 and there. She knew I had intended to squash that commitment, carpool was still a
2 situation, but given my husband's schedule he was able to offset that a good bit
3 where I had to pick up as opposed to drop off. I can think of maybe four
4 Thursdays where I left at 3:30 to go get the girls and bring them to dance.

5 EMPLOYER ATTORNEY: Okay. But, you didn't expect to continue or
6 having to work after 2 or on weekends or nights, right?

7 CLAIMANT: That's correct.

8 EMPLOYER ATTORNEY: Even though you had given up some of that stuff to
9 take this job?

10 CLAIMANT: That's correct.

11 EMPLOYER ATTORNEY: Okay. After you started working and you said the
12 schedule got, you know, got worse or it wasn't as flexible as you thought, do you
13 remember occasions where you spoke with Ms. Calvin or anyone else to request
14 some sort of accommodation for what was going on or the schedule, you know, ask
15 for a schedule change or to go back to having more flexibility?

16 CLAIMANT: I did and I was told once tax season was over that
17 it would go back to normal schedule, which it did not. Then, when it turned into 9
18 to 5 I was okay with that, I felt 35 grand a year, to be three minutes away from my
19 home was great, I loved what I was doing, I loved the people I worked for and with
20 and a 9 to 5 doesn't bother me. But, Saturday, hey the computer is down, can you
21 run up because Chris Mitchell would do our cash flow during the weekend, so
22 there were times I'm en route to go be with family or friends or hang out with the
23 kids and I'm having to stop what I'm doing to make sure he can get what he
24 needs...needed for the weekly cash flow because he's the one that indicated to me
25 who I needed to pay each week, like our vendors and so on.

26 EMPLOYER ATTORNEY: Okay. Any other times that you've asked Ms.
27 Calvin to help you with your schedule or make it more flexible like it used to be?

1 CLAIMANT: It had...it no longer became a concern once my
2 original commitments upon my initial hire to the end of the school year, so 2014
3 through June of 2015 is when I was committed for dance carpool and for PTO
4 obligations because I was not just a volunteer, I had to be at meetings, I had to be
5 at certain events which I also included her in so that we could both be gone and it
6 would make me feel less stressed out that I was taking time away from Allserv if
7 she was with me.

8 EMPLOYER ATTORNEY: Now, she gave you time off...Ms. Calvin gave you
9 time off for that though, right?

10 CLAIMANT: For the meetings and so on, yes, she did.

11 EMPLOYER ATTORNEY: Okay.

12 CLAIMANT: But, towards the end I do believe there were
13 several that I did miss.

14 EMPLOYER ATTORNEY: I'm sorry, could you repeat that?

15 CLAIMANT: I believe there were several towards the end I
16 believe in May and April I was not present at the actual PTO meetings and
17 somebody took over my secretary duties because I missed two meetings because
18 we had obligations with work.

19 EMPLOYER ATTORNEY: Did you ask...did you ever ask Ms. Calvin or
20 anyone else for any sort of accommodation for a disability?

21 CLAIMANT: I did. She...I mean, if you had indicated in
22 conversation and someone when I got stressed out about things not being handled,
23 the first thing she would say to me is "Pop a Xanax or have you talked to your
24 therapist about it?" So, she was aware of that and to me when you're
25 allowing...things that could actually have been addressed and squashed rather
26 simply don't get addressed and it adds additional stress to my job...not...my job

1 was not stressful, but when you're allowing behaviors to occur that have nothing to
2 do with my job (talking over each other).

3 EMPLOYER ATTORNEY: Well, what was the (talking over each other)?

4 CLAIMANT: (Talking over each other) was causing anxiety.

5 EMPLOYER ATTORNEY: What was the disability, Ms. Crawford?

6 CLAIMANT: I'm diagnosed with PTSD and I have seen a
7 therapist for ten years for this, once a month for ten years.

8 EMPLOYER ATTORNEY: Had you told Ms. Calvin that?

9 CLAIMANT: Yes, she knows that and the first five months I was
10 there because of the...and I say "workload," given that the yearend stuff was not
11 completed by the previous employee, I was unable to go, so there's a five month
12 bracket where I was unable to go to see my therapist, and she knew that and I once
13 I...after that point, I said I need to go because I need to go, I told her when my
14 appointments were, I had brought doctor's notes back on several occasions to
15 which she said "I don't need this, I know where you were at."

16 EMPLOYER ATTORNEY: So, you asked her for time off to do that?

17 CLAIMANT: Yes, like I would take a lunch and go which would
18 be an extended lunch from...my appointment was at 9:15 where I would leave at
19 8:45 and I would be back by 10:30, but work till 6 or 5 or work from home.

20 EMPLOYER ATTORNEY: Did Ms. Calvin ever tell you that you could not
21 have the time off to go to a doctor's appointment?

22 CLAIMANT: The first five months I was there, I was told Jeff
23 did not want me gone and if that was going to be the case, then I could no longer
24 be there because he needed somebody in the office doing the job at all times, but

1 that did not come from Jeff's mouth directly to me, it came from Tanya's...per
2 Jeff.

3 EMPLOYER ATTORNEY: When you...but, my question was did she
4 specifically deny you time off when you requested to go for a doctor's
5 appointment?

6 CLAIMANT: No, but bringing up my PTO obligations and the
7 carpool situation, we'll say that I was already pushing the limit as far as being gone
8 from the office, even though I was making up the time whether it be from home,
9 coming in early, staying late, coming back to the office after I...I felt that at that
10 point, I had to do what I truly committed to which is with four other mothers
11 dealing with their children and getting them to where they needed to be every other
12 week or every three weeks and my PTO obligations because I signed up for it prior
13 to working for her.

14 EMPLOYER ATTORNEY: Okay. But you did go to your doctor's
15 appointments, is that correct?

16 CLAIMANT: After five months of not, I started going, yes, once
17 a month.

18 EMPLOYER ATTORNEY: Okay. So, you started going to your doctor's
19 appointments and Ms. Calvin did not prevent you from going to those doctor's
20 appointments whether or not you had to make up the time or work late or
21 whatever, she did not tell you, no you can't go to those doctor's appointments,
22 correct?

23 CLAIMANT: That's correct, yes, she...yes, she was fine with
24 that.

25 EMPLOYER ATTORNEY: All right. Who is Chris Mitchell again, you said a
26 Business Consultant?

27 CLAIMANT: He's a Consultant.

- 1 EMPLOYER ATTORNEY: Is he an employee of Allserv?
- 2 CLAIMANT: No, he gets paid...he's a 1099 employee.
- 3 EMPLOYER ATTORNEY: So, he's an independent contractor?
- 4 CLAIMANT: That's correct.
- 5 EMPLOYER ATTORNEY: What was your understanding of his authority to
6 give you time off from work?
- 7 CLAIMANT: I...he's not the person I would have asked to have
8 a week of vacation off, but when situations arose both Tanya and Jeff said talk to
9 Chris about it. They had advised other employees if Chris and...going back to
10 Scot Schroeder, Jeff White, all the Operations Managers, probably speak to Chris
11 more in a day than they do to Jeff Calvin. He was the person we were advised to
12 go to when things couldn't be handled.
- 13 EMPLOYER ATTORNEY: And, on April the 17th, you had a communication
14 through text message with Chis, is that correct?
- 15 CLAIMANT: That's correct.
- 16 EMPLOYER ATTORNEY: And, you were describe...or the Hearing Officer
17 was reading some of the text messages into the record and you talked about how all
18 of our jobs wear us out, we just have to, you know, have time to understand
19 why...or just don't have an understanding of why some people make it so hard and
20 then I believe the message was something to the effect of Chris saying to you that
21 you should take a day off without answering the phone and think it through and
22 make sure this is what you want to do, is that...
- 23 CLAIMANT: Yes.
- 24 EMPLOYER ATTORNEY: ...is that accurate? Okay. And, then I believe that
25 you responded something to the effect of that you love your job but you really

1 needed to think about how to deal with it, 90% of the issue is you...was allowing it
2 to go on for so long and then you said chances are, I'll be back on Tuesday. And,
3 then you wanted to make sure this...because this thing was taking...the BS was
4 taking a toll on your family as well. Do you remember communicating with Chris
5 about that?

6 CLAIMANT: That's correct.

7 EMPLOYER ATTORNEY: So, after you had that conversation with Chris, did
8 you then go and clean out your desk or did you do it before that?

9 CLAIMANT: No, I did that prior to.

10 EMPLOYER ATTORNEY: And, when did you clean out your desk?

11 CLAIMANT: That was on Saturday when I brought my pictures
12 and my pens home.

13 EMPLOYER ATTORNEY: Did you come back to work on Sunday?

14 CLAIMANT: I sure did.

15 EMPLOYER ATTORNEY: Okay. Why didn't you bring back, you know,
16 pictures or you said you were updating your pictures, why didn't you bring them
17 back?

18 CLAIMANT: Because I had to file a month and a half's worth of
19 documents and personal effects are not a requirement in the place of employment,
20 so that would probably be on the bottom of my priority list as far as bringing new
21 pictures in or even wanting to have pictures in there anymore.

22 EMPLOYER ATTORNEY: Well, Ms. Crawford, but you took the time to clean
23 out your desk though and take some of your personal effects home, so you had
24 time to do that, right?

1 CLAIMANT: That is correct and then when I returned on
2 Sunday, I did all of my filing, finished adding a few new hires and took the bills
3 that were approved for the following week so that they could be printed off. I
4 don't think a disgruntled, I don't want to be here employee would forfeit their
5 whole weekend, not just Saturday, but also Sunday and go in and do such a thing
6 and not grab the remainder of my items like important stuff like my notary
7 certification that's sitting in my drawer or my stick vac that I spent 60 bucks on or
8 my jean jacket hanging in the bathroom.

9 EMPLOYER ATTORNEY: Ms. Crawford, had you threatened to quit your job
10 before?

11 CLAIMANT: No.

12 EMPLOYER ATTORNEY: All right. I want to refer you to some documents
13 that I submitted in preparation for this hearing or in anticipation of this hearing.
14 Ms. Bradley, you have...there's a series of 18 pages of documents...of an 18-page
15 document that is a series of text messages between Ms. Crawford and Ms. Calvin,
16 do you have those documents?

17 HEARING OFFICER: Yes, I do, did you send those to Ms. Crawford prior to
18 today's hearing?

19 EMPLOYER ATTORNEY: Yes, ma'am.

20 HEARING OFFICER: Ms. Crawford, did you receive those communications?

21 CLAIMANT: Yes, I received them at 9:12 yesterday morning.

22 HEARING OFFICER: Okay. All right.

23 EMPLOYER ATTORNEY: The first page of those documents indicates "FYI,
24 if I don't get everything I've asked for from the managers as of Wednesday, I won't
25 be there Monday, Tuesday or ever again to process payroll on your beloved new
26 system, sick of hopping for people that bitch about their wages, their jobs, how

1 they think the company should run, etc., yet can't find time to provide me what
2 I've requested. I have no intention of doing my job half assed and these ass wipes
3 will not lazily force me into doing their jobs for them, ha ha ha, this is no April
4 fool's joke." And, then on the second page, it continues "BTW, I guess Roy is
5 going to terminate two out of the three guys we rushed to hire, I mean, fuck, our
6 managers are spot on with picking up doozies." Okay. Ms. Crawford, do you
7 remember sending that text message?

8 CLAIMANT: To be quite honest, I actually saw that and I did
9 make an attempt to upload in between the 9:12 when you sent it and 9:30 when it
10 needs to be in, and I kept getting an error message saying that my file was too large
11 to show that several text messages in that have been deleted, there are no date
12 stamps on any of those as well as my Verizon phone bill that shows my incoming
13 and outgoing text messages and I wanted to provide that. I couldn't send it in time
14 so I sent it to that Michelle Adams, I'm not sure if that got passed along or not.

15 EMPLOYER ATTORNEY: (Talking over each other).

16 CLAIMANT: (Talking over each other).

17 EMPLOYER ATTORNEY: (Talking over each other)...from you...that's fine.
18 My question to you is, did you send that message, first of all let me ask you that?

19 CLAIMANT: Did I send that, to be honest, I'm not sure because
20 you're trying to...or excuse me, the text message is made to look sequential, I'm
21 concerned about what missing messages are there because I went all the way back
22 through and did the same thing...screen shots from supposed April 1st to now and I
23 don't see any of those in there.

24 EMPLOYER ATTORNEY: Okay. And, I understand that, Ms. Crawford, I
25 understand that there may be things missing and I understand that there's no date
26 indicated on that, but my question to you is, do you remember writing those words
27 that I just read out, did you write those words at some point, did you write that in a
28 text message to Ms. Calvin?

- 1 CLAIMANT: It's completely possible, yes.
- 2 EMPLOYER ATTORNEY: Is that your picture beside the message?
- 3 CLAIMANT: It is my picture behind...beside that message, but
4 like I said I do have my Verizon bill to show that the time stamp that you have do
5 not correspond with what my Verizon bill which is directly from Verizon shows.
- 6 EMPLOYER ATTORNEY: Okay. But, you don't have any reason to dispute
7 that you sent that message?
- 8 CLAIMANT: I have no reason to dispute that I sent that
9 message, was it sent last November, was it sent April 1st, was it sent February,
10 were things deleted that caused me to respond the way that I did, that's what I
11 dispute, because I do like I said have records from Verizon of the text message
12 incoming and outgoing from April 1st on and if they do not correspond with half of
13 the text that were in there of what you sent me yesterday.
- 14 EMPLOYER ATTORNEY: What was the...Ms. Crawford, you testified earlier
15 about a new payroll system that was coming in...
- 16 CLAIMANT: Yes.
- 17 EMPLOYER ATTORNEY: ...or a new...what was that?
- 18 CLAIMANT: Oasis.
- 19 EMPLOYER ATTORNEY: Oasis. Was that the only updated system or new
20 system that Allserv incorporated while you were there?
- 21 CLAIMANT: Yes.
- 22 EMPLOYER ATTORNEY: Okay. If you look at the first message there going
23 on to the second message, it talks about I won't be there Monday, Tuesday or ever

1 again to process payroll on your beloved new system, is it fair to say that you were
2 referring to that new Oasis system?

3 CLAIMANT: That's 100% possible, yes, but my response is
4 more inclined to the fact you can't process payroll if I don't know what
5 withholdings you have, if your social security number is entered incorrectly
6 because the manager decided to take it over the phone, or if your name is
7 incorrect...

8 EMPLOYER ATTORNEY: Right.

9 CLAIMANT: ...I can't process payroll, I cannot do my job
10 efficiently, effectively or correctly if I don't have what I need from the employee
11 (talking over each other).

12 EMPLOYER ATTORNEY: (Talking over each other) and I appreciate that and
13 I understand that, but that message that was sent was your frustration over that,
14 wasn't it, Ms. Crawford?

15 CLAIMANT: Yes.

16 EMPLOYER ATTORNEY: And, you do not consider that a threat to quit, I
17 won't be there Monday, Tuesday or ever again to process payroll on your beloved
18 new system?

19 CLAIMANT: Well, my concern is wouldn't it have been up to
20 Tanya or Jeff to come back and say Patty, chill, we'll handle this, I'll get you all
21 your paper work, I'll talk to the managers or better yet, I'll write you up because
22 you're threatening to quit, is quitting what you want to do? There is no further
23 discussion about it, she knew I was aggravated because she was aggravated for the
24 same reason.

25 EMPLOYER ATTORNEY: But, my question was, wasn't that a threat to quit?

1 CLAIMANT: Not in my eyes, no it was not a threat to quit, I'm
2 telling...what I was establishing and what I was trying to convey is that for me to
3 do my job accordingly, I'm not going to show up and sit at my desk with
4 incomplete information, I can't do anything unless I have proper documentation
5 and information to pay employees.

6 EMPLOYER ATTORNEY: All right. Flip with me please if you will...

7 CLAIMANT: Sure.

8 EMPLOYER ATTORNEY: ...on page 1, page 2, 3, 4, looks like the 5th page, at
9 7:48 a.m., it's a text message at 7:48 a.m.

10 CLAIMANT: On what date?

11 EMPLOYER ATTORNEY: If you go back to the preceding page which is page
12 4, it says Wednesday, April 4, 2000...I'm sorry, April 6, 2016.

13 CLAIMANT: Uh huh.

14 EMPLOYER ATTORNEY: And, then it gets to that 7:48 e-mail, and in
15 that...or excuse me, text message, and in that text message it says "Also, I didn't
16 appreciate Scott's tone in his e-mail response to me about Mobile Mini me, what is
17 that referring to?"

18 CLAIMANT: Mobile Mini is one of our vendors.

19 EMPLOYER ATTORNEY: And, who is Scott that you're referring to?

20 CLAIMANT: Scott Schroeder.

21 EMPLOYER ATTORNEY: Okay. What were you talking about, what was the
22 tone that Scott gave you in an e-mail?

1 CLAIMANT: Well, I'd have to go back and look at my e-mails, I
2 mean I'm sure it was something along the lines that I sent a bill or questioned
3 whether or not why we were still getting charged if we bought additional
4 equipment and he was a smart aleck when he responded to me. But, again I would
5 have to look back at the e-mails, I mean, you've got that portion... I would assume
6 that you have back and forth? I don't have access to my e-mails for Allserv
7 anymore and I wouldn't have found that one to be a pertinent one to keep.

8 EMPLOYER ATTORNEY: Ms. Bradley, I'm going to go ahead and enter this
9 as Employer's Exhibit #1 please.

10 HEARING OFFICER: Just the three pages that you have referenced?

11 EMPLOYER ATTORNEY: All 18 pages.

12 HEARING OFFICER: All right. Ms. Crawford, the employer has presented the
13 communications as evidence on their behalf, it's an 18-page document total, you
14 indicated that you received it yesterday prior to today's hearing, do you have any
15 objection to the documentation being entered into the record?

16 CLAIMANT: I do if I'm not able to provide the retort because I
17 attempted to upload my Verizon bill, my screen shots for the same time frame
18 showing that my bill corresponds with it, in addition another screen shot from a
19 Facebook message I received from an employee saying that she was asked to lie,
20 but did not want to do that. So, I attempted to upload those, I kept getting an error
21 message, I sent that to Michelle Adams asked if she would provide that because the
22 cutoff was...you know, at that point I was trying for 15 minutes, it was passed
23 9:30. But, I would object to it unless I'm able to provide the
24 documents...documentation I have as a response.

25 HEARING OFFICER: Okay. Well...all right. And, I'm going to overrule that
26 objection, Ms. Crawford, because you did have the opportunity to submit the
27 documentation if you look at your Appeal Hearing Notice, it does reference
28 evidence and how you can submit that documentation to the Tribunal and you had
29 more than one method of providing that documentation. You could have uploaded

1 it through the My Benefits Portal, you could have faxed it, you could have mailed
2 it in so you had three different methods to which you could have submitted the
3 documentation prior to today's hearing. So, for that reason, I'm going to overrule
4 the objection and allow the documentation into the record, the 18-page document
5 as described, will be entered into the record as Employer Exhibit #1.

6 CLAIMANT: Okay.

7 EMPLOYER ATTORNEY: And, Ms. Crawford, I'm not going to hide
8 anything from you, I'm not trying to hide anything from you or close you off, I'm
9 going to let you tell me about, you know, what fits in here with these text messages
10 if you want to, you're welcome to do that, okay. If you look at that page 5 where
11 you said also I didn't appreciate Scott's tone in his e-mail response to me, and if
12 you go back to page 4 there's a date stamp, Wednesday, April 6, 2016. Do you
13 dispute that that date stamp is accurate?

14 CLAIMANT: I don't dispute that, no.

15 EMPLOYER ATTORNEY: Okay. And, then you were talking about
16 something about a Facebook message, go ahead and tell me what you're talking
17 about.

18 CLAIMANT: I received a Facebook message from an employee
19 stating I believe she had found another job or whatever, asked me not to say
20 anything to Tanya. I said I haven't spoken with Tanya since April 18th, she came
21 back...she's like I've heard all about what's going on, they asked me to lie and I'm
22 not going to do that.

23 EMPLOYER ATTORNEY: And, who is this?

24 CLAIMANT: Kathleen Park (phonetic).

25 EMPLOYER ATTORNEY: I'm sorry?

26 CLAIMANT: Kathleen Park.

- 1 EMPLOYER ATTORNEY: Kathleen Park, P-A-R-K?
- 2 CLAIMANT: P-A-R-K-S.
- 3 EMPLOYER ATTORNEY: Parks, okay. And, do you remember...and, when
4 was that message?
- 5 CLAIMANT: I need to look at my phone, hold on. Sorry, I'm
6 having to pull it up. That was sent on Tuesday at 5:18 p.m.
- 7 EMPLOYER ATTORNEY: I'm sorry, Tuesday what date?
- 8 CLAIMANT: It was sent on Tuesday...last Tuesday.
- 9 EMPLOYER ATTORNEY: Oh, this past Tuesday?
- 10 CLAIMANT: Yes.
- 11 EMPLOYER ATTORNEY: Was that...?
- 12 HEARING OFFICER: Okay. Hang on just a moment because I'm going to go
13 ahead and stop this communication right here. Anything that has occurred after the
14 time of the separation is not going to be relevant to this hearing, so we need to
15 move on.
- 16 CLAIMANT: Okay.
- 17 HEARING OFFICER: Do you have any other questions, Mr. Lominack?
- 18 EMPLOYER ATTORNEY: Yes. Ms. Crawford, on that page 5 we were
19 talking about, it says "I guess I just deal with it while everyone else gets
20 commended for the half assed job they're doing, you know, because they're so
21 busy." What did you mean by that?

1 CLAIMANT: The fact that they're not getting...it's not being
2 discussed with them that they're not providing me with what I need, yet they're
3 getting bonuses, they're getting their wives sent to go visit them, they're not being
4 taken away from their families in a manner that I am while I'm trying to hunt down
5 the information I need to do my job, that's what I meant by that.

6 EMPLOYER ATTORNEY: Next page...Monday, April 11, 2016, text message
7 from you "Is Fidel on light duty because of an injury at work?" at 7:02 a.m. Three
8 minutes later at 7:05 you wrote "Never fucking mind." What is that about?

