

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court of South Carolina

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OCT 20 2017

S.C. SUPREME COURT

AMENDED APPELLANT'S PETITION

Case No. 2017-001902

Clarence B. Jenkins Jr.,

Appellant,

v.

South Carolina Department of Employment &
Workforce, South Carolina Budget and Control Board, and
Office of the Governor of South Carolina,

Respondents.

APPELLANT'S PETITION SUPREME COURT OF SOUTH CAROLINA
FOR A REVIEW OF CONSTITUTION VIOLATIONS AND JUDICIAL RULE 501

1. Do The Supreme Court of South Carolina because of Statutory Violations which lies directly right before this COURT has immediate Jurisdiction ?
2. Did the Justice of Richland County Court of Common Pleas and Justices of South Carolina Court of Appeal violated Canon 1 through 3 of Rule 501 of Judicial Conduct which diminishes public confidence in judiciary and thereby does injury to the system of government under law?
3. Did Supreme Court of South Carolina required Alternative Dispute Resolution for all civil complaints filed in Richland County by ORDER of the COURT as stipulated by Rule 3 ?
4. Did Richland Count Court of Common Pleas and South Carolina Court of Appeals properly dismiss a case under 12 (b)(6) ?
5. Do immunity applies to government agencies of South Carolina when a government employee conduct acting outside of their scope is grossly negligence?

ARGUMENT

Due Process under the 14th Amendment is guaranteed by The United States Constitution not just for the elite, wealthy and political association.

The un-fulfillment of the law stated by Rule 3 that govern the state of South Carolina as ordered by Supreme Court of South Carolina as the highest court is a Statutory Violation and Canons of Rule 501 of Judicial Conduct.

Richland County Court of Common Pleas has stated as of record that Alternative Dispute Resolution was completed as of October 1~~9~~ 2015 and affirmed by South Carolina Court of Appeals. Alternative Dispute Resolution was never held or completed by Richland County Court of Common Pleas as ORDERED therefore denying due process under the law and certifying false records.

The Fourth Circuit of Appeals that govern South Carolina Court of Appeals and United States District Court has ruled that dismissing a case for failing to state a cause of action when sufficient facts are presented does not meet the standard.

The state of South Carolina has a TORT CLAIMS ACT that allows actions of a lawsuit when a government employee conduct acting outside of their scope to be grossly negligence. Appellant provide sufficient written factual verifying evidence surpassing Dismissing a case under Rule 12(b)(6).

Appellant has been directly affected by the actions of the Justices of S.C. Court of Appeals by unfair rulings to deny justice which is evident in this case and Appellate Case No. 2016-000598. Appellant provided S.C. Court of Appeals documentations after documentations verifying submission but by deceptions of Respondents were rejected. Respondents in Case No. 2016-000598 has filed a Return dated August 14, 2017 having no objection to their inclusion in the Record On Appeal by Appellant. Appellant filed A Declaration in Appellate Case No. 2015-002356 regarding the actions of the unfair rulings and bad acts of Justices at S.C. Court of Appeals with Appellate Case No. 2016-00598. Respondents in Appellate Case No. 2015-000598 filed another return dated September 15, 2017 that reads like a signed guilty confession as to their deception to S.C. Court of Appeals. The actions of Respondents in Appellate Case No. 2015-000598 and S.C. Court of Appeals has been nothing short of pure harassment and financial burdensome to Appellant. The actions of S.C. Court of Appeals Justices which verifies an unfit for the office of judicial duty with a disregard for facts, rules and the law.

WHEREFORE, Appellant seeks a review and reversal due to violations of Judicial Rule 501.

