

INITIAL BRIEF OF APPELLANT*

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

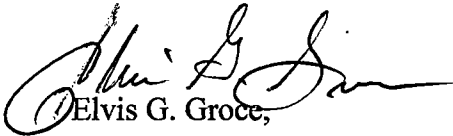
APPEAL FROM
South Carolina Administrative Law Court

Deborah Brooks Durden, Judge

Case No. 2018-000949

Melissa Alexander, Asst.
General Counsel,
Representative for S C Public
Authority, South Carolina
Retirement Systems

Respondent,


Elvis G. Groce,

v.

Appellant.

INITIAL BRIEF OF APPELLANT

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SC Court of Appeals

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STATEMENT OF ISSUES ON APPEAL

1. DID THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY MAKE A DECISION TO DENY RETIREMENT BENEFITS BASED ON A DATE DETERMINED BY THE SOCIAL SECURITY ADMINISTRATION?

2. DID THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY MAKE A DETERMINATION TO DENY BENEFITS WITHOUT REGARD TO ADMINISTRATIVE ERROR OR DELAY BY THE SOCIAL SECURITY ADMINISTRATION

STATEMENT OF THE CASE

ON APRIL 22, 2015, THE APPELLANT SUBMITTED AN APPLICATION FOR SCRS DISABILITY RETIREMENT BENEFITS TO PEBA. THE APPELLANT RESIGNED FROM COVERED EMPLOYMENT WITH THE SOUTH CAROLINA DEPARTMENT OF REVENUE ON OCTOBER 1, 2015 DUE TO BEING UNABLE TO CONTINUE WORKING. ON OCTOBER 13, 2015 THE APPELLANT APPLIED FOR SOCIAL SECURITY DISABILITY BENEFITS WHICH WAS DENIED ON FEBRUARY 12, 2016 AND RECONSIDERED ON MAY 6, 2016 WHICH WAS ALSO DENIED. IN EARLY JUNE 2016 THE APPELLANT FILED A WRITTEN REQUEST FOR HEARING. NOT SURE OF THE EXACT DATE. ON SEPTEMBER 14, 2016 THE APPELLANT APPEARED AND TESTIFIED AT A HEARING REPRESENTED BY AN ATTORNEY. AFTER REVIEWING ALL THE EVIDENCE TO INCLUDE VITAL MEDICAL RECORDS IT WAS CONCLUDED BY THE REVIEWING JUDGE THAT THE APPELLANT STILL DID NOT MEET THE REQUIREMENTS FOR SOCIAL SECURITY DISABILITY BENEFITS BY LETTER DATED OCTOBER 5, 2016. UPON RECEIVING THIS INFORMATION THE APPELLANT REAPPLIED FOR BENEFITS NOT REALIZING THAT ALL PREVIOUS REQUEST AND INFORMATION REGARDING ANY PREVIOUS REQUEST WOULD NOT APPLY. THE COMPLETE PROCESS STARTED OVER ON OCTOBER 6, 2016, AND IRONICALLY THE APPELLANT WAS AWARDED DISABILITY BENEFITS JUST 5 DAYS AFTER THE ONE YEAR DATE OF HIS LAST COVERED EMPLOYMENT.

STANDARD OF REVIEW

NOT APPLICABLE

FACTS

NOT APPLICABLE

ARGUMENTS

- I. BECAUSE RESPONDENT IS MAKING A DETERMINATION REGARDING A DECISION MADE BY THE SOCIAL SECURITY ADMINISTRATION ON A DATE THAT IS LESS THAN A WEEK WITHOUT ANY GRACE PERIOD

- II. BECAUSE IT CANNOT BE PROVEN BY CLEAR AND CONCISE EVIDENCE THAT THE DECISION TO DENY SOCIAL SECURITY BENEFITS WAS BEFORE OR AFTER THE DATE IN QUESTION TO DENY RETIREMENT BENEFITS BY THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFITS AUTHORITY. ADMINISTRATIVE ERROR COULD HAVE OCCURRED DURING THIS BRIEF PERIOD CAUSING A DELAY IN PROCESSING.

CONCLUSION

FOR THE REASONS STATED, THIS COURT SHOULD REVERSE THE JUDGMENT OF THE CIRCUIT COURT.

July 18, 2018

Respectfully submitted,



Elvis G. Groce
220 Yorkswell Lane
Greenville, South Carolina 29607
Appellant

PROOF OF SERVICE OF INITIAL BRIEF

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

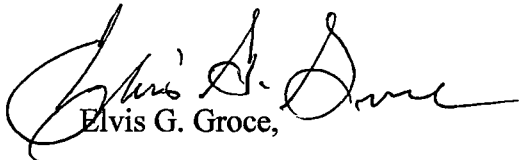
Deborah Brooks Durden, Administrative Law Judge

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South Carolina Retirement
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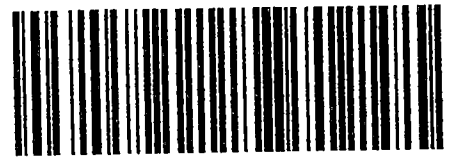
PROOF OF SERVICE

I certify that I have served the Initial Brief on the South Carolina Public Employee Benefits Authority, South Carolina Retirement Systems, by depositing a copy of it in the United States Mail, postage prepaid, on July 18, 2018, addressed to his attorney of record, Melissa Alexander, 202 Arbor Lake Drive, Columbia, South Carolina 29223

July 18, 2018

Elvis G. Groce
220 Yorkswell Lane
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CERTIFIED MAIL



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