9 CLAIMANT: We received...I believe he was in a cast, he had
10 some kind of injury and I asked if it was a work-related injury, I couldn't get a
11 clear answer from Scott, I asked Tanya to see if she was aware of it. And, at that
12 point Scott had called me back to tell me it wasn't work-related, he just couldn't
13 lift, I don't know if he broke his wrist or hurt his thumb, cut himself, I was trying
14 to make them aware.

15 EMPLOYER ATTORNEY: Okay. Why did you use vulgar language there,
16 Ms. Crawford?

17 CLAIMANT: I used vulgar language there because, again, that's
18 not my area, the employees know that, they know they're to go to Tanya with
19 anything that is work...worker's comp related, unemployment related, all of that
20 goes directly through Tanya, but they insisted on calling me. Furthermore, based
21 on...you had sent an e-mail, provided an e-mail yesterday where you're only
22 showing the top portion of the e-mail that was provided and that was an e-mail
23 from Scott to Chris about the language, the vulgarity, the violent/volatile behavior
24 within the office and how you do what you're around, that's how...everybody
25 there uses a foul mouth, it's how you get a point across apparently, learned
26 behavior.

27 EMPLOYER ATTORNEY: Ms. Crawford, you testified earlier that you never
28 used language like that in connection with the work though, and that's not true.

29 CLAIMANT: I'm talking to Tanya.

1 EMPLOYER ATTORNEY: So, talking to Tanya it was okay?

2 CLAIMANT: Talking to Tanya is okay when every other word
3 that comes out of her mouth is the f word, when just...either that day or in that
4 ballpark, I'm having a phone thrown and everything thrown off of her desk and her
5 screaming at the top of her lungs, yes.

6 EMPLOYER ATTORNEY: But, it upset you when Scott used that language to
7 you, is that right?

8 CLAIMANT: It did because nothing is ever done about it.

9 EMPLOYER ATTORNEY: All right. Turning to the next page, page 7...I'm
10 sorry, page 8. Do you see a text message dated Saturday, April 16, 2016? It
11 begins "Told you he pouts about Ann, so we end up having to pay for her to visit,
12 I guess I'll be writing a check on Monday to reimburse her. I never get to see my
13 hubby and we're in the same State because I'm always at work. Will you guys
14 reimburse a date night? Also, he sent a W-4 because he's unclear if it actually
15 went through or not." Tell us what that communication is about.

16 CLAIMANT: That is in regards to us reimbursing after she and I
17 had talked Thursday and Friday about we shouldn't be doing that. She said "We're
18 not," then she finds out that we are in fact...she's been directed just as I was to go
19 ahead and pay it, but that this would be the last time, that's what that's in regards
20 to as far as us reimbursing Ann's travel expenses although it was un-work-related
21 [UNCLEAR].

22 EMPLOYER ATTORNEY: Now you didn't say anything in these text
23 messages about it being against regulations or against the law, did you?

24 CLAIMANT: No, because the conversation happened on
25 Thursday and Friday when she and I were both sitting in the office. In fact, we
26 weren't sitting in the office, we were in the back of the building talking outside and
27 she said "I don't think we paid for the first one," I said "Yes, we did pay for the

1 first one." I said "My concern is that we're paying for the other one and that
2 should not happen."

3 EMPLOYER ATTORNEY: But, none of that's reflected in this text message
4 though, correct?

5 CLAIMANT: No.

6 EMPLOYER ATTORNEY: And, when you said I never get to see my hubby
7 and we're in the same State because I'm always at work, will you guys reimburse a
8 date night, was that you just being sarcastic there?

9 CLAIMANT: That's me being a smart aleck because again, I'm
10 being taken away from my family, yet here I am paying for others to enjoy their
11 family even in a different State.

12 EMPLOYER ATTORNEY: So, the frustration was that you were having...or
13 the company was reimbursing for this wife's travel and you weren't given that
14 benefit, that was what was frustrating you, wasn't it?

15 CLAIMANT: Yes, it frustrated me because not only...it wasn't
16 that they're getting the benefit, they shouldn't be getting the benefit. The purpose
17 of my comment was to be a smart aleck to say that here I am I'm working
18 numerous hours, I'm trying to get things done straight and right, he's not...he's
19 one of the main perpetrators and he's not dealing with his Site Managers to get me
20 what I need. And, (Talking over each other).

21 EMPLOYER ATTORNEY: It really didn't have anything to do with your
22 thought that it was against IRS regs, right, Ms. Crawford?

23 CLAIMANT: Oh, yes, sir, it definitely did, it definitely did
24 considering I had that conversation with Tanya.

25 EMPLOYER ATTORNEY: Okay. Okay. All right. Flip over please to page
26 10. At the top of the text message...at the top of the page it says "No, I'm going to

1 make my change and see if it sends me a confirmation e-mail, I guess this can't be
2 addressed because we don't want to make him mad." What is that about?

3 CLAIMANT: He had followed up, that was the second person on
4 this Oasis system, you get a confirmation key once the change has been made and
5 it will reflect on your next check. This takes the office element like from my job, it
6 would be taking it off of me to have to submit it to our payroll company to submit
7 a W-4, so all the changes that were being made, they were following up, calling the
8 office can you double check this, this wasn't changed, this didn't happen, he
9 onboarded himself, he filed single and zero, plus he was owed...he had to be
10 reimbursed for his telephone allowance that he gets from the previous check. This
11 check was less, he questioned it, came off very accusatory about it and I said it was
12 on you, I said the one that you submitted that...when you did your own onboarding
13 said you wanted to claim single and zero versus married and zero, that can make
14 the difference in the world and that's why your paycheck looks like the way that it
15 does. He (talking over each other).

16 EMPLOYER ATTORNEY: Well, didn't Ms. Calvin write back and say just
17 don't do it?

18 CLAIMANT: [UNCLEAR].

19 EMPLOYER ATTORNEY: I'm sorry?

20 CLAIMANT: Not double check for him?

21 EMPLOYER ATTORNEY: I'm sorry?

22 CLAIMANT: I guess I'm not getting your question.

23 EMPLOYER ATTORNEY: Well, I mean, I'm asking you about this sequence
24 of text messages and it looks to me like she responded back to you and said...and
25 was telling you don't do it....don't do what he was asking you to do.

1 CLAIMANT: And, then if I don't do it, then he complains about
2 it and then I would get in trouble for it. At any rate, I went back to him and said a
3 confirmation key should have been sent to you and given to you, I sent an e-mail,
4 Tanya agreed it was well-worded and I didn't look it up. My concern was is that
5 every single change that was being made thus far, they're wanting me to go double
6 check it that just adds work. The whole point of Oasis was to take stuff off of my
7 desk so that there was room and time to do other things. Me double checking
8 every single change that's been made is inefficient and why would we have gone
9 to Oasis if, in fact, I'm...my job is actually becoming increasingly harder or more
10 time consuming.

11 EMPLOYER ATTORNEY: So, that's what you were experiencing and that's
12 what you were seeing then, right, that Oasis was not actually at that point helping
13 you out?

14 CLAIMANT: Oh, it wasn't Oasis, it was the employees because
15 it was a new system asking about double check did this happen, double check did
16 this happen, you know, whether it was an address change, a W-4 change, a
17 checking account change. We had limited access until they had an update and
18 that's how I responded to Scott that unfortunately we can't see that on our end, if
19 you have any questions, call the Oasis Hotline and that is how I responded.

20 EMPLOYER ATTORNEY: And, then, of course, right before that you referred
21 to him as being a "douche" about Oasis?

22 CLAIMANT: Yeah, because he kept questioning that everything
23 was our fault as far as why he didn't get paid correctly, it was his own error, he's
24 calling me at 7:00 in the morning before I'm actually sitting at my desk saying that
25 his pay check is messed up.

26 EMPLOYER ATTORNEY: And, that was on a Saturday, correct?

27 CLAIMANT: As far as the pay checks...well...as far as him
28 (talking over each other).

1 EMPLOYER ATTORNEY: As far the communication goes.

2 CLAIMANT: As far as that communication goes that was about
3 his W-4, it had been pushed back from him from the get-go because he had
4 inadvertently...I got on him because he had inadvertent...well, not inadvertently,
5 he hired two employees. The process is that the employee enters all of their
6 personal information, direct deposit, W-4, etc. The manager goes on, adds their
7 pay, what their hours are, what location they're at, etc. That is the process.

8 EMPLOYER ATTORNEY: But, Ms. Crawford, my question to you is was that
9 on a Saturday that you were doing that work and complaining to Ms. Calvin about
10 that?

11 CLAIMANT: Yes, because I was trying to do other work and
12 here he was complaining again that he didn't know whether or not his change was
13 made.

14 EMPLOYER ATTORNEY: And, that was frustrating that you were having to
15 deal with that on a Saturday in particular, right?

16 CLAIMANT: On particular in addition to receiving I-9
17 information from Jeff White via text in order to run their e-verifies on that
18 Saturday which, again, 90% of the time I don't mind doing if the respect and
19 whatnot is reciprocated, but I'm in there for a complete different reason, I'm trying
20 to get file folders ready for all the new hires we just hired, I'm busy doing that,
21 Scott's coming to me, Scott knows he needs to go to Tanya if there's a problem
22 with...I didn't chose to go to Oasis, I just...I'm here, I process your payroll, he
23 chose to come to me to say he needs to know whether or not his change was made.
24 And, that was not the first instance and it was a retort so to speak, because he had
25 been...I had already gotten on him about not entering the employee portion of the
26 onboarding because he had done two names that were incorrect and one social
27 security number. When I had to go back to Oasis, they wanted to know why.

28 EMPLOYER ATTORNEY: Okay. Did he ask you to do that on Saturday?

1 CLAIMANT: What's that?

2 EMPLOYER ATTORNEY: What you were trying to sort out there with the
3 Oasis and him making the mistake (talking over each other)?

4 CLAIMANT: Yes.

5 EMPLOYER ATTORNEY: (Talking over each other).

6 CLAIMANT: I believe I got the e-mail that morning along with
7 the expense report to reimburse his wife.

8 EMPLOYER ATTORNEY: And, that had to be done that Saturday?

9 CLAIMANT: It didn't have to be done that Saturday, but (talking
10 over each other).

11 EMPLOYER ATTORNEY: So, why did you do it on that Saturday, Ms.
12 Crawford?

13 CLAIMANT: I was already in the office.

14 EMPLOYER ATTORNEY: Well, couldn't it have waited until Monday?

15 CLAIMANT: It could have, but at that point when we're going
16 through this and just stop it before more fires start come Monday (talking over
17 each other).

18 EMPLOYER ATTORNEY: Right. But, no one asked you or instructed you to
19 do that on that Saturday, is that correct?

20 CLAIMANT: That's correct, but given that I've been doing
21 things on Saturday and Sunday my whole employment, if it was an issue I figured
22 at some point somebody would have told me to stop or write me up saying that

1 you're working when you shouldn't be. They should have revoked my e-mail
2 access at home, my phone dings nonstop.

3 EMPLOYER ATTORNEY: Ms. Crawford, turn to the next page with me
4 please, page 11, it looks like a screen shot of a...some sort of message, some sort
5 of social media type or text message from Chris Mitchell, do you see that?

6 CLAIMANT: I don't.

7 EMPLOYER ATTORNEY: It's the page after the page we were just talking
8 about.

9 CLAIMANT: Okay.

10 EMPLOYER ATTORNEY: Do you see it?

11 CLAIMANT: Yes.

12 EMPLOYER ATTORNEY: Okay. And, then on the page after that it's a blown
13 up version of that message so we can see it better, do you see that? Is that Chris
14 Mitchell, is that the Business Consultant you were testifying about earlier?

15 CLAIMANT: That's right.

16 EMPLOYER ATTORNEY: Okay. And, it says "Okay" at the top, "Hey, still
17 working on tracker (phonetic), I'll message you when I'm done," and then "K" and
18 then it says "My computer just froze on my going through go to my PC, I'll run up
19 to the office to restart so you can get on. Good thing I don't have a spouse or
20 children that I don't have to worry about or want to spend time with on the
21 weekends, oh wait." Was that a message from you?

22 CLAIMANT: That was a message from me.

23 EMPLOYER ATTORNEY: To Chris?

1 CLAIMANT: Yes.

2 EMPLOYER ATTORNEY: Okay. And, then you forwarded...correct me if
3 I'm wrong, but it looks like you forwarded that message then to Ms. Calvin?

4 CLAIMANT: I did.

5 EMPLOYER ATTORNEY: And, at the bottom of that message you said
6 "Fucking hate everything."

7 CLAIMANT: Right, because now I'm being told not only don't
8 worry about going in today even though half of Saturday had already been blown,
9 it's saying as long as I can get on tomorrow, which means I would have to stop
10 what I'm doing to go to the office on Sunday to make that available for him.

11 EMPLOYER ATTORNEY: Again, this is your frustration to Ms. Calvin,
12 correct?

13 CLAIMANT: Yes.

14 EMPLOYER ATTORNEY: And, then to keep going that was page 12 with this
15 blown up page of the text message between you and Chris, on the following page it
16 says he came back and said he didn't need it today. "Phew, good deal, that gives
17 me the option to do all sort of shit tomorrow too, lucky me. I'm glad everyone else
18 is having an enjoyable weekend though, it's truly the exact reason I gave up my
19 social life, family life and health to hop for everyone and make sure they're not
20 stressed." Now, you said that at 12:39 p.m. on Saturday, correct, April the...what
21 date, April 16th? Do you remember sending that, Ms. Crawford?

22 CLAIMANT: Yes.

23 EMPLOYER ATTORNEY: And, underneath that, what did Ms. Calvin respond
24 to you with?

1 CLAIMANT: She said go home, but don't do it...I don't have it
2 right in front of me, but...

3 EMPLOYER ATTORNEY: Okay. My document says "Go spend the day with
4 your family, quit working." Do you remember her telling you that?

5 CLAIMANT: I do, uh huh.

6 EMPLOYER ATTORNEY: Okay. So, why didn't you go home and quit
7 working that day?

8 CLAIMANT: Because of the situation we were in, we had, I
9 would say no less than 80 new hires in a matter of two to three weeks. If I fall
10 behind on that, then I fall behind on everything else, it was situation even if I
11 would have stopped...sure, I could have stopped right then which I pretty much
12 did, I still had to go back in on Sunday. I had to go get my computer...to reset my
13 computer, restart my computer so he could get on and do cash flow.

14 EMPLOYER ATTORNEY: Ms. Crawford, did you ever have a communication
15 with Ms. Calvin about hiring a part-time person to help with the paperwork?

16 CLAIMANT: Not that I'm aware of, no.

17 EMPLOYER ATTORNEY: So, she never asked or proposed hiring a part-time
18 worker?

19 CLAIMANT: Absolutely not, and furthermore once we got
20 Oasis, she said the beauty of that was that half of my job would be taken away to
21 allow room to just be doing my job.

22 EMPLOYER ATTORNEY: Okay. On the next page after that text message,
23 she says can't...you say "Can't do that when I'm not done doing what I'm
24 supposed to. It probably wouldn't be that way if I hadn't spent the first two hours
25 dealing with Scott and his mistake yesterday morning. All good, just as long as

1 everyone else is content, thank God for Xanax and complacency, enjoy your
2 weekend.”

3 CLAIMANT: That is correct.

4 EMPLOYER ATTORNEY: And, then on the following page, “Off to pretend
5 to enjoy Disney on Ice, sent Chris his e-mail but added a couple of snide comments
6 in it to get my point across.” What are you talking about there?

7 CLAIMANT: The e-mail that I sent Chris was that “I’m on here,
8 hope you can get your cash flow”...and it goes back to how Scott’s treatment with
9 the FU and hanging up on me (talking over each other).

10 EMPLOYER ATTORNEY: What about the snide comments, was that what I
11 read earlier about good thing I don’t have a spouse or children?

12 CLAIMANT: That’s correct.

13 EMPLOYER ATTORNEY: And, then you say “Maybe you all can discuss my
14 childish behavior at some point between now and Monday.”

15 CLAIMANT: That’s correct.

16 EMPLOYER ATTORNEY: And, then you said “Tootles (phonetic), didn’t
17 copy your husband didn’t want him any more stressed than he already is.” Why
18 did you say that?

19 CLAIMANT: Because any time I’ve ever asked her or thought
20 about going to Jeff for anything, we were reminded of his heart attack that he had
21 and that he is super stressed out right now and can’t handle any more stress and
22 that we’re either to go to her or if she can’t deal with it, to go to Chris.

23 EMPLOYER ATTORNEY: So, was that somebody instructing you not to talk
24 to Mr. Calvin, or is that you just making that decision that you didn’t want to stress
25 him any more so you (talking over each other)?

1 CLAIMANT: No, that had been addressed on several occasions
2 to not add any more stress to Jeff.

3 EMPLOYER ATTORNEY: But, was it addressed on that particular occasion?

4 CLAIMANT: Not that particular day, no.

5 EMPLOYER ATTORNEY: So, nobody said to you don't bring this to Mr.
6 Calvin's attention?

7 CLAIMANT: No.

8 EMPLOYER ATTORNEY: Sunday, April 17th, "All my paper work is caught
9 up, I filed and will do checks in just a minute after Chris is done with my
10 computer. I will not be in tomorrow." Were you scheduled to work on that
11 Monday?

12 CLAIMANT: No, because at that point I had already indicated to
13 Tanya and to Chris that I would not be there, he told me to take a day, I told her I
14 would not be in on Monday.

15 EMPLOYER ATTORNEY: Okay. So, that...at some time around that point is
16 where you had the text messages you talked about earlier today with you and Chris
17 about taking a day off?

18 CLAIMANT: That's correct.

19 EMPLOYER ATTORNEY: And, that was at 12:19 p.m. on Sunday when you
20 told Ms. Calvin that you will not be in tomorrow, right?

21 CLAIMANT: That's correct.

22 EMPLOYER ATTORNEY: But, the conversation that you had with Mr....with
23 Chris, was later that day, about I think you said 4:14 or so p.m.?

1 CLAIMANT: I'd have to go back and look.

2 EMPLOYER ATTORNEY: Well, I wrote it down because you testified earlier
3 about that text message, so if that was 4:15 in the afternoon, that was after you had
4 already told Ms. Calvin that you would only...or that you wouldn't be in that next
5 day, right?

6 CLAIMANT: That's correct, again I'd have to go back and look
7 at time stamps, when things were actually truly sent and date stamped. And, in
8 that situation I'm telling her I'm not going to be in on Monday, if she took that as
9 my resignation on Thursday when I supposedly said that, then at that point, why
10 would you still respond to me with business...with things that pertain to business
11 about having the bank transfer done?

12 EMPLOYER ATTORNEY: Ms. Crawford, I understand that, but once you sent
13 the text messages to Chris later that afternoon saying I really need to think about
14 how to deal with it, 90% of the issue is me allowing it to go on for so long, chances
15 are I'll be back on Tuesday, I need to find out just, you know, because this BS is
16 taking its toll on my family as well. And, then the following day your desk is
17 cleaned out, isn't it reasonable for Ms. Calvin to understand you to have quit your
18 job?

19 CLAIMANT: Absolutely not, because I believe in her first...the
20 first determination, they said they had a text message from another employee
21 saying I packed my stuff up and that would have been Saturday morning (talking
22 over each other).

23 EMPLOYER ATTORNEY: I'm sorry, say that again.

24 CLAIMANT: On the original determination when I filed for
25 unemployment, it was indicated to me that the text message...there was a text
26 message received from another employee which would have been Jeff White
27 indicating I packed up my stuff because I couldn't get a response from any of our
28 management team to talk about any of this.

1 EMPLOYER ATTORNEY: And, where is the...where is it in these messages
2 that you reached out to Ms. Calvin trying to get a response?

3 CLAIMANT: If you look at the lack of responses including on
4 that Monday, it took until almost mid-day for her to come back and say she
5 accepted my resignation.

6 EMPLOYER ATTORNEY: I'm not talking about Monday, I'm talking about
7 going back to those text messages that were exchanged back and forth between you
8 and Ms. Calvin when you said things...when you forwarded the message that you
9 had between you and Chris where you said "fucking hate everything" and then you
10 had a communication with her about "It's time to do Allserv's shit tomorrow,
11 lucky me, truly the exact reason I gave up my social life." And, then it looks to me
12 like she responded and said "Go spend the day with your family, quit working."
13 Now at what point (talking over each other).

14 CLAIMANT: Which is when I did.

15 EMPLOYER ATTORNEY: At what point in any of those messages did you ask
16 for her to talk to you and to have a meeting and discuss, you know, having a break
17 and time off, because I don't see that?

18 CLAIMANT: Well, you see where I said I'm not going to be in
19 on Monday, when I reached out to Chris Mitchell, when I realized my password
20 had been changed on my e-mail and realized a completely different situation was
21 occurring, I said "Is it possible for you, myself, Jeff and Tanya to meet to hash out
22 all of this?" I never received a response from him and it was shortly thereafter that
23 I got the text message from Tanya stating that they accepted my resignation...well
24 it appears to be accepted Thursday, since that's when I was talking about it.

25 EMPLOYER ATTORNEY: Ms. Crawford, when did you reach out or why
26 didn't you reach out to Ms. Calvin or Mr. Calvin?

27 CLAIMANT: I tried reaching out to Tanya.

1 EMPLOYER ATTORNEY: Where?

2 CLAIMANT: She knew my aggravation level whether be it
3 verbal or text message, she knew that I was stressed out and I was looking for her
4 to respond and say this will be handled, this will be fixed. She saw my
5 aggravation, half the texts you read off are showing my aggravation that I'm not
6 getting what I need from employees and something needs to be said or done about
7 it.

8 EMPLOYER ATTORNEY: That's a pretty big assumption isn't it, Ms.
9 Crawford, I mean, is there anything in these text messages that are...that show that
10 you're asking Ms. Calvin to talk with you? You're saying...you're testifying that
11 you reached out to Chris because Ms. Calvin, the VP wasn't talking to you and I'm
12 asking you to tell me where in these messages that is.

13 CLAIMANT: Where I'm showing my frustration and she's not
14 saying this will be fixed, this will (talking over each other).