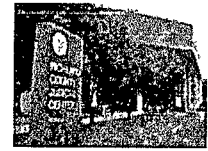
October 19, 2017



Clarence B. Jenkins Jr.
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Richland County 5th Judicial Circuit Public Index



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Clarence B Jenkins Jr vs SC Department of Employment Workforce

Case Number:	2015CP4003112	Court Agency:	Richland County Common Pleas	Filed Date:	05/21/2015
Case Type:	Common Pleas	Case Sub Type:	Use 370 or 380	File Type:	Jury
Status:	Appeal	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	Dismissed per Rule 12(b)	Disposition Date:	10/12/2015	Disposition Judge:	Cooper, G. Thomas Jr.
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties	Judgments	Tax Map Information	Associated Cases	Actions	Financials	
Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Jenkins, Clarence B Jr	SC Court of Appeals Order denying petition for rehearing	Order		08/25/2017 -09:01		
Jenkins, Clarence B Jr	ADR/Alternative Dispute Resolution (Workflow)	Action		12/17/2015 -15:03	10/12/2015 -15:03	
Jenkins, Clarence B Jr	Filing/Notice of Appeal	Filing		11/25/2015 -11:21		
Jenkins, Clarence B Jr	Filing/Notice of Appeal	Filing		11/16/2015 -16:42		
Jenkins, Clarence B Jr	Order granting defendants' motion to dismiss	Order		10/12/2015 -11:42	10/12/2015 -11:42	
Jenkins, Clarence B Jr	Form 4 Order Plaintiff's motion to compel defendant's to ans	Order		09/15/2015 -15:37	10/12/2015 -15:37	
Jenkins, Clarence B Jr	Roster/Notice of Motions Roster Publication Sent	Action		08/14/2015 -11:51	10/12/2015 -11:51	
Jenkins, Clarence B Jr	Roster/Notice of Motions Roster Publication Sent	Action		08/14/2015 -11:51	10/12/2015 -11:51	
Jenkins, Clarence B Jr	Roster/Notice of Motions Roster Publication Sent	Action		08/14/2015 -11:51	10/12/2015 -11:51	
Jenkins, Clarence B Jr	Roster/Notice of Motions Roster Publication Sent	Action		08/14/2015 -11:51	10/12/2015 -11:51	
		Action				

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

W.C.C. File No.: 1303989

Clarence B. Jenkins, Employee, Appellant,

v.

Amazon.Com DEDC, LLC, Employer, and
American Zurich Ins. Co., Carrier, Respondents.

**RETURN IN OPPOSITION TO
APPELLANT'S THIRD DECLARATION**

Pursuant to Rule 240, SCAC, Respondents Amazon.Com DEDC, LLC and Zurich Ins. Co. file this Return in Opposition to Appellant Clarence B. Jenkins Jr.'s third Declaration dated August 3, 2017 and received August 14, 2017.¹ First, as was the case with his previous Declarations, it is unclear whether any response is necessary because Appellant has not submitted any filing fee with his Declaration and it is unclear exactly what relief he seeks.

Second, and out of an abundance of caution, Respondents object to Appellant's unfounded allegations of criminal conduct. Appellant still has not shown that the binders of material he unsuccessfully attempted to present to the Commission at the May 21, 2015 Single Commissioner hearing were ever accepted or reviewed by the Commission. In fact, at this point in time, no one can definitively say what was in those binders. To the extent Appellant

¹ Although it appears that Appellant first attempted to mail the third Declaration to Respondents on August 3, 2017, that mailing was returned to him. He called the undersigned to clarify the address, and then re-mailed his third Declaration on August 8, 2017. (Exh. A).

previously designated any of the documents attached to the Form 50 served by the Commission on October 13, 2014, Respondents have no objection to their inclusion in the Record on Appeal. However, that does not alter the fact that Appellant still has not submitted a complete Record on Appeal in this case.

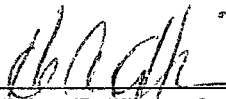
CONCLUSION

Again, instead of complying with this Court's May 11, 2017 and July 17, 2017 Orders, Appellant continues to submit declarations making unfounded accusations. As was requested in their recently-filed Second Motion for Correction of the Record on Appeal and Return in Opposition to Declaration, Respondents request that this Court either order Appellant to file the complete Record on Appeal as ordered, or dismiss his appeal.

