

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

MOTION TO REINSTATE CASE **RECEIVED**  
Case No. 2017-002378

JAN 16 2018

Ross Buchanan, Appellant

SC Court of Appeals

Vs.

South Carolina Department of Employment and Workforce  
and Upstate Machine and Manufacturing, LLC, Respondents.

Ross Buchanan  
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Hendersonville NC 28792  
828-685-7556  
cncreb@hotmail.com  
NON-Attorney for the Appellant.

Sandra Grooms  
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Attorney for Respondent SCDEW

Thomas A. Belenchia (SC Bar 2371)  
Chelsea R. Rickard (SC Bar 102355)  
P.O. Box 3421  
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864-699-9801  
Attorneys for Respondents Upstate Machine and  
Manufacturing, LLC.

I'm filing this motion to petition the Court to reinstate my Appeal and I'm writing it my way, not like a lawyer because I'm not one.

I have to give "good cause" for this action and that's exactly what I'm going to give. Whether you listen or not remains to be seen.

I'm also not going to waste time citing precedents. It is well within the Court's authority to do this. The only requirements are common sense and decency.

1) I refute some of the deficiencies listed in the letter from the clerk dated 12-15-2017.

A) I don't know why you don't have proof of service, because I sure do.

I've spent hundreds of dollars on certified mail and kept every receipt. It may have ended up in the opposing attorney's envelope, in which case THEY have it and didn't bother to tell you. No surprise there.

B) I looked at my brief again and I DID write the caption correctly.

C) You're right about the 'Designation of Matter' and I'm still waiting for an answer from the court and SCDEW about the transcript. Despite all your rules there is no definitive answer on whether it is required. If so I still have a few weeks to file my first brief. In which case this dismissal is premature.

I could go on and on, like dismissing it for not "double spacing". If I have to kill twice as many trees to comply with your rules, so be it. I have rules too.

Rule #1 – I don't tolerate liars and thieves.

So far, that is what I have faced in trying to recover the \$20,000 taken from me, \$6,500 of it in this case alone. The other \$14,000 is the result of a broken wage agreement by my former employer. That is why I'm trying to get an honest hearing before an honest Court, which I've been unable to do for the past year.

2) I disagree with the interpretation of the timeline. As I stated before, until I get an answer about the transcript question, I can't proceed any further in compliance with your rules.

3) I adamantly maintain that the very reason I'm still fighting to recover my money is the same reason I filed in my brief, namely an abuse of power and misuse of public office.

If there wasn't bias in the SCDEW from the top down, I wouldn't even be in this position.

The head of the agency, Cheryl Stanton has treated her own employees badly and didn't pay her own housekeepers the wages she owed them until she was sued for it.

Is anyone surprised by a ruling of the SCDEW in favor of an employer who owes his employee money?

Now the employee is forced to navigate a legal system without a

law degree or a lawyer and do so carrying a \$20,000 debt to boot!

I ask the Court to consider this above all, in this motion for

reinstatement. I don't fear taking on Goliath in this case, but please don't make me do it blindfolded and shackled.

Instead of honestly reviewing the sworn testimony, I've been appealing to a kangaroo court under the executive branch. I've been called an extortioner, a blackmailer and a saboteur by the man who owes me wages and the very agency charged with preventing this, aided and abetted his crime.

I'm waiting to see what the judicial branch is like. I've already spent \$100 to file the appeal and \$25 on this motion.

Will I get something worthwhile in return, like a chance to present my case?

Or will I get ripped off like before?

4) Although weather and holidays aren't usually "good cause" I think it's worth noting that 7 of the 10 days given me to correct my brief, fell on weekends or Christmas/New Year's holidays.

In fact, the date of the dismissal letter, January 3, your own website said the court was closing early that day due to inclement

weather.

The "rules" don't allow for this, but the Court's common sense and decency DO allow for it.


5) I suppose I could file a writ of certiorari. That would be a neat trick for someone without a law degree or a college degree.

But I believe granting my motion to reinstate would be a better way to go. Besides,

the SCDEW's most often cited precedent in this case might be compromised if I do, although that might do more for fairness in the Courts than anything else.

I hereby request the South Carolina Court of Appeals reinstate these proceedings in the interest of fairness and justice.

R. E. Buchanan  
Appellant



(5)

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SC Court of Appeals

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APPEAL FROM SOUTH CAROLINA ADMINSTRATIVE LAW COURT

Shirley C. Robinson, SCALC Judge

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Docket No. 17-ALJ-22-0224-AP

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Ross E. Buchanan Appellant

v.

Stan Cannon and SCDEW

Respondents

Sandra Grooms counsel for SCDEW

Thomas Belenchia, Chelsea Rickard

Counsel for Upstate Machine and Stan Cannon

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PROOF OF SERVICE

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I certify that I have served the Motion to SCDEW counsel Sandra Grooms by depositing a copy of it in the United States mail postage prepaid on January 11th 2018 addressed to P.O. Box 8597 Columbia SC 29202

January 11th 2018  
Ross E. Buchanan  
73 Doris Lisa view drive  
Hendersonville NC 28792



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Thomas Belenchia, Chelsea Rickard

Counsel for Upstate Machine and Stan Cannon

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I certify that I have served the Motion to Counsel for Upstate machine, Thomas A. Belenchia and Chelsea R. Rickard by depositing a copy of it in the United States mail postage prepaid on January 11th 2018 addressed to P.O. Box 3421 Spartanburg SC 29304

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I certify that I have served the Motion to South Carolina Appellate Court by depositing a copy of it in the United States mail postage prepaid on January 11th 2018 addressed to Calhoun bldg. 1220 Senate st. Columbia SC 29201

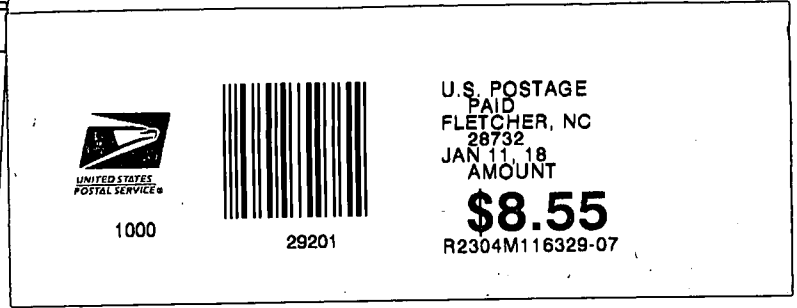
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