15 EMPLOYER ATTORNEY: You didn't directly ask her, did you Ms.
16 Calvin...Crawford?

17 CLAIMANT: Not in those words, no.

18 EMPLOYER ATTORNEY: Okay.

19 CLAIMANT: But, I did ask for a meeting with them and it was
20 not more than an hour after I sent that to Chris is when Tanya responded that I had
21 resigned.

22 EMPLOYER ATTORNEY: Okay. We'll get to that in a second. So, after that
23 message it looks like 7:47, there was a message says "no message," then "transfer
24 done" and then "thanks," do you know what that's about?

25 CLAIMANT: Yes, that's about the bank transfer I'd asked her to
26 do.

- 1 EMPLOYER ATTORNEY: So, she did what you asked her to do?
- 2 CLAIMANT: Yes.
- 3 EMPLOYER ATTORNEY: And, the last response from you to Ms. Calvin on
4 Sunday, April the 17th was "thanks."
- 5 CLAIMANT: That is correct, because at that point I'm feeling
6 it's just off, she saw where I said I wouldn't be in on Monday, she's responded
7 with a work-related issue that Sunday at 7 whatever it was, Chris knew I wasn't
8 going to be in on Monday, so I'll see them on Tuesday, yes, that's how that worked
9 out.
- 10 EMPLOYER ATTORNEY: Okay. So, let's go on. Monday, April 18, 2016,
11 you did not go into work that morning, is that correct?
- 12 CLAIMANT: That's correct because I was under the assumption
13 I was going to have the day off.
- 14 EMPLOYER ATTORNEY: Okay. And, you had actually already taken away
15 some of your personal effects, including your pictures and pens, correct?
- 16 CLAIMANT: That's correct.
- 17 EMPLOYER ATTORNEY: And, then what's the first...who's the first person
18 you communicated with on that Monday morning?
- 19 CLAIMANT: Well, since Tanya wouldn't respond and I saw that
20 I didn't have access to my e-mail anymore, just knowing how things occur, I
21 reached out to Chris and said well point taken, I don't have access to my e-mail
22 anymore, he never responded, I reached out to her, she never responded.
- 23 EMPLOYER ATTORNEY: And, when (talking over each other)...
- 24 CLAIMANT: (Talking over each other).

1 EMPLOYER ATTORNEY: ...and how? When did you reach out to her and
2 she never responded? Or again, were you talking about Monday morning?

3 CLAIMANT: Yes.

4 EMPLOYER ATTORNEY: And, when did you reach out to her and how did
5 you reach out to her?

6 CLAIMANT: It was with...well, Monday morning I reached out
7 to Chris saying that point taken. At that point, I felt that that was her way of
8 saying bye, like I no longer have a job there because my e-mail address password
9 had been changed and like I said, so that made me uncomfortable, I'm not going to
10 go to her because why would I. She's not communicated with me up until that
11 point that she accepts my resignation, none of that, I'm thinking I had Monday off,
12 I'm getting pings that my password is invalid.

13 EMPLOYER ATTORNEY: Okay. Do you have a personal e-mail address?

14 CLAIMANT: I do.

15 EMPLOYER ATTORNEY: And, you had a work e-mail address as well?

16 CLAIMANT: Yes.

17 EMPLOYER ATTORNEY: And, it's the work e-mail address you said that was
18 not working on Monday morning?

19 CLAIMANT: That's correct.

20 EMPLOYER ATTORNEY: But, you had intended to take the day off, is that
21 correct?

22 CLAIMANT: That's correct.

1 EMPLOYER ATTORNEY: And, why were you checking your work e-mail
2 address on a day that you had (talking over each other)?

3 CLAIMANT: Oh, I wasn't checking my work e-mail, my phone
4 alerts me when the sign-in is incorrect, for instance if I were to change my yahoo
5 password right now, because it's on my phone if I change it on the internet, it goes
6 on my phone, it's going to keep ping at me every time it tries to retrieve
7 messages...

8 EMPLOYER ATTORNEY: Okay.

9 CLAIMANT: ...it's going to ping at me to tell me that my
10 password is incorrect. I had no intention on checking e-mails, I was being alerted
11 by my phone that my password was incorrect.

12 EMPLOYER ATTORNEY: All right. So, the text message then at 8:50 in the
13 morning, April 18th says "All I wanted was a thank you, no money, nothing else,
14 couldn't even get that, a call back, couldn't get that. I know you don't get thanked,
15 but you're the VP, sometimes the little guys need to be encouraged, not everyone
16 except the office girl. Spoke with Chris, only was supposed to take a day or two to
17 re...does that say regroup?"

18 CLAIMANT: Yeah.

19 EMPLOYER ATTORNEY: Okay. Why did you send that message?

20 CLAIMANT: Because I'm wondering why my phone...my
21 password's been taken away and nobody's talking to me and I have no idea what's
22 going on or what my status is with my employment.

23 EMPLOYER ATTORNEY: Now, Ms. Crawford, why didn't you ask any of
24 those questions that you just raised, because I don't see any of those questions in
25 here?

1 CLAIMANT: Why would I have to raise the question when it
2 was quite obvious that my password had been changed and she said when she
3 came in Monday morning, first thing Monday morning and didn't see my stuff
4 there, that she accepted my resignation as of Thursday?

5 EMPLOYER ATTORNEY: Okay. And, then (talking over each other).

6 CLAIMANT: And, then I would have to...okay.

7 EMPLOYER ATTORNEY: I'm sorry, say that part again.

8 CLAIMANT: I was going to say I don't know how I would...why
9 or how I would need to readdress that.

10 EMPLOYER ATTORNEY: Okay. And, then the next couple pages there are
11 items that you already testified about with the text message between you and Ms.
12 Calvin, she talked...when she told...when she said to you that you told her on
13 Thursday that you had enough and were quitting and finding another job. First, let
14 me ask you this, did you say that on Thursday before?

15 CLAIMANT: No, I did not.

16 EMPLOYER ATTORNEY: So, why would she say that?

17 CLAIMANT: I don't know why she would say that, she herself
18 was talking about wanting to go back to the bank where she came from.

19 EMPLOYER ATTORNEY: Well, but my question is, why would she say that
20 about you if that were not true? If she did not actually hear you say something to
21 the effect that you were quitting and finding another job, why in the world would
22 she just say that to you?

23 CLAIMANT: Because it benefits her, it doesn't look like I got
24 fired, it benefits her that I have just walked off my job and I didn't want to be
25 employed there anymore.

1 EMPLOYER ATTORNEY: So, she was setting it up to prevent you from
2 claiming that you had not resigned, is that what you're saying?

3 CLAIMANT: That's what I'm saying.

4 EMPLOYER ATTORNEY: Oh, okay, I gotcha. But, you had...you had at least
5 indicated before through a text message that you won't be there again, that you
6 don't want to work here anymore, you're sick of working, sick of hopping for
7 people that bitch about their wages, that kind of thing, right?

8 CLAIMANT: That's correct because things aren't being
9 addressed, to be continue to be in a hostile environment where nothing is...things
10 that are serious aren't being addressed can cause aggravation and frustration. It
11 would push any reasonable person out the door when you're expecting the owner
12 of the company or at the very minimum, the VP of the company, to address stuff to
13 make everybody's job easier. And, by easier, I mean the added stuff that goes in
14 there, again, they know they're supposed to ask Tanya anything related to time
15 sheets and expense reports...it goes to my desk, anything any more serious than
16 that, all went through Tanya.

17 EMPLOYER ATTORNEY: Ms. Crawford, you testified earlier about a text
18 message between you and Chris on April 17, 2016 where Chris said words to the
19 effect of that you should take a day away without answering the phone and think it
20 through to make sure this is what you want to do, do you remember that text?

21 CLAIMANT: That's correct.

22 EMPLOYER ATTORNEY: Now, if you look back over and compare that to
23 what you told Ms. Calvin when you and Ms. Calvin were having this conversation
24 Monday morning, which is the next day, you communicated to her that Chris said
25 to you that you could have a few days off. Now, is Chris telling you the day before
26 that you should take a day away without answering the phones the same thing as
27 him giving you a few days off?

- 1 CLAIMANT: To me it was saying he said to take a breather
2 when I talked to him. Text message said take Monday off.
- 3 EMPLOYER ATTORNEY: Okay. I'm sorry, say that again. He said what?
- 4 CLAIMANT: [UNCLEAR] to me taking Monday off is taking a
5 day away and taking time off, yes.
- 6 EMPLOYER ATTORNEY: Now, did he tell you that you should take a
7 breather or did he say you should take a day away without answering the phone?
- 8 CLAIMANT: A day away without answering the phone, doing
9 anything that is Allserv-related is how I read that message.
- 10 EMPLOYER ATTORNEY: Okay. Did Chris tell you that you could have a
11 few days off?
- 12 CLAIMANT: Initially when we were on the phone initially, he
13 did, he said take a few days off, you know, regroup, calm down, things will get
14 handled when they do. Tried to reach out to Tanya, no response. Then with Chris,
15 he said take Monday off whatever it says, I don't have it in front of me which is
16 taking a day off. When I went to Tanya all I said was Monday, all these things
17 from earlier April whatnot, why weren't they addressed to me at that point if
18 they're taking me seriously about leaving. If I said these things numerous times,
19 why wasn't I written up for it, why wasn't I ever talked to about it like with
20 making those threats?
- 21 EMPLOYER ATTORNEY: Then Ms. Calvin responded no one communicated
22 with Jeff or me until today. And, you said...
- 23 CLAIMANT: In regards to me taking Monday off, she did which
24 is weird though, because if you look three or four pages...or messages up is where
25 it says I won't be in on Monday.
- 26 EMPLOYER ATTORNEY: That was your communication to her then?

1 CLAIMANT: Yes.

2 EMPLOYER ATTORNEY: But, that's different from saying that you can have
3 a few days off, isn't it?

4 CLAIMANT: It is.

5 EMPLOYER ATTORNEY: And, you also didn't say anything to Ms. Calvin
6 about why you had cleaned your desk out, did you?

7 CLAIMANT: She didn't ask.

8 EMPLOYER ATTORNEY: Okay. Then, the next message says "Chris reached
9 out to me yesterday," so did Chris reach out to you or did you reach out to him?

10 CLAIMANT: He reached out to me when he got...[UNCLEAR]
11 from Jeff White, which was the response I was trying to elicit because they're best
12 friends, I knew that finally I'd get a response from somebody, and I'd have to look
13 back at the text message of who responded to whom first, but I'm pretty sure he
14 was the one that responded...finally responded to me after I reached out to Jeff
15 White.

16 EMPLOYER ATTORNEY: And, then if you flip over this is part of that same
17 communication, it says "Chris reached out to me yesterday said take a day or
18 do"...I think you mean two there, maybe. Then he said he said...or you said "He
19 said he would deal with the issues once everyone was settled. I tried to reach out
20 to you over the weekend, but you didn't want to talk about it." Okay. When, did
21 you try to reach out to Ms. Calvin over the weekend?

22 CLAIMANT: I attempted to call her, got her voicemail, I think I
23 tried three different occasions and also again, she knew verbally within the office
24 the frustrations I was having as far as the paper work goes as far as the employees,
25 the managers coming to me about things that they should be really going to her
26 about, she was aware of that verbally and then when she saw my aggravation in

1 those texts that I'm in the office both Saturday and Sunday, is more than enough to
2 make her aware that I wanted to have them addressed.

3 EMPLOYER ATTORNEY: Then you said "If my resignation was accepted
4 effective Thursday, then why did I work Friday or over the weekend? Does a
5 pissed off employee stop in to make sure they're caught up, no, they say fuck it
6 and walk away." And that was the last communication that you had on that
7 Monday with Ms. Calvin, is that correct?

8 CLAIMANT: I would have to go through my screen shots, I
9 believe so.

10 EMPLOYER ATTORNEY: And, then you testified earlier, Ms. Crawford,
11 about an e-mail exchange that you had with Ms. Calvin and Mr. Calvin on April
12 19th, do you remember that?

13 CLAIMANT: Yes.

14 EMPLOYER ATTORNEY: Okay. I submitted, Ms. Bradley, that...a copy of
15 that e-mail to the Unemployment Office and I sent a copy as well to Ms. Crawford,
16 do you all have that e-mail?

17 CLAIMANT: I do, but my concern with this particular e-mail is
18 that it's not the full e-mail what I forwarded to them.

19 EMPLOYER ATTORNEY: Okay. Well, Ms. Crawford, this is the e-mail that
20 I'm going to ask you about, okay?

21 CLAIMANT: Uh huh.

22 EMPLOYER ATTORNEY: Do you recognize the e-mail?

23 CLAIMANT: Yes.

24 EMPLOYER ATTORNEY: Did you send that e-mail?

1 CLAIMANT: I did.

2 EMPLOYER ATTORNEY: Okay. I'd like to introduce this into evidence as
3 Employer's Exhibit #2 please.

4 HEARING OFFICER: All right. Ms. Crawford, any objection?

5 CLAIMANT: Well, like I said, my concern is that if they're
6 going to use this, you can tell that it's a forwarded message, I'm concerned that the
7 whole message that it pertains to is not attached to it which doesn't give the full
8 story.

9 HEARING OFFICER: So, are you saying there are parts of this communication
10 that have been omitted?

11 CLAIMANT: That's exactly what I'm saying, there's a
12 portion...I forwarded a message that was sent from another employee to Chris
13 Mitchell regarding the volatile behavior, being cussed at, being yelled at, screamed
14 at by Tanya Calvin, that I forwarded that to Jeff and Tanya (talking over each
15 other).

16 HEARING OFFICER: Okay. No, wait a minute, all right, wait a minute, that's a
17 different e-mail, that's not this particular e-mail.

18 CLAIMANT: Oh, no, ma'am, it was part of that e-mail. In that
19 e-mail when I sent it to them, I didn't put an attachment, it was forwarded. There
20 is a...I can send it to you guys because there is a portion of that e-mail (talking
21 over each other).

22 HEARING OFFICER: Okay. But...

23 CLAIMANT: ...that is not on there.

24 HEARING OFFICER: Within the body of this e-mail communication that Mr.
25 (talking over each other).

1 CLAIMANT: Within the body of the e-mail...I can forward the
2 same exact e-mail I sent to Jeff and Tanya that shows the bottom portion of the e-
3 mail on it, the original e-mail that was sent.

4 HEARING OFFICER: Okay. What I'm asking, Ms. Crawford, because I want
5 to be clear. Did you attach this communication to a forwarded e-mail from
6 someone else or is there actually something within the body of this particular
7 communication that is missing?

8 CLAIMANT: The way that it was forwarded was, the e-mail, the
9 portion that's missing that was forwarded along with my...what I had written.

10 HEARING OFFICER: Okay. But, that's a separate e-mail, what I'm asking is
11 there any part of your e-mail communication, I'm not talking about the forwarded
12 e-mail that you sent, this was just in response to that that was submitted to the
13 employer? What I'm asking...

14 CLAIMANT: (Talking over each other).

15 HEARING OFFICER: ...the part that you actually wrote and sent or addressed
16 to Mr. or Ms. Calvin, was there...is there any specific part of your e-mail
17 communication that is missing?

18 CLAIMANT: No.

19 HEARING OFFICER: Okay. So, this is what you actually sent to the employer?

20 CLAIMANT: This is what I sent to the employer, but in context
21 you would see that there's a bottom portion that tied into this e-mail.

22 HEARING OFFICER: Okay.

23 CLAIMANT: But...

24 HEARING OFFICER: And, you will have the opportunity to address that.

1 CLAIMANT: Okay.

2 HEARING OFFICER: But, at this time...so I'm going to ask again, any
3 objection to this communication being entered into the record if this is what you
4 submitted to the employer?

5 CLAIMANT: No.

6 HEARING OFFICER: All right. There being no objection, the one-page
7 document will be entered into the record as Employer Exhibit #2.

8 EMPLOYER ATTORNEY: Ms. Calvin, a couple sentences into this e-mail that
9 you sent to Ms. Calvin and Mr. Calvin, you said "It wasn't stressful enough having
10 to do my own job, but to also deal with this if not on a daily basis, weekly, I
11 figured that after numerous times asking that you all intervene without it
12 happening, of course, that he would realize Patty will say something, therefore, I
13 need to leave her alone." Who is the he you're talking about?

14 CLAIMANT: Scott Schroeder.

15 EMPLOYER ATTORNEY: "I kept my cool per your request for entirely too
16 long and can no longer handle it." What do you mean you could no longer handle
17 it?

18 CLAIMANT: That's why I kept bringing every instance up to
19 them and didn't leave it alone.

20 EMPLOYER ATTORNEY: "I also felt grateful to be working again, especially
21 so close to home with people I cared for. I tried my hardest to indicate that
22 something like this would happen, but being unheard and treated as if what I had to
23 say was invalid, finally pushed me over the edge." What did you mean by finally
24 pushing you over the edge?

1 CLAIMANT: The fact that none of these issues were addressed
2 and there was promises from months ago that we'll talk to him, we'll tell him this,
3 we'll make sure the managers are giving this, that's what that's indicating.

4 EMPLOYER ATTORNEY: Well, what was the edge, Ms. Crawford, was that
5 your employment...the end of your employment?

6 CLAIMANT: Stress wise, yes, it pushed me to [UNCLEAR].

7 EMPLOYER ATTORNEY: So, you're not referring to it finally pushed you
8 over the edge meaning it finally forced you to quit?

9 CLAIMANT: No, it pushed me over the edge that my frustration
10 was at its all time high.

11 EMPLOYER ATTORNEY: And, then a little bit further down you say "I said I
12 needed a day to recoup, I've heard in a fifth party way that I quit which is not
13 accurate, but at this time based on all that has come out because of this, I feel that
14 the environment would be even more hostile than it was to begin with." What did
15 you mean there?

16 CLAIMANT: The fact that I couldn't get anybody to respond to
17 me in regards to when I reached out to Chris for a meeting, when I tried to get in
18 touch with Tanya, changing my password, basically instead of just telling me hey,
19 we accept your resignation, they took away my password, five hours, six hours
20 before I got the e-mail stating that I resigned when I didn't.

21 EMPLOYER ATTORNEY: I'm sorry, six hours what?

22 CLAIMANT: Six hours before I got the text message that I had
23 resigned from Tanya.

24 EMPLOYER ATTORNEY: Okay. And, the text message that you got from
25 Tanya on Monday, April 18th was at 10:40 a.m.?

- 1 CLAIMANT: Yes.
- 2 EMPLOYER ATTORNEY: So, you're saying at 4:40 that morning is when you
3 couldn't get your e-mail?
- 4 CLAIMANT: No, I'm saying 8:00 that morning is when I
5 couldn't get my e-mail.
- 6 EMPLOYER ATTORNEY: And, then you say "One can only..." I'm sorry, let
7 me go back for a second. You said "I've heard in a fifth party way," what does
8 that mean?
- 9 CLAIMANT: Well, that day Scott called me on the phone and
10 also we text back and forth a good bit about the situation, he said that he
11 understood it was his fault that I wasn't there anymore and if he could he would try
12 to fix it, he tried to apologize and I said it wasn't just him and things just need to
13 be addressed period. I also heard from another employee even as of that
14 Wednesday or Thursday that it hadn't even been announced that I had "resigned"
15 or that I was not longer employed there.
- 16 EMPLOYER ATTORNEY: "One can only carry so much stress for so long,
17 especially without help and assistance that was asked for time and time again, but
18 was met with ears that didn't want to hear and management that didn't want to do
19 anything about it." What does that mean?
- 20 CLAIMANT: That means hey, if an employee is four months
21 behind on his expense reports, can you please get with him and make sure that
22 doesn't happen again. If an employee is not entering...or is entering employees
23 incorrectly on Oasis, say something to him, that's what that means.
- 24 EMPLOYER ATTORNEY: Ms. Crawford, isn't it true that you were burnt out
25 with your job?
- 26 CLAIMANT: Yes, and I indicated that several times that I was
27 burnt out because I was working numerous hours because of this Oasis conversion.

1 EMPLOYER ATTORNEY: Isn't it true that you were stressed constantly at
2 work?

3 CLAIMANT: Not constantly at work. I would become stressed
4 when employees would come to me about issues I had no control over. It would be
5 stress at work when staplers go flying across the room in my general direction or
6 phones being tossed and cussing and carrying on and throwing stuff off desks, that
7 would cause stress to any reasonable person in that environment, that is the
8 additional stress that made my job stressful.

9 EMPLOYER ATTORNEY: And, weren't you tired of working on weekends
10 and at night?

11 CLAIMANT: Of course I was, especially when I was...I mean at
12 a minimum even 8 to 6, 8 to 7 but nonstop Allserv all day long.

13 EMPLOYER ATTORNEY: But, no one told you to do that, did they, Ms.
14 Crawford?

15 CLAIMANT: Well, when I'm actually getting...I have a phone
16 call from Tanya at 11:15 at night where she had gone to Scott telling him to
17 retrieve an e-mail that he had sent and she sends me a text "Can you talk?" So, I
18 talked to her the night before having to go back to work again, she's the VP of the
19 company, so me meaning no, nobody said I should work then, but when your VP is
20 calling you after hours in such a manner, texting you, calling you after hours in
21 such a manner after you've left the office, do you not answer your phone, because
22 if I didn't wouldn't that eventually lead to my termination because I'm not doing
23 what I'm supposed to be doing?

24 EMPLOYER ATTORNEY: Well, didn't your boss, Ms. Calvin, instruct you to
25 stop working on that Saturday?

26 CLAIMANT: On that Saturday, and I sure listened to her and
27 took my daughter to Disney on Ice, so I did stop working that day.

1 EMPLOYER ATTORNEY: And, you felt underappreciated, didn't you Ms.
2 Crawford?

3 CLAIMANT: I did.

4 EMPLOYER ATTORNEY: Okay. Mr. Calvin nor Ms. Calvin, nor Chris, nor
5 anybody else at that company told you that you were fired, did they?

6 CLAIMANT: No, but when you take away
7 somebody's...without any resolution, any conversation, any discussion
8 whatsoever, even though you're sending me work-related e-mails on that Sunday
9 at 7 something at night, and then you take away my password and...that is her
10 telling me you're no longer employed here, I no longer have access to my e-mail,
11 that is what that's saying. Then, hearing from Scott Schroeder via phone call and
12 text messages he eventually at some point got included in on all the going ons and
13 what was happening, made it sound like, yes, that I was no longer there, so they're
14 doing all that before I ever got any kind of response from Tanya that literally said
15 you have resigned, I didn't realize I had "resigned" until later that morning (talking
16 over each other).