Respectfully submitted,

August 14, 2017

McANGUS GOUDELOCK & COURIE LLC



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IN THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM SOUTH CAROLINA WORKER'S COMPENSATION
FULL APPELLATE PANEL

Case No. 2015-002356

Clarence B. Jenkins Jr,Appellant,

v.

South Carolina Department of Employment & Workforce,
South Carolina Budget & Control Board and Office of the
Governor of South Carolina,Respondents

A DECLARATION

Appellant has never had confidence in S.C. Court of Appeals under the leadership of Chief Justice, James E. Lockemy with regards to case# 2015-002356 which is also expressed in case# 2016-000598. For S.C. Court of Appeals to has this blatantly disregards for facts and the law is appalling.

Respondents in case# 2016-00598 has stated consistently and constantly by motions since June 17, 2016 to August 14, 2017 that Appellant did not provide South Carolina Worker's Compensation Commission with specific documentations regarding worker's compensation claim Appellant consistently and constantly stated since June, 2016 by motions with written documentations verifying actual submission but all

attempts to clarify the record went ignored and rejected by the Justices of S.C. Court of Appeals.

In Respondents recently effort of distortion to correct the Record On Appeal in an effort to harass and financial burden to Appellant with case# 2016-000598 only verified their corruption and the participation of S.C. Court of Appeals. Appellant provided an email from Respondents where it was confirmed that documentations were submitted to SCWCC which has been submitted to S.C. Court of Appeals as verification. Respondents have stated in a motion as of August 14, 2017 they have no objection to documents being included in the Record On Appeal. The recent no objection of documents being included in the Record On Appeal by Respondents as of August 14, 2017 is in direct relation to their motions being filed since June 17, 2016 to August 14, 2017 to deny which S C Court of Appeals has granted time and time again.

Appellant has been required to re-submit Initial Brief, Designation Of Matter Record On Appeal and Reply Brief to satisfy distortions by Respondents only as August 14, 2017 to only have them confirmed actual submissions of documentations to SCWCC. The acts of distortions by Respondents in case# 2016-000598 made S.C Court of Appeals and them to be corrupt therefore the conclusion in case# 2015-002356 was no surprised but evident of prior bad acts.

Wherefore, Appellant's request this document to be filed as record while a determination is being made of a future response and action.

August 31, 2017



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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

W.C.C. File No.: 1303989

Clarence B. Jenkins, Employee, Appellant,

v.

Amazon.Com DEDC, LLC, Employer, and
American Zurich Ins. Co., Carrier, Respondents.

**RETURN IN OPPOSITION TO
APPELLANT'S MOTION**

Pursuant to Rule 240, SCACR, Respondents Amazon.Com DEDC, LLC and Zurich Ins. Co. file this Return in Opposition to Appellant Clarence B. Jenkins Jr.'s Appellant's Motion, dated August 30, 2017. While it is unclear from the documentation received by Respondents that Appellant has corrected all the deficiencies noted by this Court, Respondents provide this Return in Opposition out of an abundance of caution.

Appellant's assertions and accusations are largely without merit. The only item designated by Appellant to which Respondents objected in error is the April 24 email from J. Russell Goudelock to Appellant advising him that he would not receive any workers' compensation payments at that time. Given the multiple Form 50s and other filings at the Commission, and although the undersigned undertook a careful and diligent search of the Commission file to determine what actually had been submitted, the

undersigned mistakenly missed this one email which was attached to the Amended Form 50 served by the Commission on October 13, 2014. As a result, Respondents withdraw their objection to the referenced April 24 email from J. Russell Goudelock to Appellant.

