



Attorneys and Counselors at Law

April 3, 2018

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SC Court of Appeals

The Honorable Jenny Abbot Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Ross Buchanan v. South Carolina Dept of Employment and Workforce
and Upstate Machine and Manufacturing, LLC
Appellate Case No: 2017-002378

Dear Ms. Kitchings,

Please allow this letter to serve as a joint response, per the Court's direction, in its Order dated March 29, 2018. The Court ordered that Respondents in the above-named appeal clarify whether their March 2, 2018 letter shall be construed as an agreement to proceed without the transcript of the entire proceedings below in accordance with Rule 207. The following is Respondents' clarification submitted jointly.

This case began when Mr. Buchanan filed an application for benefits with Respondent South Carolina Department of Employment and Workforce ("SCDEW"). There was a hearing before a hearing officer with the SCDEW Appeal Tribunal of which a transcript was produced. Following the decision by the Tribunal, an appeal was filed with the SCDEW Appellate Panel. There was no hearing before this body, thus there was no second transcript. Following the Panel's decision, Mr. Buchanan filed an appeal to the South Carolina Administrative Law Court ("SCALC"). Pursuant to S.C. Code Ann. §41-35-750, SCDEW compiled the complete Record on Appeal and provided copies to all parties, including Mr. Buchanan. The SCALC decided the case on this Record on Appeal and briefs alone. There was no hearing before the SCALC, thus, there is no transcript to be ordered from the SCALC.

Respondents agree that a transcript does not need to be ordered because no transcript exists for the proceedings before the SCDEW Appellate Panel or the SCALC. Respondents agree to use the entire Record on Appeal that was filed with and reviewed by the SCALC, which includes the hearing transcript from the proceedings before the SCDEW Appeal Tribunal among other documents. Appellant has this Record on Appeal in his possession and does not need to order it. Respondents wish to clarify that we are not agreeing to proceed without the transcript of the *entire* proceedings below, as *all* documents produced within the Record on Appeal to the SCALC must be included in the present appeal to this Court.

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Attorneys and Counselors at Law

The undersigned has consulted with counsel for SCDEW who concurs with the above, and Respondents submit this response jointly.

By copy of this letter, all parties are being served with this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chelsea R. Rikard', is written over the 'Sincerely,' text.

Chelsea R. Rikard (SC Bar 102355)
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A large, faint watermark of the Business Law Firm L.L.C. logo is centered on the page. It consists of the stylized 'A' symbol, the words 'BUSINESS LAW FIRM' in a large, spaced-out font, and 'L.L.C.' below it, all enclosed within a circular border.

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