17 EMPLOYER ATTORNEY: (Talking over each other). But, you had actually
18 cleaned out your desk, is that right?

19 CLAIMANT: I removed my pictures and my pens, I did not take
20 my mouse pad, I did not take like I said, my stick vac, my jacket, my stick broom,
21 my notary certification, I did not take any of that.

22 EMPLOYER ATTORNEY: What about a postcard from Tacoma, do you know
23 what that is?

24 CLAIMANT: It was a picture I printed out from the tack board.

25 HEARING OFFICER: Okay. We've already gone over this, Mr. Lominack, do
26 you have any other questions, sir?

1 EMPLOYER ATTORNEY: I'm trying to close out right now. Ms. Crawford,
2 what is the picture from Tacoma?

3 CLAIMANT: The picture of Tacoma instead of saying "Oh,
4 Oklahoma," I thought it was funny to be "Oh, Tacoma," considering my family
5 just moved to Washington, so...and it's a beautiful town, beautiful picture, I posted
6 up there it was a breathtaking thing to look at.

7 EMPLOYER ATTORNEY: And, did you take that?

8 CLAIMANT: I did.

9 EMPLOYER ATTORNEY: All right. That's all the questions I have right now.

10 HEARING OFFICER: All right. I'm going to follow up one question or maybe
11 a couple questions of Ms. Crawford, based on testimony that was provided earlier,
12 Ms. Crawford. In regards to this issue regarding the employer asking you to rub
13 proposals on your breasts, why did you agree to do that to begin with?

14 CLAIMANT: Again, making 35 grand in the Town of Chapin, to
15 me it was weighing the lesser of two evils and like I said, the final time she did it I
16 said I'm not going to do that anymore because it does me no good.

17 HEARING OFFICER: How did that subject even get broached to begin with?

18 CLAIMANT: I'm not sure quite how it did, I don't know if she
19 rubbed...I believe it just, if I'm not mistaken, originally came up because she
20 scooted by me one day and rubbed up against them inadvertently, she had a
21 wonderful day that day and then from that point on considered them good luck.

22 HEARING OFFICER: But, you never informed...the first time...how many
23 times did it occur?

24 CLAIMANT: When I spoke to Human Affairs, I had two dates.

1 HEARING OFFICER: No, I'm not asking what you sent to Human Affairs, I'm
2 asking you how many times did it actually occur?

3 CLAIMANT: I believe it happened four or five times, but I
4 would have to go through my documentation, the two days I could provide right
5 away for you (talking over each other).

6 HEARING OFFICER: Okay. And, in any of those four or five times that it
7 occurred prior to the last occurrence that you said on March the 22nd, at any time
8 did you ever tell the employer to stop, that it was uncomfortable, it was
9 inappropriate in the workplace?

10 CLAIMANT: Oh, it being inappropriate in the workplace did
11 come up, as far as no, stop, don't, she and I had a different friendship at that point,
12 I didn't want to make her feel weird, I...it only happened once every blue moon...

13 HEARING OFFICER: You don't...

14 CLAIMANT: ...[UNCLEAR] I had to do.

15 HEARING OFFICER: ...you don't think that that was weird...a weird request,
16 Ms. Crawford?

17 CLAIMANT: I did believe it was a weird request, but again I had
18 been unemployed and now had my own money and to be financially independent
19 outweighed some of the garbage that happened while I was there [UNCLEAR].

20 HEARING OFFICER: Does the company maintain sexual harassment policy?

21 CLAIMANT: Excuse me?

22 HEARING OFFICER: Does the company maintain sexual harassment policy?

1 CLAIMANT: At that time we had a generic one from SLI and
2 then we established a new one I believe, I can't remember when it was completed,
3 but it was later last fall where a new employee...employment handbook went out.

4 HEARING OFFICER: And, so was this occurring within the time frame that
5 there was a harassment policy in place?

6 CLAIMANT: Yes, the harassment policy which stated basically,
7 you know, that you can file, I don't even know if it said file a grievance, I don't
8 have a copy of the handbook, so I'm not sure what it said. It was a very general,
9 you cannot hire a person based on age discrimination against race, so on and so
10 forth.

11 HEARING OFFICER: But, I'm specifically talking about any type of sexual
12 harassment. You referenced that you had to take a sexual harassment conference
13 call back in January of 2015 while you were on vacation, is that correct?

14 CLAIMANT: That is correct.

15 HEARING OFFICER: Okay. So, having said that, was their policy in place
16 during the time that this was occurring?

17 CLAIMANT: I do not believe our new employee handbook that
18 was more specific was in place at that time.

19 HEARING OFFICER: Well, whatever was in place, whether...depending
20 on...regardless of how specific it was, if there was a harassment policy in place,
21 did you ever bring that to the employer's attention that this was in violation of their
22 own policy?

23 CLAIMANT: I did, in fact, I was just going around between
24 Tanya and another manager, Jason out at Ft. Jackson, talking about sexual
25 harassment Panda (phonetic) which is a reference to South Park, they
26 all...everybody was even smiling on the conference call we had to sit in on. Who
27 am I to go to when my direct (talking over each other)?

1 HEARING OFFICER: But, Ms. Crawford, what I'm saying is at any time did
2 you tell the employer this is a violation of your own company policy, I'm not
3 going to do this anymore, this is inappropriate, prior to March...

4 CLAIMANT: Yes, I...

5 HEARING OFFICER: ...22nd?

6 CLAIMANT: ...not prior to March, but in March I did.

7 HEARING OFFICER: Okay. All right. At this time, I'm going to move on to
8 Ms. Calvin. Please state and spell your first and last name for the record, and state
9 your position with the company please.

10 EMPLOYER WITNESS-1: Tanya Calvin, T-A-N-Y-A C-A-L-V-I-N, Vice
11 President.

12 HEARING OFFICER: Ms. Calvin, the records reflect Ms. Crawford worked for
13 the company November...she indicated November 9th, 2014 to April 18, 2016, is
14 that correct?

15 EMPLOYER WITNESS-1: Yes, ma'am, that's correct.

16 HEARING OFFICER: Was she employed as a Corporate Secretary?

17 EMPLOYER WITNESS-1: Yes, ma'am.

18 HEARING OFFICER: Was she discharged from employment or did she quit her
19 job?

20 EMPLOYER WITNESS-1: She quit her job.

21 HEARING OFFICER: Was the last day that she worked April 18th?

22 EMPLOYER WITNESS-1: April 17th.

1 HEARING OFFICER: And, so when did she quit?

2 EMPLOYER WITNESS-1: On Monday, April 18th, my husband on my way to
3 work called me and said what's going on with Patty and I said I'm afraid I don't
4 know what you're talking about and he said Jeff White called and said he got a text
5 message over the weekend saying she had packed her things and I said I don't
6 know what you're talking about. I said she sent me a text saying she was taking
7 today off. I said I'm on my way to the office, as soon as I get there I'll find out
8 what's going on. When I got to the office Ms. Crawford's things were packed, she
9 didn't have her photos on her desk, she didn't have her favorite pens out on the
10 desk all of her personal belongings had been removed. On Thursday, I think it was
11 the 14th, she had gotten upset about something one of the managers had not done
12 for her, she rant and raved her hands up in the air as she's done before, stating I've
13 had enough of this, I don't need this job, this isn't worth it to me, I'm going to find
14 somewhere else to work. So, when I came into the office on that Monday, I took
15 that she actually did quit, that she abandoned her job.

16 HEARING OFFICER: Did you contact her to try to verify that?

17 EMPLOYER WITNESS-1: No, ma'am, I did not.

18 HEARING OFFICER: Is there any reason why you didn't?

19 EMPLOYER WITNESS-1: Well, she had sent text messages earlier in the
20 month stating very similar things, so she was frustrated with her job, she wasn't
21 going to come back here anymore if we didn't start giving her what she wanted or
22 if people didn't start doing what they had asked us to do. So, she rant and raved
23 like I said before so, therefore, I just took it seriously that she really didn't want to
24 work for us anymore.

25 HEARING OFFICER: All right. And, you based that on what had occurred on
26 Thursday, but did she work Friday?

27 EMPLOYER WITNESS-1: She did work Friday, yes, ma'am.

- 1 HEARING OFFICER: And, did she work Saturday and Sunday?
- 2 EMPLOYER WITNESS-1: Yes, ma'am, she did.
- 3 HEARING OFFICER: And, you were aware that she was working those days?
- 4 EMPLOYER WITNESS-1: I was aware that she was working. I had told her
5 to go home on Saturday, to stop working after the text messages continued.
- 6 HEARING OFFICER: Okay. So, at that point you assumed her to still be
7 employed?
- 8 EMPLOYER WITNESS-1: Yes, ma'am.
- 9 HEARING OFFICER: Did she tell you she was going to be off on Monday?
- 10 EMPLOYER WITNESS-1: She did not ask off, she made a statement saying
11 she was taking Monday off.
- 12 HEARING OFFICER: Okay. And, when she made that statement, what was
13 your response?
- 14 EMPLOYER WITNESS-1: I did not respond, it was Sunday evening.
- 15 HEARING OFFICER: Is there a reason why you didn't respond?
- 16 EMPLOYER WITNESS-1: I was in the middle of doing things and I just did
17 not respond.
- 18 HEARING OFFICER: All right. So, at that point you assumed she was still
19 employed, she had been working over the weekend, you were having
20 communication with her, she had asked you to do some type of transfer which you
21 did, is that correct?
- 22 EMPLOYER WITNESS-1: Yes, ma'am.

1 HEARING OFFICER: And, then she indicted she was going to be off on
2 Monday and you didn't respond, ask any questions about that?

3 EMPLOYER WITNESS-1: No, ma'am.

4 HEARING OFFICER: Did you take it at that time by her indicating she was
5 going to be off on Monday that she had quit?

6 EMPLOYER WITNESS-1: No, ma'am, I took it on Monday morning when I
7 came into the office and found her belongings gone.

8 HEARING OFFICER: And, then at that point you made no attempt to contact
9 her to inquire what was going on or what had occurred?

10 EMPLOYER WITNESS-1: I was just getting into the office, I was talking with
11 my husband and explaining to him what I had found out when I got the text
12 message from Ms. Crawford.

13 HEARING OFFICER: When you got what text message from Ms. Crawford?

14 EMPLOYER WITNESS-1: The one on April 18th at 8:50 a.m. where she states
15 "All I wanted was a thank you, no money, nothing else, couldn't get that...a call
16 back?...couldn't get that", that text message. That's when I responded back to her
17 "You told me on Thursday that you had had enough and you were quitting and
18 finding another job, you've said this before but this time I took you seriously and
19 when I came in this morning and found you had removed all of your personal
20 things over the weekend, Jeff and I have accepted your resignation." That was at
21 10:40 on Monday.

22 HEARING OFFICER: All right. So, when she indicated...the next message said
23 "Chris indicated I could have a few days off, he gave me the impression that you
24 all were communicating." You then indicated "No one communicated with Jeff or
25 me until today," but she had in fact communicated that she was going to be off that
26 day, is that correct, to you?

1 EMPLOYER WITNESS-1: She said that she was taking that Monday off, but
2 no one had told me about her taking more than a few days off, I had no idea that
3 she and Chris had been communicating. Jeff...my husband, Jeff, the President has
4 been out of town since the middle of March. At this point he was still out of
5 town...

6 HEARING OFFICER: Okay.

7 EMPLOYER WITNESS-1: ...and had not returned.

8 HEARING OFFICER: And, when she informed you that Chris indicated she
9 could have a couple of days off, did you verify that information with Chris?

10 EMPLOYER WITNESS-1: Jeff did. Jeff said he didn't know what was going
11 on, he made the assumption that we were communicating with her.

12 HEARING OFFICER: Okay. But, if...when you say Jeff did, Jeff who?

13 EMPLOYER WITNESS-1: Jeff Calvin.

14 HEARING OFFICER: Okay. But, you said he was out of town.

15 EMPLOYER WITNESS-1: He was out of town (talking over each other)

16 HEARING OFFICER: So, he really had no first-hand knowledge of what was
17 going on and you were the one that was communicating with Ms. Crawford by text
18 at that time, is that correct?

19 EMPLOYER WITNESS-1: I'm sorry, say that again please.

20 HEARING OFFICER: I said you indicated Mr. Calvin was still out of town
21 when all this was occurring, is that correct?

22 EMPLOYER WITNESS-1: Yes, ma'am.

1 HEARING OFFICER: Okay. And, so he really had no first-hand knowledge, he
2 wasn't present to know what had gone on or what was occurring, is that correct?

3 EMPLOYER WITNESS-1: Yes, ma'am, that is correct.

4 HEARING OFFICER: Okay. And, you were the one that was communicating
5 with Ms. Crawford by text communication, is that correct?

6 EMPLOYER WITNESS-1: Yes, ma'am...

7 HEARING OFFICER: Okay.

8 EMPLOYER WITNESS-1: ...I was communicating with Jeff Calvin by
9 telephone.

10 HEARING OFFICER: But, when she indicated to you that Chris indicated she
11 could have a few days off, did you verify that information with Chris?

12 EMPLOYER WITNESS-1: No, ma'am, Jeff Calvin communicated with Chris
13 by telephone.

14 HEARING OFFICER: Mr. Calvin communicated with Chris by telephone
15 when?

16 EMPLOYER WITNESS-1: Monday morning I believe.

17 HEARING OFFICER: Did Chris indicate that he had informed Ms. Crawford
18 that she could have a couple of days off?

19 EMPLOYER WITNESS-1: He states that he told her to talk with us about
20 maybe taking a few days off, he did not know if she'd actually communicated that
21 with us.

22 HEARING OFFICER: Okay. But, that is not what his actual communication
23 says, his communication says "Should take a day away without answering phone

1 and think it through and make sure it is what you want to do.” Doesn’t say check
2 with Tanya or Mr. Calvin to verify if that’s okay. Did Mr. Mitchell have the
3 authority to grant Ms. Crawford time off?

4 EMPLOYER WITNESS-1: No, ma’am.

5 HEARING OFFICER: Had Ms. Crawford and other employees not been
6 directed to go to Mr. Mitchell to address these types of things as opposed to trying
7 to address your husband to either address you or him?

8 EMPLOYER WITNESS-1: Let me give you a little background here to fill in
9 the blanks. We do government contracting and at this point in the beginning of the
10 season, we do it for the grounds, we do landscaping and grounds maintenance.
11 This is the busy season and we had just been awarded four new contracts in the last
12 few months, so Mr. Calvin was out on a job site in Nebraska, Mr. Schroeder, our
13 Operations Manager, was at a job site in Kansas, Mr. White, our other Operations
14 Manager was on a job site in Texas, Mr. Mitchell, who is our Business Consultant,
15 had been helping out filling in for Jeff Calvin while he was out. If there was
16 anything important that needed to be handled, he did ask we get Jeff...I mean to
17 ask Chris Mitchell to please get involved if necessary. There were issues that were
18 going on, but these issues that Ms. Crawford has brought up were not on the
19 forefront of emergency situation that couldn’t have waited until everyone returned
20 back to town in the next few weeks. So, that’s the only communications we were
21 really having with Mr. Mitchell.

22 HEARING OFFICER: All right. So, when...did Ms. Crawford bring to your
23 attention some things on April 13th or April 14th that she had issues with that were
24 occurring in the work place that were preventing her from being able to perform
25 her work?

26 EMPLOYER WITNESS-1: They were delaying her work from being
27 performed, but that did not bear any penalty against Ms. Crawford for not
28 performing, she’s never been written up, she’s never been disciplined because she
29 couldn’t perform her job as a result of a manager not providing the information she
30 needed. The managers are in the middle of startup season and this is always our

1 overwhelming, crazy time of the year and it takes a little while to get everything
2 going. So, this is all in a matter of weeks...a few short weeks, it's just pure chaos.

3 HEARING OFFICER: And, did you indicate specifically to Ms. Crawford when
4 those concerns would be addressed?

5 EMPLOYER WITNESS-1: She was told by myself and by Mr. Mitchell that
6 issues would be addressed when Jeff Calvin returned, he was aware of some of her
7 complaints, I'd had discussions with him and so had Mr. Mitchell, Ms. Crawford
8 had discussions with him before, some of these are repeat issues that we have to
9 get onto the managers about, but again, it was startup season and it was not the
10 appropriate time to be jumping on managers about paper work at this very second
11 and that it would be addressed when Jeff Calvin returned into town at the end of
12 the month.

13 HEARING OFFICER: Okay. And, was that reasoning explained to Ms.
14 Crawford that that was the reason why there were other workload pressing issues
15 that took precedence over this particular paper work?

16 EMPLOYER WITNESS-1: Yes, ma'am, Ms. Crawford was fully aware of
17 that.

18 HEARING OFFICER: Was she ever informed that her job was not going to be
19 in jeopardy as a result of these managers not producing the paper work that she
20 needed to have to perform her work?

21 EMPLOYER WITNESS-1: Yes, ma'am, she had never been written up before,
22 she had never been disciplined, and she was fully aware she would not be.

23 HEARING OFFICER: Now, you indicated that these issues had been addressed
24 with you prior, these were reoccurring things that you had to keep addressing with
25 managers, is that correct?

26 EMPLOYER WITNESS-1: Yes, ma'am. Some of the...the managers are there
27 out in the field running projects for the Federal Government, they're handling 15

1 employees, they're dealing with hot sun, they're dealing with the Federal
2 Government and they're having to take priorities of what their workload is. They
3 don't get the computers and text messages and phone messages until the evening
4 after work hours, so they have to prioritize sending certain information. Because
5 they're out in the field, they have small printers that are able to scan documents
6 and documents are scanned one at a time, so the information is delayed in getting
7 to her. That is not her fault and we've been fully aware of that and we've gotten
8 onto the managers numerous times about doing better about this. But, they always
9 fall back to the same pattern, this is a routine that my husband has dealt with for 20
10 something years.

11 HEARING OFFICER: Has any disciplinary action ever been taken against those
12 managers?

13 EMPLOYER WITNESS-1: Not that I'm aware of.

14 HEARING OFFICER: All right. Ms. Crawford also indicated that there were
15 issues in regards to these gift cards that were not handled appropriately, had she
16 addressed that issue with you about this being...or what the company was doing
17 with these gift cards were in violation of any type of IRS regulations or that they
18 needed to be reported for tax purposes....

19 EMPLOYER WITNESS-1: Yes.

20 HEARING OFFICER: ...that anything that the company was doing with these
21 cards was not handled...or being handled or conducted appropriately?

22 EMPLOYER WITNESS-1: Yes, ma'am, the question came up at Thanksgiving
23 and Christmas, we purchase hams and turkeys for our employees. Instead of
24 purchasing a frozen turkey or a ham, we will purchase a small gift card typically in
25 increments of \$20 or \$25 for them to go purchase their Thanksgiving dinner or
26 their Christmas dinner. It did come up, she did bring it up and asked the right
27 questions and we asked our CPA about it and he said if the increments were small
28 enough, it was okay. Larger increments needed to go through the employee's
29 payroll.

- 1 HEARING OFFICER: Okay. And, what were those increments?
- 2 EMPLOYER WITNESS-1: For the Thanksgiving gifts and Christmas gifts,
3 they were \$20 or \$25.
- 4 HEARING OFFICER: And, were your gift cards for one of those amounts?
- 5 EMPLOYER WITNESS-1: Yes, ma'am.
- 6 HEARING OFFICER: Were they given more than one gift card?
- 7 EMPLOYER WITNESS-1: No, ma'am.
- 8 HEARING OFFICER: And, in regards to the reimbursement of travel to a
9 spouse who is not an employee of the company, had she addressed that concern
10 with you?
- 11 EMPLOYER WITNESS-1: Yes, ma'am.
- 12 HEARING OFFICER: And, when had she addressed that concern with you?
- 13 EMPLOYER WITNESS-1: This time in April when she brought it up asking
14 about it, I questioned it myself and my husband said to pay it. The manager has
15 been out of town in a hotel for eight weeks and had not seen his wife, so my
16 husband was willing to pay for an airline ticket for his wife to fly down for the
17 weekend.
- 18 HEARING OFFICER: And, was that any type of violation of IRS regulations
19 that you are aware of?
- 20 EMPLOYER WITNESS-1: I am not aware of.
- 21 HEARING OFFICER: So, you never had a conversation with Ms. Crawford
22 about that being inappropriate?

1 EMPLOYER WITNESS-1: I had the conversation with Ms. Crawford when
2 she brought it up and asked why are we paying for this and I questioned myself
3 why are we paying for his wife to fly down, I was under the impression he was
4 paying for the flight himself. My husband said no, he had agreed that he would
5 pay for the flight down for her. I don't know anything else to the contrary on his
6 justification for that, I don't know any (talking over each other).

7 CLAIMANT: May I same something?

8 EMPLOYER WITNESS-1: (Talking over each other)...IRS regulations on
9 that, I'm sorry, I do not know the answer.

10 CLAIMANT: [UNCLEAR].

11 HEARING OFFICER: Hang on, hang on, Ms. Crawford, ma'am, I'm not
12 speaking to you at this moment, I'll come back to you momentarily you'll have the
13 opportunity to make any rebuttal, but please remain quiet...

14 CLAIMANT: Okay.

15 HEARING OFFICER: ...during the employer's testimony.

16 CLAIMANT: Sorry.

17 HEARING OFFICER: And, then in regards to this other issue whereby she
18 indicates you requested that she rub these work proposals on her breasts for good
19 luck, did you ask her to do that...

20 EMPLOYER WITNESS-1: No, ma'am.

21 HEARING OFFICER: ...Ms. Calvin?

22 EMPLOYER WITNESS-1: No, ma'am.

23 HEARING OFFICER: So, are you saying that that never occurred?

1 EMPLOYER WITNESS-1: Ms. Crawford was a friend of mine before she was
2 employed with us and while she was employed with us. When Ms. Crawford was
3 first hired, we had a contract that we had been trying to win numerous times. She
4 picked up the proposal one day and said "I'll bring you some good luck," and
5 rubbed it across her breasts. After that it became a little bit of a running joke
6 between us.