It is unclear that either of the Earnings Statements attached to the Amended Form 50, dated September 21, 2014 to October 4, 2014 and March 23, 2014 to April 5, 2014, is for short-term disability. Although one of them may be what Appellant designated as “Disability Payments from Amazon.Com, LLC dated March, 2014 to April, 2014,” the other clearly is not. Appellant designated and has consistently alleged he received short-term and long-term disability payments from Liberty Mutual and long-term disability payments from Aetna. Again, to the extent the March 23, 2014 to April 5, 2014 Earnings Statement constitutes the “Disability Payments” designated by Appellant, which is unclear, Respondents do not object to its being included in the Record.

However, the remaining items identified in Appellant’s Motion either were not designated, were not objected to or were not submitted to the Commission. Appellant did not designate the February 19 email from Michelle Doyle indicating that he should reach out to the LOA team. Instead, Appellant designated “Documentations from Amazon.Com DEDC, LLC Human Resources (Michelle Doyle) placing Claimant on a leave because of medical condition/ restrictions dated August 14, 2013.” (Exh. A). The email attached to his Amended Form 50 is not documentation placing him on leave as of August 14, 2013.

Appellant suggests that Respondents wrongly objected to including “medical referrals from Dr. Mahmoud Abu-Ata.” However, Respondents only objected to two designated items concerning Dr. Abu-Ata, which were never submitted to the

Commission. These include: "A reminder letter from Assigned Nurse Kelly Wells dated June 9, 2014 assigned by Amazon.Com DEDC, LLC regarding June 20, 2014 medical appointment with Dr. Mahmoud Abu-Ata, May 21, 2015," and "A Health care Provider Certificate for FMLA completed by Dr. Mahmoud Abu-Ata, assigned worker's [sic] compensation doctor regarding claimant medical condition/restrictions dated March 9, 2014." Appellant did not designate the referrals attached to his Amended Form 50 and, consequently, Respondents did not object to them.

Finally, with respect to "an email from Aetna Ins. Co. and etc.," the email attached to his Form 50 is from Monica L. Goss, Long Term Disability Analyst with Aetna to Appellant regarding medical records. Although Appellant designated "An email from Monica Goss of Aetna Insurance dated September 25, 2014 stating that Dr. Stickler Office are advising them there are no medical records for Claimant, May 21, 2015 Transcript," in his August 25, 2016 Designation, Respondents did not object to including the referenced email from Monica Goss to Appellant. (*See* Second Motion for Correction and/or to Strike Items from Appellant's Designation of Matter and Initial Brief, dated August 30, 2016).


CONCLUSION

For all the reasons stated herein, this Court should deny Appellant's Motion. Respondents inadvertently and mistakenly objected to the April 24 email from J. Russell Goudebeck to Appellant and do not object to its inclusion in the Record. To the extent the Earnings Statement dated March 23, 2014 to April 5, 2014, constitutes the "Disability Payments from Amazon.Com DEDC, LLC dated March, 2014 to April, 2014" designated by Appellant, which remains unclear, Respondents also withdraw their objection to its

inclusion in the Record. However, the remaining items either were not designated or were not objected to or were not submitted to the Commission.

September 15, 2017

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October 19, 2017

Daniel Shearouse, Clerk of Court
Supreme Court of South Carolina
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S.C. SUPREME COURT

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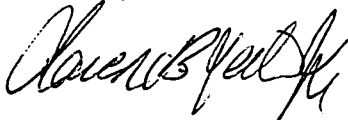
REF: Case No. 2017-001902/ Case No. 2015-002356

Dear Clerk of Court:

A few mistakes were noticed on page three (3) of this document therefore AN AMENDED copy is being submitted. The following corrections were made to read Respondents in Appellate Case No. 2015-000598 filed another return dated September 15, 2017 as reference and The actions of Respondents in Appellate Case No. 2015-000598 and S.C. Court of Appeals as reference.

The date of document in questioned is Appellant's Petition Supreme Court Of South Carolina For A Review Of Constitution Violations And Judicial Rule 501 dated September 21, 2017. Please filed this as clarification to the record.

Sincerely,



Clarence B. Jenkins Jr.