7 HEARING OFFICER: So, she initiated this?

8 EMPLOYER WITNESS-1: Yes, ma'am.

9 HEARING OFFICER: And, when other contracts or proposals came along after
10 that, did you ask her to repeat that?

11 EMPLOYER WITNESS-1: We had jokingly stated "Do you want to rub it as
12 good luck?" And, that became a joke and she actually had done it, I never touched
13 her, I never ran a proposal across her.

14 HEARING OFFICER: Did she ever indicate to you that it was inappropriate in
15 the work place or refused to do it or indicate that she didn't want to do it?

16 EMPLOYER WITNESS-1: No, ma'am, she laughed and carried on like the
17 rest of us did.

18 HEARING OFFICER: Does your company maintain any type of sexual
19 harassment policy, Ms. Calvin?

20 EMPLOYER WITNESS-1: Yes, ma'am.

21 HEARING OFFICER: I'm sorry?

22 EMPLOYER WITNESS-1: Yes, ma'am.

23 HEARING OFFICER: And, was this practice in keeping with your policy?

1 EMPLOYER WITNESS-1: No, ma'am.

2 HEARING OFFICER: Ms. Crawford ever indicate she wanted to file any kind of
3 complaint or to your knowledge file any complaint about it occurring on March the
4 22nd or after?

5 EMPLOYER WITNESS-1: No, ma'am.

6 HEARING OFFICER: She indicated that on March the 22nd that it was the last
7 time it occurred and that she informed you and Mr. Calvin both that it was the last
8 time that it was going to happen, do you recall that?

9 EMPLOYER WITNESS-1: No, ma'am.

10 HEARING OFFICER: Now, you indicated in regards to the workload and this
11 being a busy time of year, how long would this period of time last?

12 EMPLOYER WITNESS-1: The new hire process is for the month late March
13 to end of April, so six weeks.

14 HEARING OFFICER: And, was this the period during which Ms. Crawford was
15 having problems getting the paper work and the responses that she wanted from the
16 managers?

17 EMPLOYER WITNESS-1: Yes, ma'am.

18 HEARING OFFICER: On Thursday when she was communicating this
19 information to you and her frustration with what all was going on and you
20 indicated that it would be addressed when Mr. Calvin got back to town, at that time
21 did she indicate to you that she was quitting, that she was looking for another job?

22 EMPLOYER WITNESS-1: Yes, ma'am.

23 HEARING OFFICER: She indicated that on that Thursday?

1 EMPLOYER WITNESS-1: On that Thursday she got upset about something,
2 angry with something with the managers had done and I had done, I don't
3 remember precisely what, she threw her hands up in the air and started out on a
4 little temper tantrum rant that she'd had enough of this, she didn't want to deal
5 with this anymore, we could keep it, she was finding another job.

6 HEARING OFFICER: Okay. Is there a reason why you didn't have her go
7 ahead and pack her things and leave then and accept her resignation at that point
8 when that occurred?

9 EMPLOYER WITNESS-1: No, ma'am.

10 HEARING OFFICER: All right. I don't believe that I have any other questions
11 of you at this time, Ms. Calvin. Mr. Lominack, do you have any questions of your
12 witness?

13 EMPLOYER ATTORNEY: No, ma'am, I don't have any questions.

14 HEARING OFFICER: Ms. Crawford, do you have any questions of Ms. Calvin?
15 Ms. Crawford? Ms. Crawford? Ms. Crawford? All right. I'm going to ask you all
16 to hold just a moment, Mr. Lominack, it appears that we may have been
17 disconnected from Ms. Crawford.

18 CLAIMANT: I'm here, I'm sorry.

19 HEARING OFFICER: So, why are you not responding?

20 CLAIMANT: I'm...the phone dropped as far as I couldn't hear
21 anybody talking and then I was getting the automated message.

22 HEARING OFFICER: All right. Ms. Crawford, at this time do you have any
23 questions of Ms. Calvin?

24 CLAIMANT: No, but I was going to offer (talking over each
25 other).

1 HEARING OFFICER: Hang on, hang on just a moment, I'll come back to you
2 for your rebuttal statement in just a moment. Right now this is your opportunity to
3 cross examine the employer, so you don't have any questions for Ms. Calvin at this
4 time?

5 CLAIMANT: No.

6 HEARING OFFICER: All right. Ms. Crawford, anything else that you want to
7 tell me at this time before we adjourn this hearing that we have not already
8 discussed?

9 CLAIMANT: No, I was just going to...when I interrupted
10 inadvertently about the tax thing, Tanya was in agreement with me and she was
11 just as much as I would if it...Chris was our Financial Consultant, if she had talked
12 with Jeff Calvin about going ahead and paying that reimbursement, Tanya and I at
13 that point are doing what we're told because we're figuring that it has been
14 checked into because he is a Financial Consultant. I was just saying that I was
15 agreeing with her that she didn't knowingly allow it to happen without passing it
16 along to Jeff and to Chris.

17 HEARING OFFICER: And, Ms. Crawford, Ms. Calvin also indicated that
18 during this particular season of new hires, that it typically lasts about six weeks and
19 during this period when the managers are in the field, they're busy and these
20 contracts, that sometimes they are delayed in getting paper work to you, sometimes
21 comes in after the regular business hours, is that correct?

22 CLAIMANT: That is correct.

23 HEARING OFFICER: Okay. And, were you aware that this was a temporary
24 period of time that the work load would be this extreme and that it would go back
25 to normal after that?

26 CLAIMANT: Absolutely, because I worked during the same time
27 frame last year, we were on a new payroll system, we needed information to get
28 employees paid although I knew everybody was busy, I was to...we had to make

1 sure we the correct documents for the direct deposits, so on and so on...it didn't
2 fall off.

3 HEARING OFFICER: Okay.

4 CLAIMANT: There were times I was going back numerous
5 occasions which just disrupts their day and I get that, but I can't do my...I
6 can't...you can't have an employee working where I have no new hire paper work,
7 I mean that's for worker's comp issues, that's just...you have to have their
8 employment documentation, we have to do e-verify within a certain amount of
9 time. And, that (talking over each other).

10 HEARING OFFICER: Okay. And, did you ever...did you ever fail to be able to
11 do that stuff timely? Did you ever miss any of those...

12 CLAIMANT: No.

13 HEARING OFFICER: ...appropriate deadlines?

14 CLAIMANT: No, because I would push and push and push to get
15 what I needed.

16 HEARING OFFICER: And, had the employer ever indicated when you were
17 addressing these complaints with them that if you didn't get the paper work, you
18 know, that your job was not in jeopardy?

19 CLAIMANT: No, but if I'm not paying an employee, I mean, a
20 pay checks going to have to be cut for an employee by law and if I don't have the
21 information I need, then ethically I'm just creating a pay check with no W-4 with
22 not even knowing if that's the correct spelling of their name, their social security
23 number, etc. So, (talking over each other).

24 HEARING OFFICER: Okay. But, if you don't have the documentation, it's a
25 matter of not cutting the check, correct?

1 CLAIMANT: That's correct, and in the past when that's
2 happened, I've been told to cut a manual check where I have to figure that all out
3 on my own which puts me at liability if I take too much out, if I don't do the
4 correct withholding, etc.

5 HEARING OFFICER: And, how many times has that occurred?

6 CLAIMANT: I would say at least four or five times.

7 HEARING OFFICER: Okay. So, did you ever leave, did you ever say, well you
8 know what, I don't want to be responsible for this, I don't want to be liable for this
9 and leave that to Ms. Calvin to do?

10 CLAIMANT: Oh, yes, and she was willing, she would send e-
11 mails out to the employees, we need this information, we can't do our jobs if
12 you're not doing your jobs, but they would still do it.

13 HEARING OFFICER: Okay. But, if you felt like that you were putting yourself
14 at liability for something that you didn't believe that you were supposed to be
15 doing, you stated you went ahead and did it anyway?

16 CLAIMANT: That's correct, and at that point if I had to cut a
17 manual check, by that point we'd missed the cut off for the new hire paper work
18 with our payroll company, I would by then have a W-4 for the employee, their
19 correct social security number, they would have been e-verified and so on at that
20 point (talking over each other).

21 HEARING OFFICER: Okay. So, you didn't ever pay someone without the
22 appropriate documentation?

23 CLAIMANT: Correct, whether or not I got it in time (talking
24 over each other).

25 HEARING OFFICER: You may have just had to use a different method, i.e. a
26 manual check as opposed to going through the payroll system?

1 CLAIMANT: That's correct.

2 HEARING OFFICER: So, you weren't necessarily prevented from doing your
3 job, may have been a delay, is that correct?

4 CLAIMANT: That's correct.

5 HEARING OFFICER: And, you had all the documentation at the time that you
6 cut the checks manually, so there was no type of violation there that you were
7 aware of?

8 CLAIMANT: Right.

9 HEARING OFFICER: All right. Anything else you want to tell me at this time,
10 Ms. Crawford?

11 CLAIMANT: No, that's it.

12 HEARING OFFICER: Ms. Calvin, anything else that you would like to tell me
13 at this time?

14 CLAIMANT: No, ma'am, I have nothing.

15 HEARING OFFICER: Mr. Lominack, anything else from you at this time?

16 EMPLOYER ATTORNEY: I just have a couple quick follow up questions for
17 Ms. Crawford please.

18 HEARING OFFICER: Based on what, sir?

19 EMPLOYER ATTORNEY: Her testimony about the harassment issue.

20 HEARING OFFICER: Go ahead.

1 EMPLOYER ATTORNEY: Ms. Crawford, you testified about the sexual
2 harassment issue, was Ms. Calvin the only one that said or did anything improper?

3 CLAIMANT: As far as with the proposals?

4 EMPLOYER ATTORNEY: No...well, what you would consider sexual
5 harassment.

6 CLAIMANT: Yes.

7 EMPLOYER ATTORNEY: Okay. Besides the proposal issues, was there
8 anything else that she said or did that you would consider to be sexual harassment?

9 CLAIMANT: I guess joking with another manager about sexual
10 harassment panda as we're all supposed to be taking a conference call seriously
11 about the issue, but that would be about it.

12 EMPLOYER ATTORNEY: When was that?

13 CLAIMANT: I believe I already mentioned that we watched that
14 video in January if I'm not mistaken.

15 EMPLOYER ATTORNEY: 2016?

16 CLAIMANT: I believe so.

17 EMPLOYER ATTORNEY: Did Ms. Calvin or anyone else ever ask you about
18 your sex life at work?

19 CLAIMANT: They did and I indicated that before where my 14
20 year old son at the time is asking me whether or not I'm having an affair with a co-
21 worker who he would have no idea of who that is which indicates they're speaking
22 about that in front of their own child who in turn is talking to my child about it.

1 EMPLOYER ATTORNEY: My question is, did Ms. Calvin ask you anything
2 about your sex life?

3 CLAIMANT: I guess I'm...if you don't mind, I guess I'm
4 curious as to how this pertains to unemployment.

5 HEARING OFFICER: I agree, I don't find that relevant to this particular issue,
6 we've already addressed the issue that was brought up by Ms. Crawford.

7 EMPLOYER ATTORNEY: She said she there was other harassment, she just
8 mentioned there was other harassment, so I'm trying to make sure we close off
9 what this other harassment was that is part of what she's claiming caused her to
10 resign.

11 CLAIMANT: Well, there was nothing that caused me to resign
12 because I didn't, the issues that brought us to the situation we're in was reaching
13 out, trying to get assistance from management to help make my job easier by going
14 back to these employees, to the managers, that's what my unemployment is about
15 because that's what it is all stemming from.

16 EMPLOYER ATTORNEY: Ms. Crawford, did you engage in any inappropriate
17 behavior with other managers?

18 HEARING OFFICER: Okay. Mr. Lominack, we're getting off track here and I
19 don't find that any of that's relevant to this issue. Do you have any other questions
20 regarding the actual separation?

21 EMPLOYER ATTORNEY: Well, I just want to know if there's anything else
22 that has to do with her what she's claiming to be harassment which she has
23 indicated, I believe, through her testimony is what resulted in her separation,
24 whether it was resigned or quit or (talking over each other).

25 HEARING OFFICER: Okay. The only thing that she referenced in her
26 testimony to my knowledge was the issue that we've already addressed.

1 EMPLOYER ATTORNEY: The proposals.

2 HEARING OFFICER: Yes.

3 EMPLOYER ATTORNEY: Okay. And, Ms. Crawford, is that it with respect
4 to your separation, is that what you're talking about?

5 CLAIMANT: Well, I believe what you're trying to get at is my
6 other issues with Human Affairs and we can do that now or separately.

7 HEARING OFFICER: No, we're not addressing that issue, that's a totally
8 separate issue that doesn't have anything to do with this separation.

9 CLAIMANT: That's where I feel this is going as far as...

10 EMPLOYER ATTORNEY: Ms. Crawford, I'm talking about your separation,
11 the issues that resulted in your separation, that's all I'm asking you about. Have
12 you already testified about that?

13 CLAIMANT: I've testified in regards to my separation in the
14 month of April and the final stop in March when I said she not do it anymore.

15 EMPLOYER ATTORNEY: Okay. All right. That's all I have.

16 HEARING OFFICER: All right. At this time there being no additional questions
17 or testimony, I hereby declare this hearing adjourned.

18 **HEARING CLOSED.**

STATE OF NEW JERSEY.)

COUNTY OF: MIDDLESEX)

This is to certify that the above is a true and correct transcript of recorded testimony transcribed to the best of my ability.


Linda Pasko

SWORN to before me this the

18th day of Aug, 2016

 (L.S)

MARY FARLEY
ID # 2366455
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires Nov. 05, 2017

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE
P.O. BOX 995, COLUMBIA, S.C. 29202

1 PATRICIA A CRAWFORD

DATE OF THIS NOTICE 06/02/16



CLAIMANT'S NAME				SOCIAL SECURITY NUMBER	EFFECTIVE DATE	DISQUALIFICATION ENDS	
PATRICIA A CRAWFORD				[REDACTED]	04/17/16	INDEF	
WFC. NO.	TYPE	CATEGORY	WEEKLY BENEFIT AMOUNT	MAXIMUM POTENTIAL ENTITLEMENT	LESS REDUCTION OF	NET TOTAL BENEFITS	BENEFIT YEAR ENDS
320	I	01	\$ 326.00	\$ 5860.00	\$ 0.00	\$ 5860.00	04/16/17

1 RECONSIDERATION

DETERMINATION BY CLAIMS ADJUDICATOR ON CLAIM FOR BENEFITS

1 _____ You are eligible for benefits from the above effective date.

1 X You have been disqualified from receiving benefits or have been found to be ineligible for benefits
for the following reason(s).

1 YOU LEFT YOUR MOST RECENT BONA FIDE EMPLOYER FOR REASONS BEST KNOWN TO YOU. SINCE YOU HAVE NOT
1 PRESENTED ANY EVIDENCE TO ESTABLISH GOOD CAUSE, IT IS DETERMINED THAT YOU LEFT VOLUNTARILY
1 WITHOUT GOOD CAUSE UNDER THE SOUTH CAROLINA CODE SECTION 41-35-120. YOU ARE DISQUALIFIED FROM
1 04/17/16 AND UNTIL YOU RETURN TO WORK AND EARN AT LEAST EIGHT TIMES YOUR WEEKLY BENEFIT AMOUNT.

1 _____ LAST SEPARATION FROM NON-LIABLE EMPLOYER

UI CLAIMS ADJUDICATOR

1 MAILING DATE 06/03/2016

IMPORTANT: THIS DETERMINATION WILL BE THE FINAL DECISION OF THE DEPARTMENT UNLESS YOU FILE AN APPEAL SETTING FORTH IN DETAIL THE GROUNDS FOR APPEAL WITHIN TEN (10) CALENDAR DAYS, INCLUDING WEEKENDS AND HOLIDAYS, FROM THE MAILING DATE SHOWN ABOVE. IF THE TENTH DAY FALLS ON A SATURDAY, SUNDAY, OR HOLIDAY, THE APPEAL PERIOD IS EXTENDED TO THE NEXT BUSINESS DAY. YOUR APPEAL MAY BE FILED IN PERSON AT ANY WORKFORCE CENTER, BY MAIL, ADDRESSED TO THE 'APPEAL TRIBUNAL,' P.O. BOX 995, COLUMBIA, SOUTH CAROLINA 29202, OR BY FAX (803) 737-0287. FOR ADDITIONAL INFORMATION OR ASSISTANCE IN FILING AN APPEAL, CONTACT YOUR LOCAL WORKFORCE CENTER OR THE APPEALS DEPARTMENT AT (803) 737-2520.



SC Department of Employment and Workforce Discharge Report

SSN: [REDACTED]
Claimant's name: Patricia A Crawford
Date of birth: [REDACTED]
Local office: 320
Benefit year begin date: 4/17/2016
Benefit year end date: 4/16/2017
Claim type: New
Potentially Eligible: No
Employer name: ALLSERV INC
Employer Account #: [REDACTED]
Hire date: 11/9/2014
Termination date: 4/19/2016
Discharge reason: Discharged/Terminated/Fired
Earned at least \$2608: Yes
Bonafide: Yes

Discharge

Discharge Reason: Other

Date of final incident: 4/18/2016

Final incident that caused discharge:

I had asked VP, business consultant on several occasions to address a situation but was told they would not at this time. I have a text indicating this. Because of severity of situation, I was offered a day think about whether or not I wanted to continue my employment. 4/18 was the day I was taking. I received a text from VP indicating the accepted my resignation effective previous Thursday. I never gave my resignation as it's documented I worked Friday the 15th, 16th and 17th of April. As well as part of Monday morning. In fact, I still haven't received a job status update but because of hostility feel forced into not returning. Again, the situation was documented via text message.

Discharge date: 4/18/2016

Discharged by: Nobody did but it's been insinuated that I resigned which isn't true

Title of person who discharged you: Tanya Calvin-Vice President

Violated company policy: No

Final incident impacted employer's business: No

Received prior warnings: No



SC Department of Employment and Workforce FFATNET Report

CRAWFORD, PATRICIA

(803) 312-5422

Gender: F

pcraw4d78@yahoo.com

Date of Birth: [REDACTED]

Claim Office: 320

Effective Date: 4/17/2016

Entered On: 4/22/2016

BYE: 4/16/2017

WBA: \$0.00

Interview Appointments:

Issues:

Employers:

Employer Name: ALLSERV:INC

Bonafide employer: Yes

Hire date: 11/10/2014

Termination date: 4/18/2016

Earned at least \$2,608.00: No

Owner or corporate officer of a business: No

Employer Acct Number: [REDACTED]

NAICS Code: 561730550

Claimant Separation Reason: Discharged/Terminated/Fired

Employer Separation Reason: Voluntary Quit/Resigned

Total Wages: \$8,054.29

Employer Issues:

Kind Description	Discharge		
Create Date	4/22/2016 12:00:00 AM		
Last Modified Time	5/3/2016 12:07:38 PM		
Attachment Info	Description	Created Time	Upload Date

Contact Attempts:

Contact Whom: Claimant **Contact Outcome:** Left Voice Mail

Contact Type: Phone

Contact Time: 4/28/2016 9:19:29 AM

Action Data: Called Phone Number 8033125422

Note: 48 hr. notice given to the claimant to provide a rebuttal statement to the employer's reply - due no later than 5/2/16 at 9:20am.

Contact Whom: Employer
Contact Type: Phone
Contact Time: 4/29/2016 11:35:07 AM
Action Data: Called Phone Number 8038164128
Note: I left a message for the employer to respond to hear the claimant's rebuttal and give a rebuttal by 5/3/16 at 11:35am.

Claimant Rebuttals:

Employer Rebuttals:

History Events:

FactFindingIssueCreated at 4/22/2016 4:00:08 PM by Patricia A Crawford (PUBLIC\pcraw4d78): Created 'Discharge' Fact Finding Issue for employer 'ALLSERV INC' with status Submitted as part of submit Claim Application.

FactFindingCreated at 4/22/2016 4:00:08 PM by Patricia A Crawford (PUBLIC\pcraw4d78): Fact Finding was created as part of submitting a Claim Application by Patricia A Crawford(PUBLIC\pcraw4d78)

StatusChanged at 4/22/2016 4:06:45 PM by SCES\MWhitlock: Status changed from Initial Claim to Review by the trigger Claim Submit to ABPS.

CheckOut at 4/28/2016 9:19:26 AM by SCES\CDeas: Fact Finding checked out.

SuccessfulClaimantContact at 4/28/2016 9:22:25 AM by sces\CDeas: Claimant via Phone with outcome Left Voice Mail Notes:'new notetest': '48 hr. notice given to th...'

ClaimantResponseDueSet at 4/28/2016 9:22:25 AM by sces\CDeas: Claimant Response Due Date Set. Claimant Contact Request Date was 04/28/2016 09:19 AM. Claimant Contact Request Due Date is 05/02/2016 09:19 AM

CheckIn at 4/28/2016 9:23:29 AM by sces\CDeas: Fact Finding checked in.

CheckOut at 4/29/2016 9:08:38 AM by SCES\SProctor: Fact Finding checked out.

SuccessfulEmployerContact at 4/29/2016 11:36:49 AM by sces\sproctor: Employer via Phone with outcome Left Voice Mail Notes:'new notetest': 'I left a message for the ...'

EmployerResponseDueSet at 4/29/2016 11:36:49 AM by sces\sproctor: Employer Response Due Date Set. Employer Contact Request Date was 04/29/2016 11:35 AM. Employer Contact Request Due Date is 05/03/2016 11:35 AM

StatusChanged at 4/29/2016 11:36:50 AM by SCES\SProctor: Status changed from Employer Response Received to Employer Contact Needed by the trigger Employer Contact Needed. Predefined:'new notetest' Note:'I left a message for the employer to respond to hear the claimant's rebuttal and give a rebuttal by 5/3/16 at 11:35am.'

CheckIn at 4/29/2016 3:31:27 PM by sces\MFulton: Fact Finding checked in by Supervisor on behalf of 'SCES\SProctor'.

CheckOut at 4/29/2016 3:31:29 PM by SCES\MFulton: Fact Finding checked out.

CheckIn at 4/29/2016 3:48:09 PM by sces\MFulton: Fact Finding checked in.

CheckOut at 5/3/2016 12:03:02 PM by SCES\MFulton: Fact Finding checked out.

FactFindingIssueStatusChange at 5/3/2016 12:07:38 PM by SCES\MFulton: Fact Finding Issue " Status changed from 'Submitted' to 'Reviewed' by the trigger 'Review Complete'. Employer Name: ALLSERV INC

StatusChanged at 5/3/2016 12:07:45 PM by SCES\MFulton: Status changed from Employer Contact Needed to Finalized by the trigger Finalize. Note:'rec'd employers rebuttal statement by fax. Imaged and finalized FF.'

Notes:

Note Kind: General Predefined Kind:

Note

48 HR. NOTICE GIVEN TO THE CLAIMANT TO PROVIDE A REBUTTAL STATEMENT TO THE EMPLOYER'S REPLY - DUE NO LATER THAN 5/2/16 AT 9:20AM.

Note Kind: General Predefined Kind:

Note

The claimant called IVR. I read the employer's statement and the claimant will write her rebuttal and send supporting documentation by the deadline.

Note Kind: Employer Rebuttal Predefined Kind: new notetest

Note

I left a message for the employer to respond to hear the claimant's rebuttal and give a rebuttal by 5/3/16 at 11:35am.

Note Kind: General Predefined Kind:

Note

Per Tanya calvin Employer will fax in rebuttal.

Note Kind: General Predefined Kind:

Note

rec'd employers rebuttal statement by fax. Imaged and finalized FF.

Note Kind: Finalize Fact Finding

**Predefined
Kind:**

Note

rec'd employers rebuttal statement by fax. Imaged and finalized FF.

Reid, Jessica

FEAT

From Proctor, Shanelle
Sent Friday, April 29, 2016 11 30 AM
To Imaging_Fax
Subject Documents for imaging
Attachments Screenshot_20160429-105735 zip, statement for unemployment docx

Follow Up Flag Follow up
Flag Status Completed

Please attach to claim for Patricia Crawford [REDACTED] BYE 04-16-17

From GreenvilleUIHub
Sent Friday, April 29, 2016 11 23 AM
To Proctor, Shanelle
Subject FW Attn Shanelle

From Patty Crawford [<mailto:crawma12@yahoo.com>]
Sent Friday, April 29, 2016 11 11 AM
To GreenvilleUIHub
Subject Attn Shanelle

Patricia Crawford
[REDACTED]

Hi Shanelle,

Attached is my statement and screenshots of text messages regarding what we discussed earlier

Patty Crawford

SC Dept of
Employment & Workforce

APR 29 2016

Received Benefits Div

April 14th, 2016

I had a discussion with Tanya Calvin regarding a multitude of unresolved issues that had been brought to her (vice president), Jeff Calvin (owner), and Kris Mitchell's (business consultant) attention and on numerous occasions I was once again reminded that we can't rock the boat and that the situations would be handled when the time was right I reminded her that it never has been and it's causing a stressful work atmosphere At this time, she states that she understands where I'm coming from and that she contemplates going back to the bank regularly because she's not sure what her job is I told her that I love what I do but by not addressing issues that have been ongoing made for a less conducive work environment

One recent situation occurred when I called an employee to address an error on his expense report I was polite but direct asking if they'd be more cautious I was told "Fuck You" and then hung up on Tanya Calvin witnessed this interaction Again, I brought it to her attention to no avail

April 15th, 2016

We went through a recent payroll system conversion, I was kept busy most of the day but the topic of ongoing issues was brought up again She asked me to not let his actions bother me and that Jeff Calvin would address that particular situation as well as others upon his return from a start up operation

April 16th, 2016

Because of the payroll conversion and additional distractions, I had a few hours worth of work to do Partially from home and then at the office My presence at office would've been captured on office surveillance camera My computer froze and made the office trip necessary so that our consultant, Kris Mitchell could use a vpn (gotomypc com) to retrieve reports from my computer for his weekly financial analysis I text him to let him know this He indicated that he could wait until Sunday which implied I could go to office either day which means I have no break from my employment Per Tanya on several occasions asked me to relay my problems to Kris as he may be able to handle them more effectively I sensed that things would only escalate since nothing had been done to resolve them up until that point When I text him about the computer situation, I once again brought up the "Fuck You" conversation and was told via text that he would discuss it with him at a later date I expressed my concerns about not being taken seriously to which I received no response through the remainder of the day The same lack of response was received from Tanya Calvin as well

April 17, 2016

I went to the office to catch up on a substantial amount of filing and tidy my work area-this overflow of filing and such was due to an added responsibility of our payroll conversion I reached out to another employee that I didn't understand what was going on because neither the VP or business consultant would reach out to me He told me to hang in there He, in turn, called Kris Mitchell Kris sent me a text saying that I should take a day to think it through (whether tolerating the additional stress was worth it)

I concurred but stressed again that I loved my job but wanted someone to help alleviate that additional stress. I sent Tanya a text letting her know I'd filed and cleaned up my area and that I wouldn't be in on Monday. Although the claim was made that I had a flexible position and could come and go as I wanted isn't exactly accurate. If needed, phone records, security camera footage, emails, etc. could prove quite the contrary. I most recently had a 30 plus minute phone call with her at 1045 PM so that she could vent about another employee. Anytime I took time vacation, there was continued correspondence whether it be from her or managers. This included a lengthy conference call. To avoid not being readily available at all times, I became part of a carpool for my children's activities as well as someone else being entirely responsible for bringing my kids home from school.

Around 730/8 PM Sunday, April 18th, 2016 she sent a text indicating a bank transfer had been completed. She was obviously aware that I would not be in the next day. Not only via this text but also via communication between her and Kris.

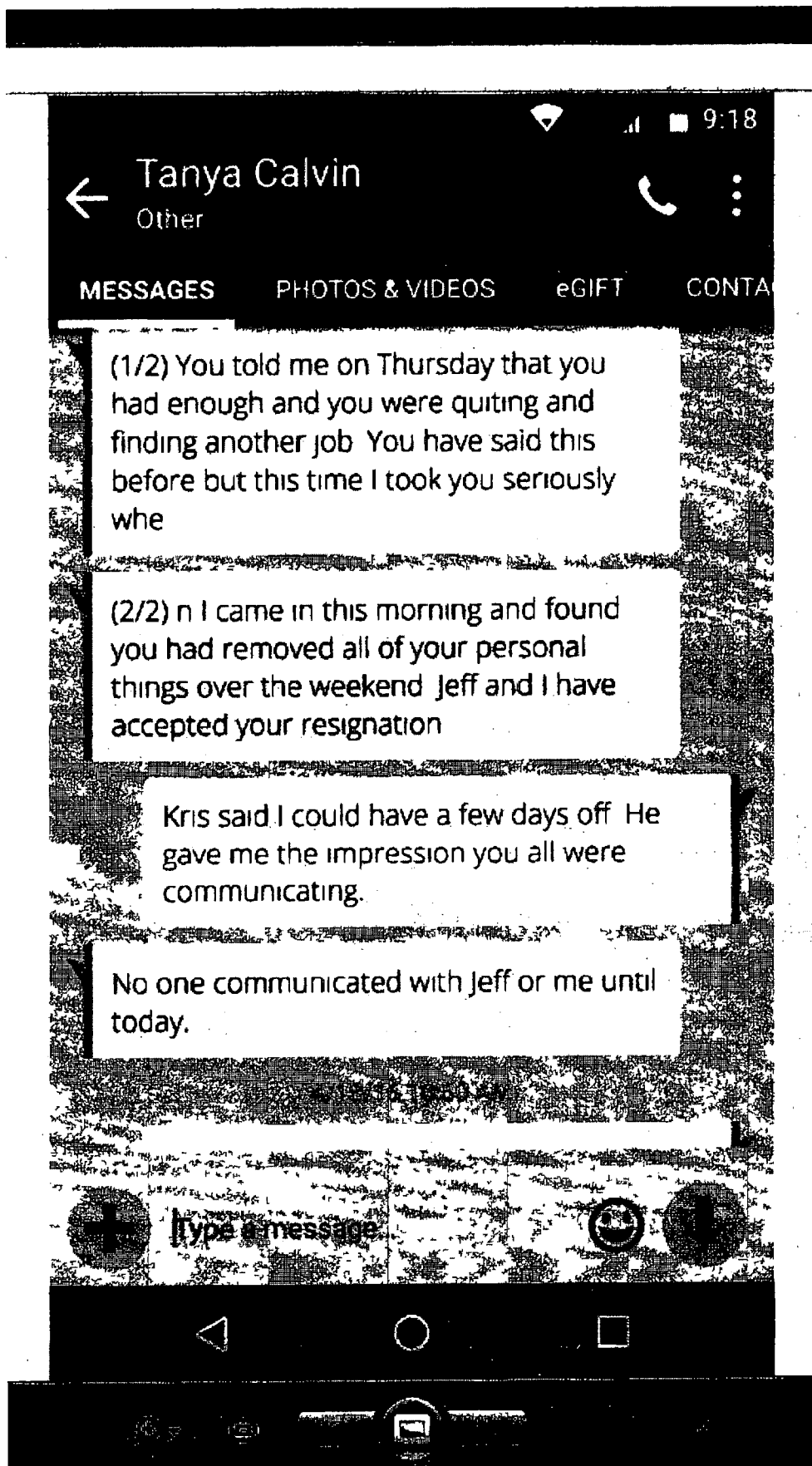
April 18th, 2016

830 AM, after already receiving a text message from an employee that needed assistance and helping an employee, I receive a notification on my phone that my work email password was incorrect. I reached out to Kris Mitchell because I now felt intimidated by Tanya Calvin. I told him that the point was made clear by her actions and lack thereof that I was terminated. I received no response. I sent a text to Tanya Calvin, still no response. I sent a final text to Kris asking for a meeting between himself, Tanya Calvin and Jeff Calvin. I finally receive a text from Tanya saying that they accepted my resignation effective Thursday. I asked how was that even possible given that I didn't resign, I wanted issues addressed that weren't be resolved and that she knew I wouldn't be there on Monday with a Tuesday return date. She never responded. Ironically enough, being a disabled veteran owned small business, Jeff Calvin (the owner) should have been made aware of and also the authority that handled this entire situation. I haven't received a text, phone call or email from Jeff pertaining to any of this. It states that he should have 100% control of his operations and administration. I worked at the corporate office and it was indicated time and time again that he was my boss. Unless he is out of town on business, he and I directly work together on a daily basis.

My job duties were as follows: accounts payable, timesheet entry, unemployment claims, keying new hires and medical benefit enrollment forms, filing, pulling reports, etc. I had no management authority, I was not allowed to make final decisions without Tanya's approval. I worked closely with our independent CPA to provide reports during year end close or upon request.

I received a phone call from the employee who I had a complaint against on April 18th, 2016. He indicated that Tanya Calvin said it was all his fault that I wasn't there. I said that wasn't entirely the case. He continued to text me and apologize for his behavior.

Patty Crawford

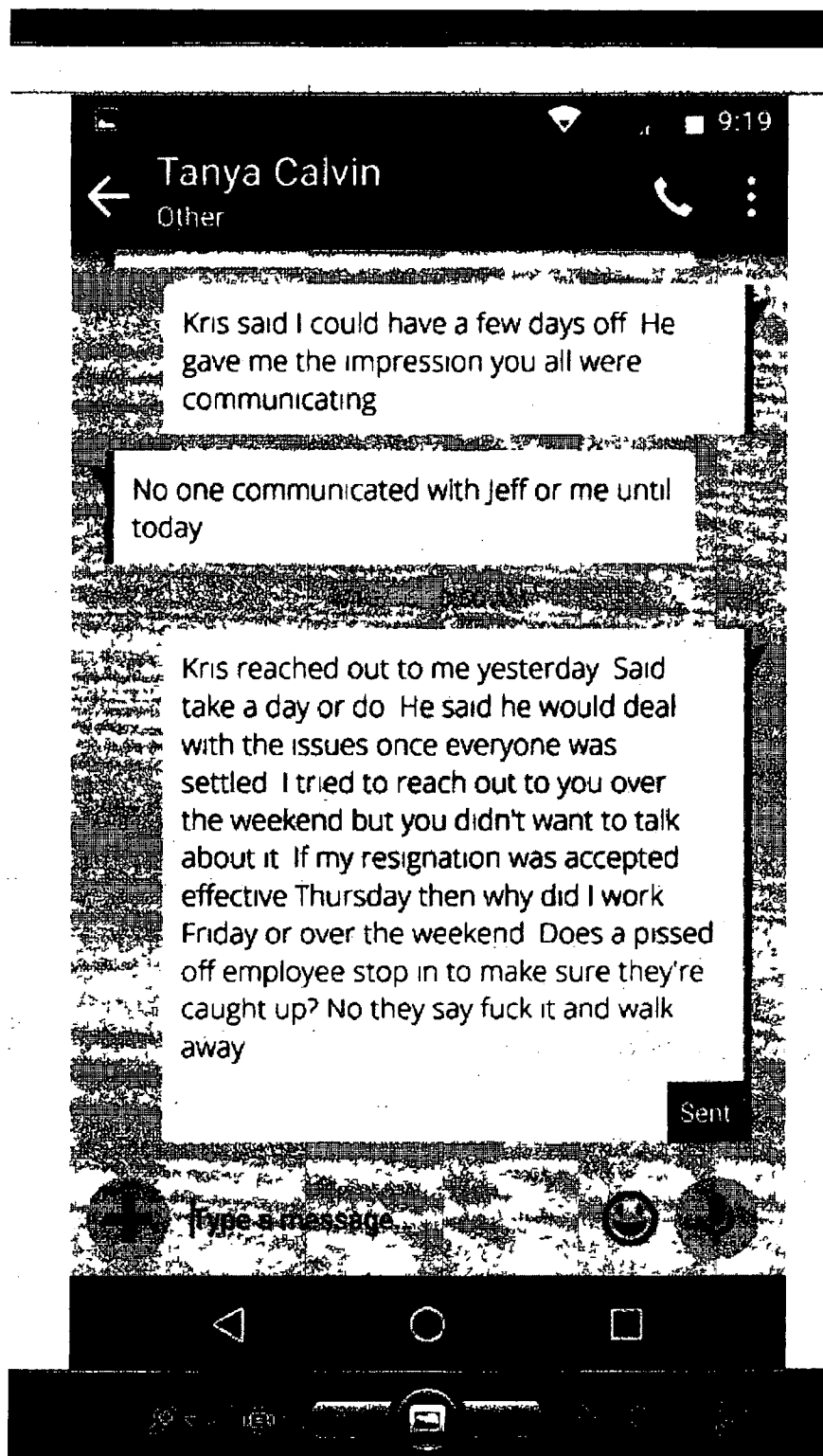


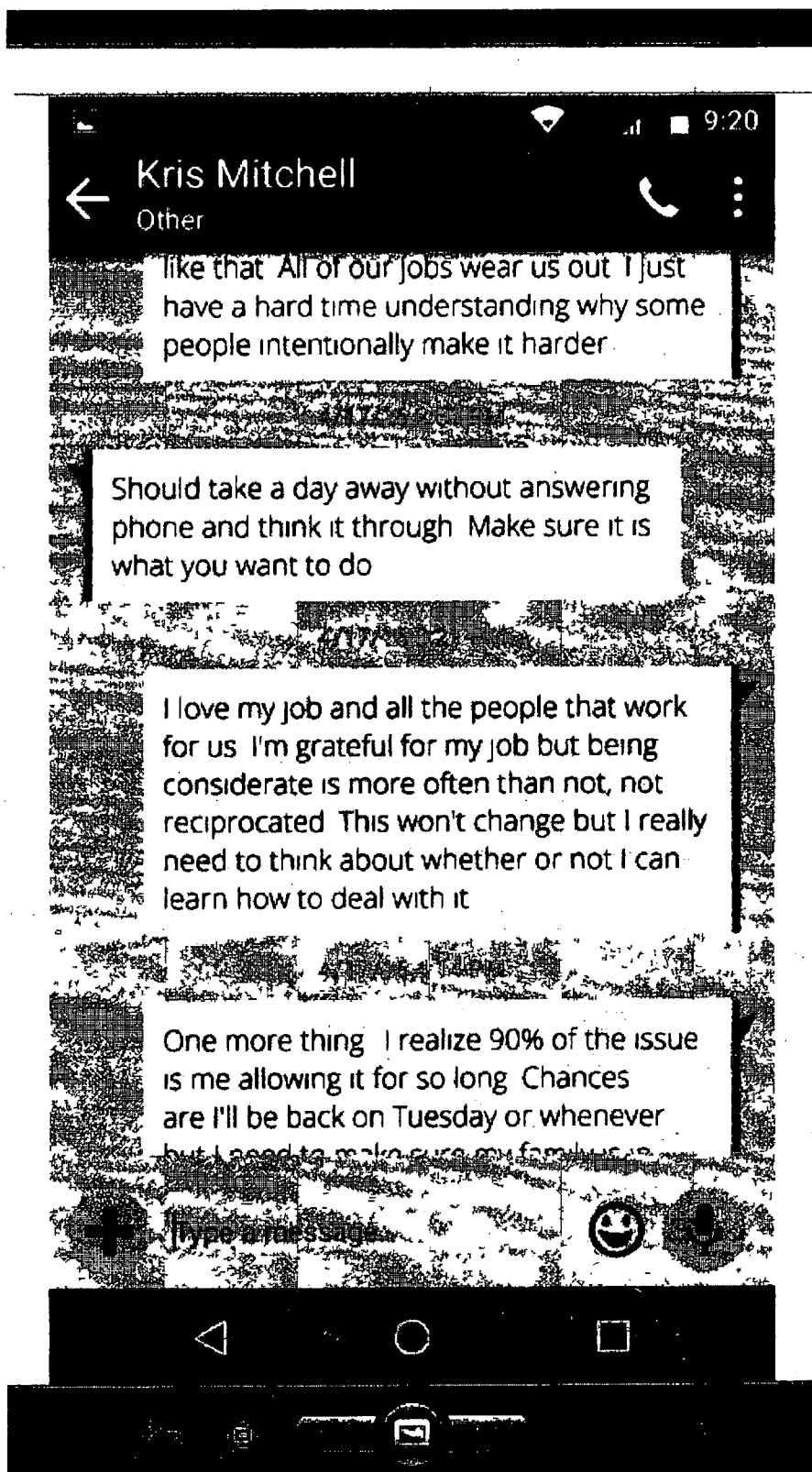
(1/2) You told me on Thursday that you had enough and you were quitting and finding another job You have said this before but this time I took you seriously whe

(2/2) n I came in this morning and found you had removed all of your personal things over the weekend Jeff and I have accepted your resignation

Kris said I could have a few days off He gave me the impression you all were communicating.

No one communicated with Jeff or me until today.





← Kris Mitchell
Other

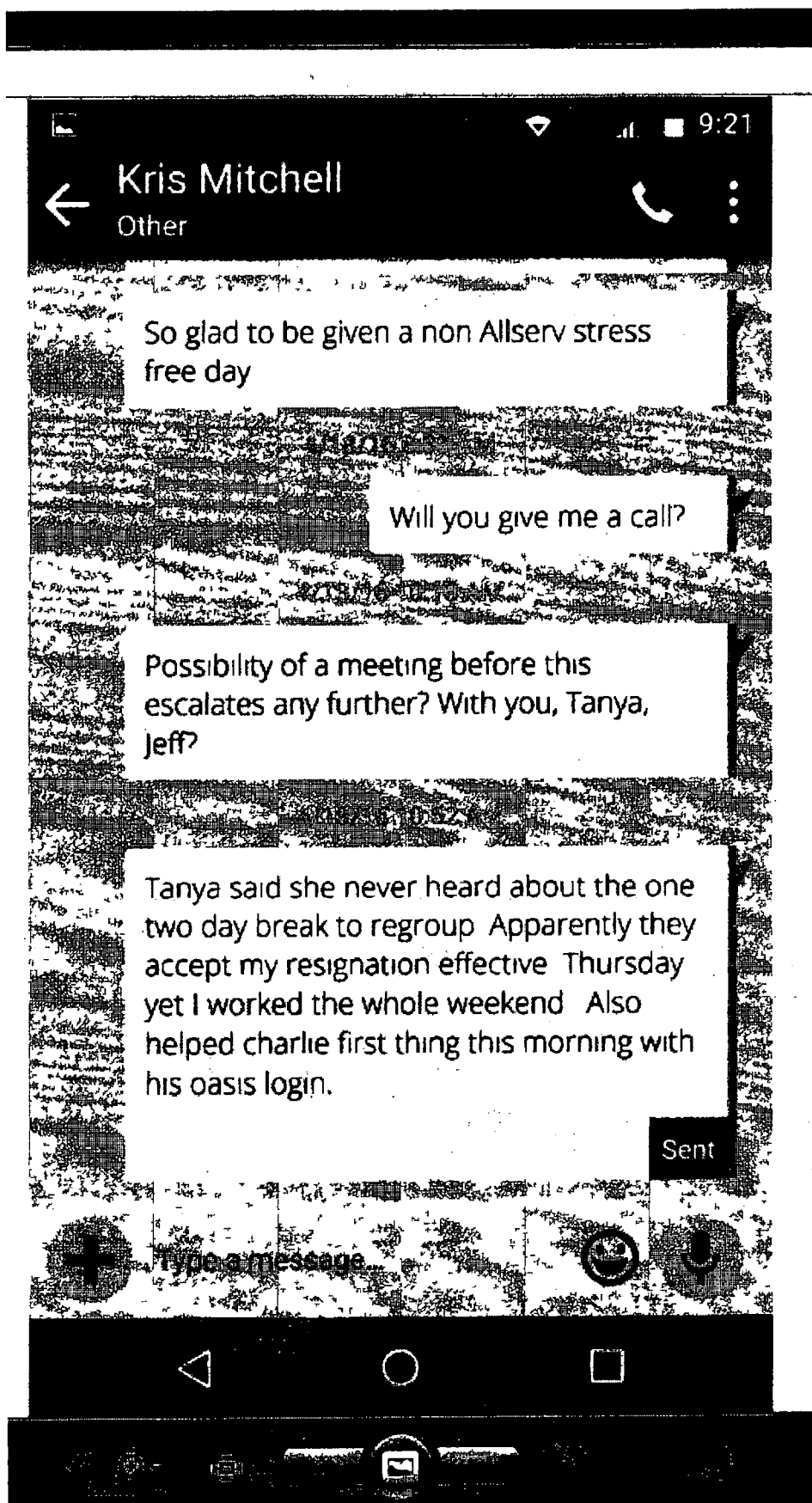
One more thing .I realize 90% of the issue is me allowing it for so long Chances are I'll be back on Tuesday or whenever but I need to make sure my family is in agreement Some of the bs has taken a toll on them as well

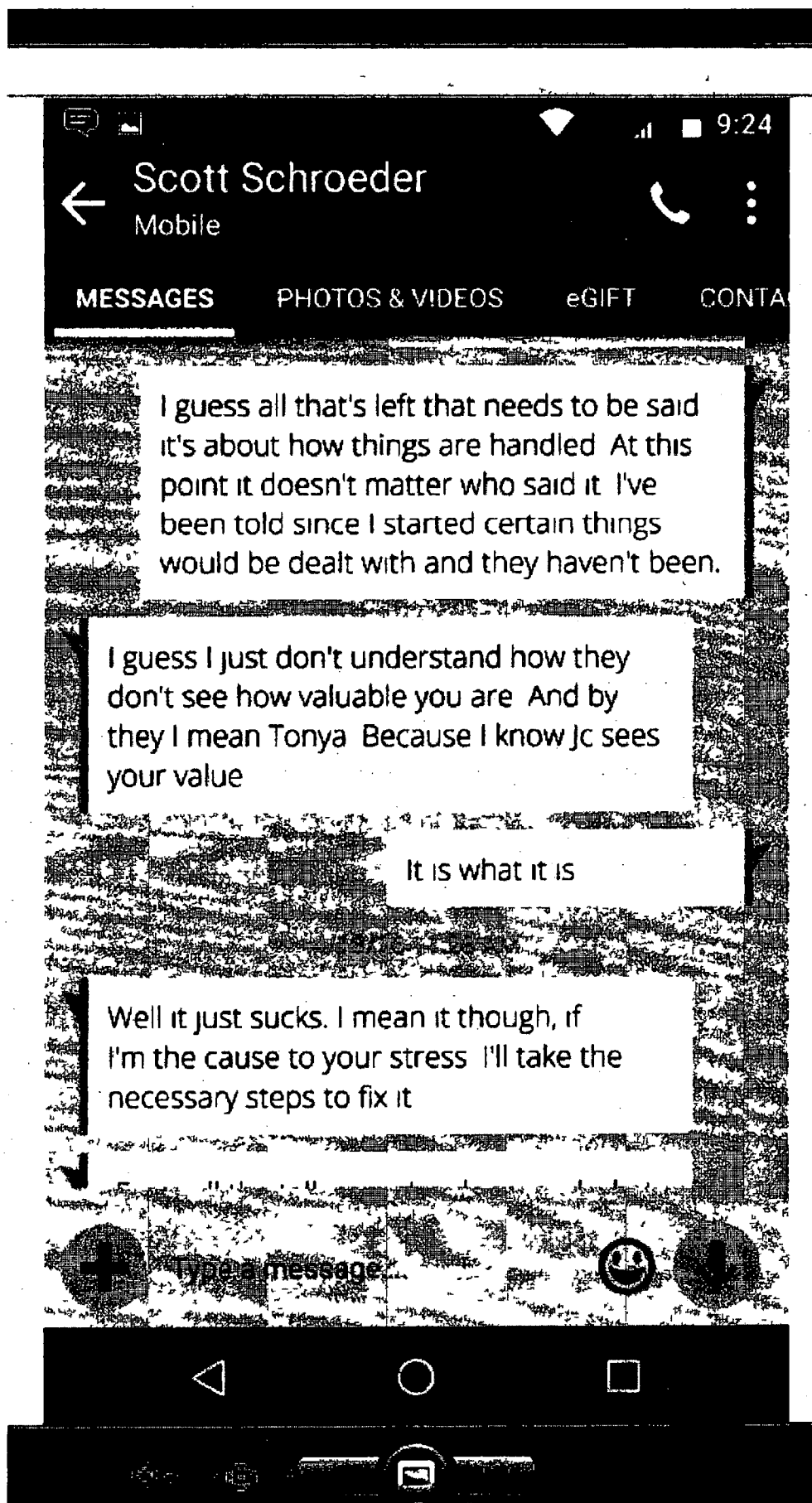
Point made She removed my email access Is that what you do when someone wants to take a one day breather No one in our company has ever been treated this way Little does she know the guys rarely call the office or email me because they're scared it'll get intercepted by her She has yet to even call me to discuss BTW wonder why the guys do that? They've been directed by Scott to do that

So glad to be given a non Allserv stress free day

+ Type a message







Scott Schroeder

Mobile

MESSAGES

PHOTOS & VIDEOS

eGIFT

CONTA

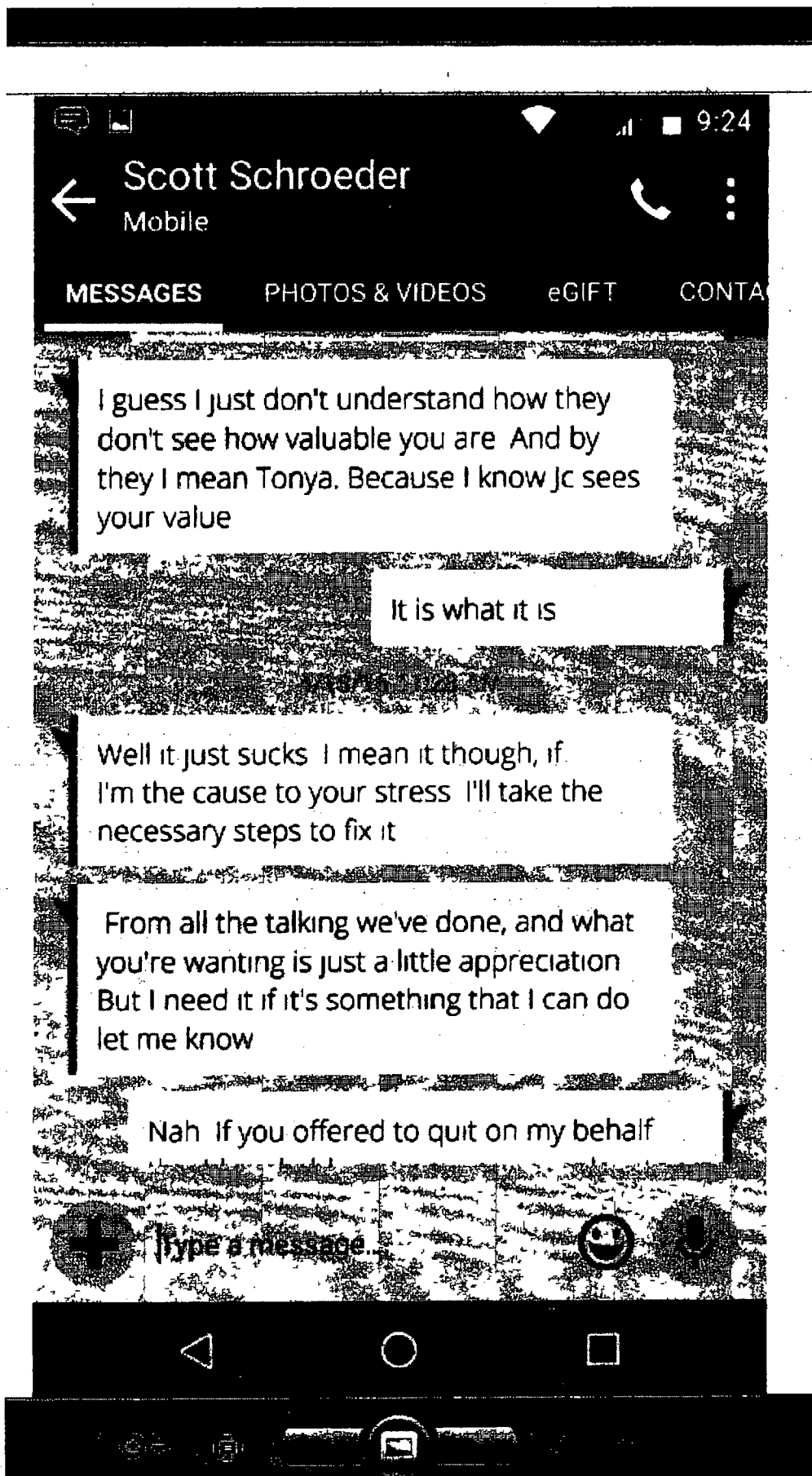
I guess all that's left that needs to be said
it's about how things are handled At this
point it doesn't matter who said it I've
been told since I started certain things
would be dealt with and they haven't been.

I guess I just don't understand how they
don't see how valuable you are And by
they I mean Tonya Because I know Jc sees
your value

It is what it is

Well it just sucks. I mean it though, if
I'm the cause to your stress I'll take the
necessary steps to fix it

Type a message



Scott Schroeder

Mobile



MESSAGES

PHOTOS & VIDEOS

eGIFT

CONTACTS

I guess I just don't understand how they
don't see how valuable you are And by
they I mean Tonya. Because I know Jc sees
your value

It is what it is

Well it just sucks I mean it though, if
I'm the cause to your stress I'll take the
necessary steps to fix it

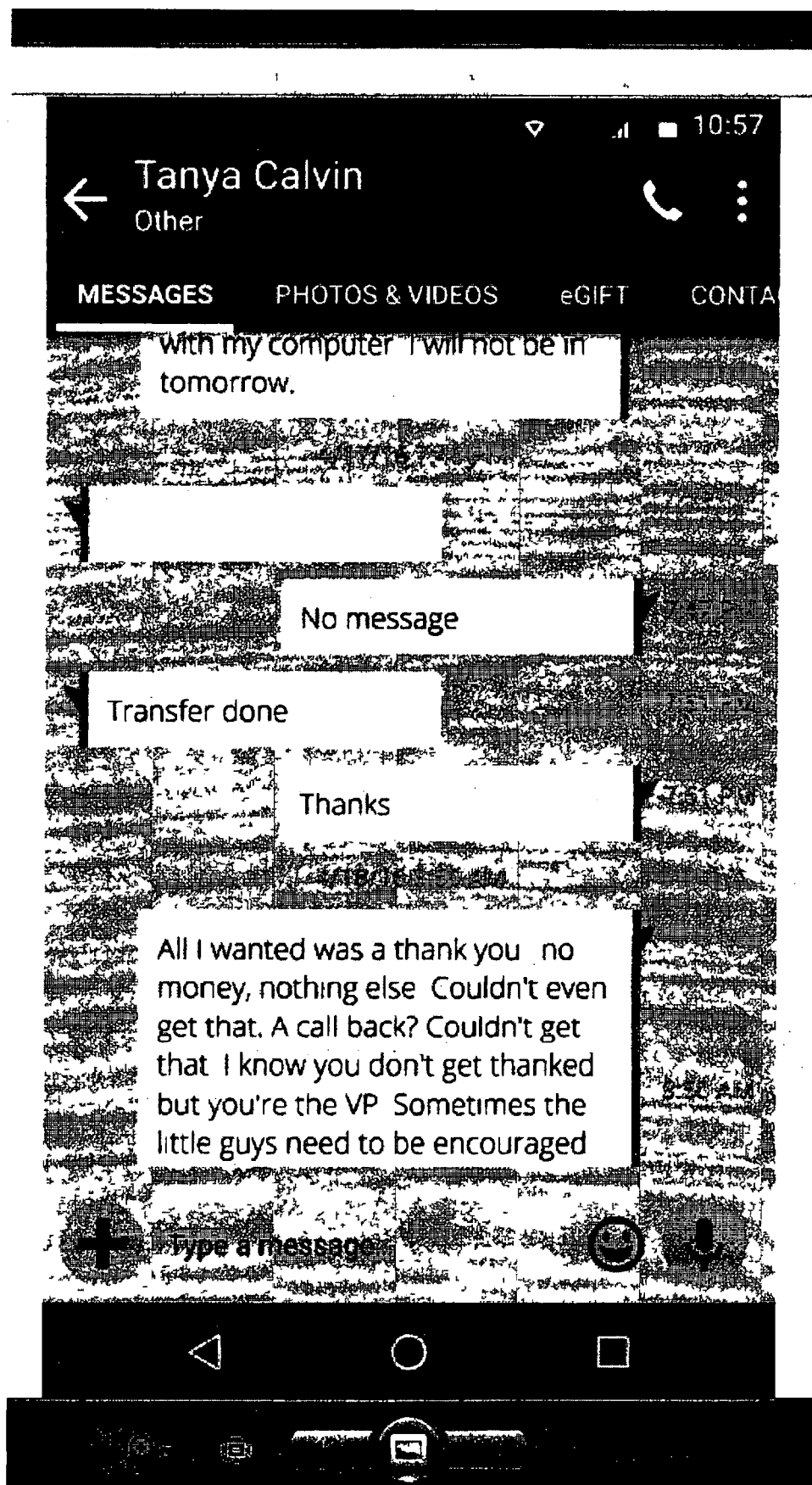
From all the talking we've done, and what
you're wanting is just a little appreciation
But I need it if it's something that I can do
let me know

Nah If you offered to quit on my behalf



Type a message...







SC Department of Employment and Workforce SCBOS NET101 Employer Response

NOTE: This verification must be completed on or before: 5/2/2016

Created date: 4/27/2016

Employer account number: [REDACTED]

Employer name: ALLSERV INC

Employer FEIN: [REDACTED]

Employer enrollment date:

Employer status:

Employer address type: Tax

Employer address: PO BOX CHAPIN, SC 29036 US

Employer phone number: 8038164128

Employer email address:

Employer's statement of employee's first day at work: 11/10/2014

Employer's statement of employee's last day at work: 4/18/2016

Did the employer pay the claimant more than \$0.00: Yes

Employer's statement of claimant's total wages earned by claimant: \$2,608.00

Are you paying or will you pay the claimant a pension or retirement pay: No

Amount employer pays claimant in pension or retirement: (\$1.00)

Frequency of pension or retirement payment: N/A

Explain the claimant's retirement situation:

Claimant contributed: No

Percentage the claimant contributed: -1%

UI local office to contact: LEXINGTON

UI local office telephone number: 8668311724

UI local office fax number: 8037370621

Review completed date: 4/22/2016

Fact finding interview type: No Interview

Claimant's name: Patricia A Crawford

Additional last name for claimant: N/A

Claimant's SSN: [REDACTED]

Claimant's separation date: None

Separation reason: VOLUNTARYQUIT

Claim effective date: 4/17/2016

Claimant's statement of his/her first day at work: 11/9/2014

Claimant's statement of his/her last day at work: 4/19/2016

Claimant's statement of total wages earned: \$2,608.00

Contact person for NET-101 verification: Jeff Calvin

Contact title: President

Contact phone number: 8039417376

Contact fax number:

Contact email address(es): jeff.calvin@allservinc.com
tanya.calvin@allservinc.com

Voluntary Quit

Claimant quit in lieu of termination: No

Final incident date: 4/18/2016

Explain the final incident:

Employee verbally stated on 4/14/2016 that she was going to find another job and that she no longer could work here if other employees were not being disciplined. On 4/17/2016 employee worked and sent text message to a manager she packed her things. She also sent a text message to her supervisor that she had completed tasks and she would not be in on Monday. Upon arrival on Monday 4/18/2016 employees desk had been cleaned out of all personal effects.

Explain company's policy:

Details about the warnings given:

Voluntary Quit - Quit Reason

Reason claimant quit: Working-Related Reason

Claimant quit due to working conditions: Yes

Explain working conditions which caused claimant to quit:

Mrs. Crawford duties included bookkeeping of accounts, payroll, processing expense reports and other various office tasks. Her position is an extremely flexible one, allowing her to work the hours she chooses, at the office or at her home. Mrs. Crawford did not like how paperwork was inconsistent by managers, mistakes made by mgrs, how the mgrs operated their jobsites, she questioned actions and behaviors of others and spent more time worrying about them.

Working conditions changed: No



Service Disabled - Veteran Owned
Small Business

FFAT [REDACTED]
307 Lexington Avenue
PO Box 85
Chapin, SC 29036
(803) 941-7376 phone
(866) 929-7195 fax
www.allservinc.com

DATE Monday, May 2, 2016

TO SC Department of Employment and Workforce

FAX (803) 737-0621

RE Patricia Crawford, SS# [REDACTED]

SC Dept. of
Employment & Workforce
MAY 03 2016
Received Benefits Div.

On Thursday, April 14, 2016, Mrs Crawford verbally stated that she was going to find another job. On Sunday, April 17, 2016 Mrs Crawford sent a text message to another manager stating she had packed her things. On Monday, April 18, 2016 when we arrived her desk had been cleared out and all personal items removed.

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE

NAME: PATRICIA A CRAWFORD		SSN: [REDACTED]	BYE: 04/16/17
CLAIMSTAKER ID:	WFC #: 320	FILED: 04/22/16	EFF DATE: 04/17/16
MAILING ADDRESS: [REDACTED]			
CITY: [REDACTED]	STATE: [REDACTED]	ZIP: [REDACTED]	
OTHER NAME: PATRICIA A CRAWFORD			

☒ 1-UI	☐ 4-UI/UCFE/UCX	☐ 7-UCX	☒ NEW	☐ TRANSITIONAL
☐ 2-UI/UCFE	☐ 5-UCFE	☐ 8-CW	☐ ADDITIONAL	☐ R-ADD
☐ 3-UI/UCX	☐ 6-UCFE/UCX	☐ OTHER	☐ CONTINUED	

BONA FIDE EMPLOYER NAME & PAYROLL ADDRESS INFORMATION:		DATES OF EMPLOYMENT:	
NAME: ALLSERV INC			
STREET: PO BOX 85		FROM:	TO:
		11/09/14	04/19/16
CITY: CHAPIN	ST: SC	ZIP: 29036	EMP. ACCT. # [REDACTED]

BONA FIDE EMPLOYER LOCAL ADDRESS INFORMATION:			
STREET:			
CITY: CHAPIN	ST: SC	ZIP:	PHONE #: (803) 816-4128

SEPARATION REASON:	☐ LOW	☐ VQ	☒ DISCHARGE	☐ STILL WORKING
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ISSUE CODES: 01

LIABLE EMPLOYER INFORMATION:		DATES OF EMPLOYMENT:	
NAME: ALLSERV INC			
EMP. ACCT # [REDACTED]		FROM:	TO:
JOB LOCATION (CITY/STATE): CHAPIN, SC		11/09/14	04/19/16

SEPARATION REASON:	☐ LOW	☐ VQ	☐ DISCHARGE	☐ STILL WORKING
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NARRATIVE REASON FOR SEPARATION FROM LIABLE EMPLOYER:



SC Department of Employment and Workforce Initial Claims Application

Filing location: Home
Office location: LEXINGTON
Claim creator: Claimant
Worked under a different name: No

Ethnicity

Claimant Hispanic or Latino: No

Claimant

Claimant's name: Patricia A Crawford

Date of birth: [REDACTED]

Gender: Female

US citizen: Yes

Aliases

Alias type: SocialSecurityCard

Name: Patricia Anne Crawford

Alias type: Current

Name: Patricia A Crawford

Race(s)

* White

Addresses

Address type: physical

Address: [REDACTED]

United States address: Yes

Address type: mailing

Address: 188 KERRY GIBBONS DR CHAPIN, SC 29036-9240

United States address: Yes

Telephone Number

Telephone number type: Home

Telephone number: 803-312-5422 Ext:

Email Address(es)

Email address type: Personal

Email address: pcraw4d78@yahoo.com

Email certification: Yes

Alien Information

Veteran Information

Employer Name: ALLSERV INC

Employer delivery address: PO BOX 85

Employer city: CHAPIN

Employer state: SC

Employer zip code: 29036

Employer telephone number: 8038164128

Bona fide employer: Yes

Worked for this employer: Yes

Worked part-time only: No

Hire date: 11/9/2014

Termination date: 4/19/2016

Gross amount made during claim filing week: \$673.07

Type of work: Payroll and Timekeeping Clerks

Earned at least \$2,608.00: Yes

Occupational license required: No

Job city: Chapin

Job state: South Carolina

Job duties: accounts payable, payroll, data entry, filing

Child or spouse of employer: No

Owner or corporate officer of a business: No
Accepting all work offered by the employer: Yes
Initiated reduction in work hours: No
Discharge reason: Discharged/Terminated/Fired
Discharge explanation: Asked employer to handle a situation involving harassment on several occasions. I was told to take a day off to think about whether I wanted to continue working so I did. When I asked to schedule a meeting with owner and VP (i directly reported to them) I received a text from VP, Tanya Calvin which indicated I had resigned which is not true and I have text documentation of this event.

Discharge

Discharge Reason: Other

Date of final incident: 4/18/2016

Final incident that caused discharge:

I had asked VP, business consultant on several occasions to address a situation but was told they would not at this time. I have a text indicating this. Because of severity of situation, I was offered a day think about whether or not I wanted to continue my employment. 4/18 was the day I was taking. I received a text from VP indicating they accepted my resignation effective previous Thursday. I never gave my resignation as it's documented I worked Friday the 15th, 16th and 17th of April. As well as part of Monday morning. In fact, I still haven't received a job status update but because of hostility feel forced into not returning. Again, the situation was documented via text message.

Discharge date: 4/18/2016

Discharged by: Nobody did but it's been insinuated that I resigned which isn't true

Title of person who discharged you: Tanya Calvin-Vice President

Violated company policy: No

Final incident impacted employer's business: No

Received prior warnings: No

Federal employer: No

Received SF8 form: No

Payroll office address based on SF8: No



FYI...if I don't get everything I've asked for from the managers as of Wednesday....I won't be there Monday Tuesday or ever again to process payroll on o

5:00 PM



ur beloved new system. Sick of hopping for people that bitch about their wages, their jobs, how they think the company should run, etc. Yet can't find ti

5:00 PM



me to provide what I've requested. I have no intention of doing my job half ass and these asswipes will not lazily force me into doing their jobs for the

5:01 PM



m. Hahaha this is no April Fools joke.

5:01 PM



m. Hahaha this is no April Fools joke.

5:01 PM



Btw-i guess Roy is going to terminate 2 out of the 3 guys we rushed to hire. I mean, fuck. Our managers are spot on with picking up doozies.

5:01 PM

I have no clue about roy firing.
I just got as chewed from kyle
about Kathleens hours.



5:02 PM



Why

5:03 PM



This week's hours or last week's?

5:03 PM

From now on He is nissed



Can I be added to our work plan?

9:07 PM

Which work plan

9:07 PM



Someone has taken the charger
that my phone needs to be
returned with so they won't take
it back. Matts a pussy and won't
help get these dumbass kids to

9:08 PM



tell me where the fuck it is.

9:08 PM

Did you leave at the office??

9:08 PM



Nope. The one at office is an extra
one he bought that has a huge ass
cord. The one that's a USB was



Ya know what. Fuck it.

9:21 PM

Wed, 04/06/2016



I copied you on an email that Greg and Scott sent when I replied.

7:12 AM

I saw. The conf call with oasis was new hire only. It did not discuss terminations or anything else.



7:29 AM



He's just referencing the personal change form like addresses and whatnot. I'm sure Scott put him up to it because I've hounded him most of all. Perhaps

7:47 AM



Greg should worry about preventing Break in # 5 as opposed to whether or not



e were only 4 address/w-4 changes.

7:47 AM



Also, I didn't appreciate Scotts tone in his email response to me about Mobile mini. I guess I just deal with it while everyone else gets commended for t

7:48 AM



he half ass jobs their doing. You know because they're soooooo busy.

7:48 AM



There's no toilet paper downstairs and we're almost our up here. Also no more paper towels.

7:52 AM

I will stop in my way in

7:56 AM



Mon, 04/11/2016



Is Fidel on light duty because of an injury at work

7:02 AM



Never fucking mind

7:05 AM

Nope.

7:14 AM



Just sent Rebecca regarding what we can do legally if Greg doesn't get the form to us. It's a shame, too. I suppose he as a manager must pass the same ba

7:20 AM



d habits on to his employees. Legally, I can't deduct it without his signature on a deduction form.

7:20 AM



My thought is cancel the insurance

7:21 AM



I'm hoping that's how she responds and that's what will be communicated to Greg. Sick of all the games to prove a point. So childish.

7:22 AM

Be there in 30. Want pepsi?

7:23 AM



Sure

7:23 AM



I'm still in the fucking waiting room. I mean, wtf?!

11:44 AM

What time was appt



11:57 AM

Sat, 04/16/2016



Told you he pouts about Ann so we end up having to pay for her to visit. I guess I'll be writing a check on Monday to reimburse her. Ummmm....I never get

9:08 AM



to see my hubby and we're in the same state because I'm always at work. Will you guys reimburse a date night? Also he sent his W-4 because he's "unclear

9:08 AM



if it actually went through or not".

9:08 AM

How much was anns flight

9:10 AM



400

0:12 AM

Did he send a receipt

9:12 AM

Or did he send a text

9:12 AM



Also if I'm going to double check
everyones changes; as I did with
Fidel and now Scott then maybe
all of them need to continue to
just send forms.

9:13 AM



Just sent message

9:15 AM

Dont double check. Thats the
whole point of them doing it
online.

9:16 AM



No I'm going to make my

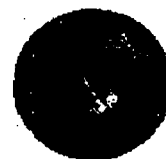


No I'm going to make my change and see if it sends me a confirmation email. I guess this can't be addressed because we don't want to make him mad.

9:17 AM

Just dont do it

9:18 AM



I'm not even mad at this point. Just know that if he's being this big of a douche about Oasis, rest assured he's passing on his opinion to others.

9:19 AM



It gives you a confirmation token number I'll give him the employee services number again and forward him that way.

9:47 AM



I blind copied you on my response. 10:14am

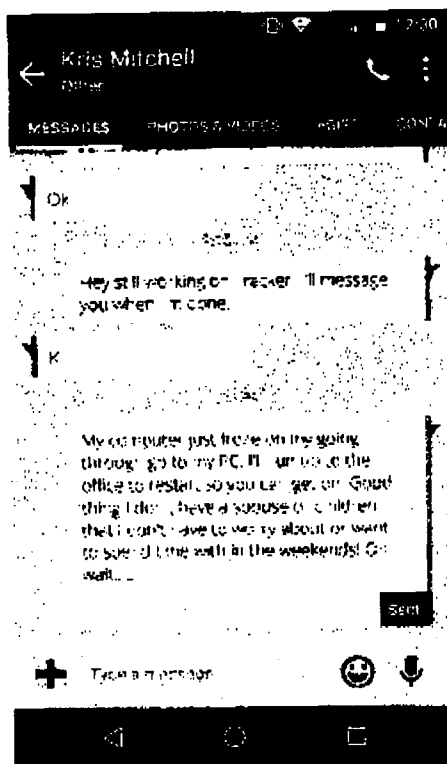
Perfect!!! Nice, simple and to the point.

10:47 AM



Will you move 2k back to operating from payroll?

11:30 AM



Fucking hate everything.

12:31 PM MMS

He came back and said he didn't

MESSAGES

PHOTOS & VIDEOS

eGIFT

CONTA

Ok

9:16 AM

Hey still working on Tracker. I'll message you when I'm done.

K

12:29 PM

My computer just froze on my going through go to my PC. I'll run up to the office to restart so you can get on. Good thing I don't have a spouse or children that I don't have to worry about or want to spend time with in the weekends! Oh wait.....

Sent



He came back and said he didn't need it today. Whew. Good deal that gives me the option to do Allserv shit tomorrow, too. Lucky me. I'm glad everyone els

12:39 PM



e is having an enjoyable weekend, tho. It's truly the exact reason I gave up my social life, family life and health. To hop for everyone and make sure t

12:39 PM



hey're not stressed.

12:39 PM

Go spend the day with your family. Quit working





Can't do that when I'm not done doing what I'm supposed to. It probably wouldn't be that way if I hadn't spent the first 2 hours dealing with Scott and H

12:52 PM



IS mistake yesterday morning. All good. Just as long as everyone else is content. Thank God for Xanax and complacency. Enjoy your weekend.

12:52 PM



Off to pretend to enjoy Disney on ice. Sent Kris his email but added a couple of snide comments in it



Off to pretend to enjoy Disney on ice. Sent Kris his email but added a couple of snide comments in it to get my point across. Maybe y'all can discuss my

1:50 PM



childish behavior at some point between now and Monday. Toodles. Didn't copy your husband...didn't want him anymore stressed than he already is.

1:50 PM

Sun, 04/17/2016



All my paperwork is caught up, I've filed and will do checks in just a minute after Kris is done with my computer. I will not be in tomorrow.

12:19 PM



No message

7:47 PM

Transfer done

7:51 PM



Thanks

7:51 PM

Mon, 04/18/2016



All I wanted was a thank you...no money, nothing else. Couldn't even get that. A call back? Couldn't get that. I know you don't get thanked but you're th

8:50 AM



e VP. Sometimes the little guys need to be encouraged. Not everyone except the "office girl". Spoke with Kris-only was supposed to take a day or 2 to reg

0-50 AM

You told me on Thursday that you had enough and you were quitting and finding another job. You have said this before but this time I took you seriously when I came in this morning and found you had removed all of your personal things over the weekend. Jeff and I have accepted your resignation.

10:40 AM



Kris said I could have a few days off. He gave me the impression you all were communicating.

10:41 AM

No one communicated with Jeff or me until today.

10:42 AM



Kris reached out to me yesterday. Said take a day or do. He said he would deal with the issues once everyone was settled. I tried to

you all were communicating.

10:41 AM

No one communicated with Jeff
or me until today.

10:42 AM



Kris reached out to me yesterday.
Said take a day or do. He said he
would deal with the issues once
everyone was settled. I tried to
reach out to you ove

10:50 AM



r the weekend but you didn't want
to talk about it. If my resignation
was accepted effective Thursday
then why did I work Friday or over
the weekend. Doe

10:51 AM



s a pissed off employee stop in to
make sure they're caught up? No
they say fuck it and walk away.

Tanya Calvin

From: Patty Crawford <crawma12@yahoo.com>
Sent: Tuesday, April 19, 2016 7:31 AM
To: Tanya Calvin; Jeff.calvin@allservinc.com
Subject: Fw: Soap Opera

Although I've been advised to have no further communication; I want to give you a glimpse of 1 out of 77 emails sent to me and saved even after I had asked they not be. It wasn't stressful enough having to do my own job but to also deal with this, if not on a daily basis, weekly. I figured that after numerous times asking that you all intervene (without it happening of course) that he would realize Patty will say something therefore I need to leave her alone. I kept my cool per your request for entirely too long and could no longer handle it. I also felt grateful to be working again especially so close to home with people I cared for. I tried my hardest to indicate that something like this would happen but being unheard and treated as if what I had to say was invalid finally pushed me over the edge. You may say I condoned this behavior by him having my personal e-mail address; no. He obtained my email address via facebook and started sending emails both personal in nature as well as work related. As my employer, I reached out and was giving false promise that it would be handled at it never was. I figured by me needing to take a break from it all would be a red flag as to the severity of it. Tanya, how many times did I say to you-remind to tell you things once either he or I no longer worked there but you didn't want to hear it.

My goal was and is to never to harm Allserv. I wanted to see it grow and prosper. Patty B never had to deal with it at this level because she wasn't in the office. She was of no use to Scott.

Think about it...if I was an employee in such ill shape; would I have wasted my time coming in to make sure my filing was caught up (3 weeks worth including 60 new hires, bills and 2 months worth of expense reports) I said I needed a day to recoup. I've heard in a 5th party way that I quit which is not accurate but at this time; based on all that has come out because of this; I feel that the environment would be even more hostile than it was to begin with.

One can only carry so much stress for so long especially without help and assistance that was asked for time and time again but was met with ears that didn't want to hear and management that didn't want to do anything about it. I've been put in an extremely awkward position. I know that you all have assumed that Scott and I had an inappropriate relationship based on being asked by one of your family members and having my son ask me because he was asked at camp. The reason we work well together is because he knows what he's sent, said and done and realizes I've kept every bit of it. Someone will be in touch to return keys and an expense folder. At some point today, there are a few things I need to go over with you Tanya to ensure everyone is paid correctly next week. You can choose to read it, take action or not.

Regards,

Patty

SOUTH CAROLINA
DEPARTMENT OF EMPLOYMENT AND WORKFORCE

DECISION OF APPEAL TRIBUNAL

Hearing Date: July 6, 2016

PATRICIA CRAWFORD

CLAIMANT

ALLSERV INC
PO BOX 351567
WESTMINSTER, CO 80035

EMPLOYER

APPELLANT: Claimant

SS NO: [REDACTED]

APPEARANCES

FOR THE
CLAIMANT: Present

FOR THE
EMPLOYER: One witness
with Attorney

FINDINGS OF FACT

The issue in this case is whether the claimant voluntarily quit with good cause.

The claimant appealed the determination mailed June 3, 2016, which held her indefinitely disqualified from receiving benefits, effective April 17, 2016 until requalification, upon a finding the claimant voluntarily quit employment without good cause.

The claimant worked with the employer from November 9, 2014 to April 18, 2016, as a corporate secretary. On approximately April 14, 2016, the claimant became upset when she was cursed at and ignored when requesting paperwork from field supervisors that she needed to complete payroll in the new system. She informed the vice president of her concerns and was informed that the issue would be addressed with the field supervisors when the owner of the company returned to town in a few weeks. This happened to be the busy season for the employer when project work in the field takes priority over paperwork, which usually was handled after hours. The claimant was aware of this. She continued to rant and rave about the issue, indicated she had enough and was going to look for another job. The employer did nothing at the time because the claimant had threatened to quit before but assured her the issue would be addressed again, as they had several times before with the supervisors. Although their failure to respond upon request delayed the claimant's work, her job was never in jeopardy and she was never issued any disciplinary action for failing to perform her job duties. The claimant shared her frustration and concerns with the outside consultant, whom the employer had hired to help run the business while the owner was out of town. The consultant suggested she take a day off without answering the phone and think the situation through and make sure of what she wanted to do. The claimant never discussed this with the vice president and the consultant had no authority to grant the claimant time off. However, during a discussion via text on Sunday, the claimant did inform the vice president she would not be there on Monday, April 18, 2016. The employer did not respond. On Monday, when the vice

president arrived to work, she discovered the claimant had cleaned out her desk over the weekend and as such, accepted the claimant had quit given the incident and her comments of the previous week.

The claimant denied quitting and while she did acknowledge cleaning some things out of her desk, she maintained it was not her intent to quit and she planned to return to work on Tuesday, April 19, 2016. The claimant also referenced other issues during the hearing that affected her on the job but maintained the primary reason for the separation was the fact that the employees would not do what she asked them to do.

REASONS

S.C. Code Ann. § 41-35-120(1) requires an indefinite disqualification from benefits when the Department finds the claimant has voluntarily quit without good cause attributable to the employment. The disqualification continues until the claimant returns to work and earns eight times the weekly benefit amount of the claim in covered employment.

“Good cause” refers to a material, substantial change in the conditions of employment, or other circumstances directly attributable to the employment, which would cause a reasonable person to become totally unemployed rather than continue working.

In this case, the Tribunal finds the claimant initiated her separation when she became upset over an issue the employer told her would be addressed and then threatened to quit her job. While the employer did not separate the claimant immediately and allowed her to continue working through the weekend, upon returning to work on Monday and finding her desk cleaned out suggested she had quit. Thus the employer accepted her resignation from the prior week and considered her to have quit. The claimant was informed her concerns would be addressed when the owner returned. Although her work may have been delayed as a result of the employee’s failure to respond to her requests, she had never been warned about her performance and her job was not in jeopardy as a result. This was the busy season for the employer and the claimant was aware that project work in the field took priority over paperwork, which was usually submitted after hours. There is no evidence to reflect any change in the terms of conditions of employment to warrant a reasonable person to become totally unemployed rather than continue working. Therefore, the Tribunal finds the claimant voluntarily quit employment for personal reasons not attributable to the employment and without good cause and the disqualification imposed is deemed proper.

DECISION

The Tribunal holds the claimant disqualified from receiving benefits indefinitely, effective April 17, 2016 until requalification, upon a finding the claimant voluntarily quit the most recent bona fide employment without good cause. This decision affirms the determination mailed June 3, 2016.

This will be the final decision of the Department, unless you file an appeal to the Appellate Panel setting forth in detail the grounds for appeal within ten (10) calendar days, including weekends and holidays, from the mailing date of this decision. If the tenth day falls on a Saturday, Sunday or holiday, the appeal period is extended to the next business day. Your appeal may be filed by mail addressed to “Appellate Panel, Post Office Box 1752, Columbia, South Carolina, 29202”, by fax at 803.737.3166 or by claimants through your MyBenefits Portal or by employers via your SCBOS portal. For additional information on filing an appeal, visit our web site at www.dew.sc.gov/appeals.asp.



Robin R. Bradley
Administrative Hearing Officer

Mailed By :

VLR

Date Mailed: 7/7/2016

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SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE

P.O. BOX 1752, COLUMBIA, SC 29202

APPLICATION FOR LEAVE TO APPEAL TO THE APPELLATE PANEL

Claimant's Name: Patricia A Crawford Social Security Number: [REDACTED]
 Address: [REDACTED] Date of Initial Claim: 7/10/2016
 Telephone Number: (803)312-5422
 Employer's Name: Allserv, Inc. Address: 307 Lexington Ave Chapin Chapin SC, 29036
 Party Appealing: Claimant

On 7/8/2016, I received Appeal Tribunal Decision Number 2016-A-08344 mailed to me on
 (Date of Receipt)
 7/7/2016 and ask for review of the record on the following grounds:
 (Mailing Date on Decision)

I respectfully disagree with the tribunal decision. Based on the information provided throughout this process, I feel that I should still be employed because my day off, Monday the 18th of April was granted post any other issues-taking pictures home the previous week, etc. I was given this day off to make the decision on whether I wanted to continue my employment knowing that my issues would be addressed at a "later date". I stated I would be back Tuesday the 19th of April. Management was made aware and responded with work related correspondence knowing that I'd requested to take Monday as a personal day. Monday April 18th I realized that my password and access to my email had been taken away. I reached out to management and received no response until I asked to have a meeting. Then I received the text message from Tanya Calvin stating that I had resigned the previous Thursday, April 14th. I questioned this since there wasn't anything in writing and no conversation ever took place on that Thursday. Furthermore, I questioned why, if I resigned on Thursday why was she still sending business texts as well as emails. She never offered a response. She indicated I took pictures of my kids home. There is no policy or law that states I have to keep personal effects in the office. In addition, post taking pictures home she was aware I was taking Monday off. The fact, which documents I provided prove, that the issues I wanted addressed were not petty in nature. They involved VP-Tanya Calvin sexually harassing me, employees not providing work info that I needed to do my job legally-paying employees under correct social security numbers and names, etc., reimbursing spouses for travel which is against tax guidelines when spouse travel isn't work related, having an affirmative action plan in place-federal contractors have 180 days to make that happen. This is year number 7 we were in business. I reached out about these things because I wanted to be within compliance guidelines and meet standard requirements. If anything, as suggested, this was a constructive termination which is against employment laws in SC, especially where whistleblowing is concerned. The judgment stated that the tribunal found I quit because employees wouldn't do what I told them to do. I wasn't asking employees to do anything unreasonable. I was asking them to do things to keep us compliant and legal. To make this as simple as possible; had I truly resigned Thursday the 14th of April, why would they have let me work throughout the whole weekend and then accept my "resignation" when they realized I wasn't going to let the issues go. I was never asked to return keys or paperwork that I was working on from home. Finally, the attorney for Allserv, notified me via email on Tuesday the 5th at 912 am. 18 minutes before the cutoff to add additional information. I pulled my Verizon bill to show that Tanya Calvin's text messages had been doctored as well as a message I received from a current employee that was asked to lie in regards to my unemployment as well as human affairs/eeoc claim. I attempted to upload it to my benefit portal but received an error message that my 2 page document was too big to upload. These would have been sent earlier had I known what they submitted sooner, in addition by the time I went to fax it after realizing I couldn't upload my documents online, it was beyond the deadline. 932AM. I have a screenshot of the error message I received from my benefit portal if it's needed. Also, take note that once I filed for unemployment benefits; not only were my quarterly earnings reported incorrectly once, but twice. Also, Allserv reported me as a new hire through our new payroll company which placed my claim in fraud status until the could have it corrected.

*If appeal is untimely, state the reason. If appellant failed to attend Appeal Tribunal hearing, state the reason and whether postponement was requested:

X I Agree

I know that I must continue to file my claims for each week of unemployment during the pendency of this appeal. I know that I can only be paid for those weeks that I have timely claimed. If I have received benefits and am ruled disqualified or ineligible, I know that I will be required to repay the benefits I have received for that time period.

****As a Board of Review, the Appellate Panel is confined solely to the record submitted by the Appeal Tribunal and does not accept additional evidence or testimony in its consideration of the appeal.**

Appellant: Claimant

Title: Employee

Date: 7/10/2016

Does claimant need an interpreter? ___ Yes X No What language/dialect? _____

Claimant is ___ Deaf ___ Mute

SOUTH CAROLINA
DEPARTMENT OF EMPLOYMENT AND WORKFORCE
631 Hampton Street
P.O. Box 1752
Columbia, SC 29202

NOTICE OF CLAIMANT APPEAL TO THE APPELLATE PANEL

APPEAL NO: 1607595

CLAIMANT:

PATRICIA A CRAWFORD


LIABLE EMPLOYER:

ALLSERV INC
C/O EMPLOYERS EDGE
PO BOX 351567
WESTMINSTER ,CO, 80035

SEPARATING EMPLOYER:

The Claimant in this case appealed the Appeal Tribunal Decision to the Appellate Panel for review. A Copy of the appeal is attached.

The Panel will review your case as soon as possible, and may issue a decision based solely on its review of the record on appeal or may schedule an in-person hearing. Hearings are conducted at the Appellate Panel offices in Columbia. **You may request a hearing by calling (803) 737-0239 or by mailing a written request to the P.O. Box listed above.** The Panel, at its sole discretion, may grant or deny the request. If a hearing is scheduled, a copy of the transcript and the hearing notice will be mailed to you at a later date.

SPECIAL NOTE: The Appellate Panel can make its own factual findings and may reverse, affirm, or modify the decision on the appeal. **Be advised that this may result in an increase or decrease of the disqualification.**

Claimants must continue filing a weekly claim pending the appeal to receive benefits. Any benefits received by the claimant may be subject to recovery if the Appeal Tribunal Decision is reversed.

Higher Authority Appeals Department
Telephone: (803) 737-0239

Cc: ☒ -Claimant ☐ -Sep Emp ☒ -File ☒ -Liable Emp ☐ -Local Office ☐ -Claimant's Atty ☒ -Emp's Atty ☐ -UI Tech ☒ -Imaging

Date Mailed: 7/18/2016

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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this Record on Appeal 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 address to the party(ies) or their attorney(s).

This 2nd day of November, 2016

By: Kristi Chesley

Title: Administrative Legal Assistant, Legal Department

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Deborah Brooks Durden, Administrative Law Court Judge

Case No.: 16-ALJ-22-0380-AP
Appellate Case No. 2017-000669

Patricia A. Crawford,

Respondent,

v.

South Carolina Department of
Employment and Workforce and
Allserv Inc.,

Appellants.

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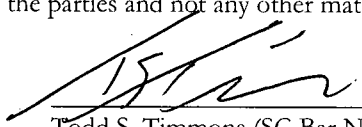
JUN 13 2017

SC Court of Appeals

CERTIFICATE OF COUNSEL

Pursuant to Rule 210 (g), SCACR, Appellants' counsel hereby certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

May 24, 2017


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