

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE S.C. ADMINISTRATIVE LAW COURT
The Honorable S. Phillip Lenski, Administrative Law Judge
ALC Case 18-ALJ-30-182-AP

Appellate Case No. 2019-000301

Ms. Alicia Bolden,

v.

S.C. Dept. of Disabilities and Special Needs,

Respondent,

MOTION TO STRIKE EXHIBITS ATTACHED TO THE INITIAL BRIEF OF APPELLANT
AND LISTED IN THE DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD
ON APPEAL

Respondent respectfully moves this court to strike from the Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal the exhibits Group A, Group E, page 2 of Group F as well as the Termination Letter dated April 25, 2012, and Notice of Separation dated April 20, 2012.

This Motion is based on the following:

1. The above listed exhibits were deemed not relevant at the State Employee Grievance Hearing and were not a part of the record on Appeal to the Administrative Law Court from which this appeal is taken. No proffer was offered.
2. Appellant caused a similar motion to be filed at the Administrative Law Court which was granted. See attached.

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Appellant,

WHEREFORE, Respondent respectfully requests this court to order Appellant to remove the listed attachments to her Initial Brief and from the Matter Designated to be Included in the Record on Appeal.

SOUTH CAROLINA DEPARTMENT OF
DISABILITIES AND SPECIAL NEEDS

By: Tana Vanderbilt

Tana Vanderbilt
General Counsel
SC Bar No. 5690
E-Mail: tvanderbilt@ddsn.sc.gov
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Columbia, SC 29240
(803) 898-9683

Attorney for Respondent

Columbia, South Carolina

March 29, 2019

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

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SC Court of Appeals

MOTION

Alicia Bolden,)
)
Appellant,)
)
vs.)
)
South Carolina Department of)
Disabilities and Special Needs)
)
Respondent,)
)

DOCKET NO.: 18-ALJ-30-0182-AP

TO: The Honorable S. Phillip Lenski, Administrative Law Judge

Pursuant to the Rules of Procedure for the Administrative Law Court, the South Carolina Department of Disabilities and Special Needs respectfully moves for an order removing attachments to Appellants Brief as not being part of the Record on Appeal. Attachments were not attached to Brief served on the South Carolina Department of Disabilities and Special Needs, but are referenced in Brief of Appellant. In support thereof the South Carolina Department of Disabilities and Special Needs states as follows:

The following attachments to the Brief of Appellant are not part of the Record on Appeal as compiled and submitted by the South Carolina Division of State Human Resources because they were ruled inadmissible at the hearing on April 3, 2018.

1. Letter dated April 25, 2012. (Not in Record on Appeal)
2. Notice of Personnel Action dated April 20, 2012 (Not in Record on Appeal).
3. Group A Documents were ruled inadmissible. (Record on Appeal R.p.24, lines 22 through R.p.25 line 12)
4. Group E ruled inadmissible after first two pages. (Record on Appeal R.p.24, lines 1-12)
5. Group F, page 2 was ruled inadmissible. (Record on Appeal R.p.29, lines 16-23)

Appellant seeks now to have these documents added to the record by way of attaching them to her Brief when there was no proffer of proof offered during the hearing.

WHEREFORE, the South Carolina Department of Disabilities and Special Needs respectfully requests that the attachments to the Brief of Appellant be removed and not considered by the court in this matter.

Tana Vanderbilt

Tana Vanderbilt
General Counsel
South Carolina Department of Disabilities and
Special Needs
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GRANTED
[Signature]
Date: December 6, 2018
SC Admin. Law Judge

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SC ADMIN. LAW COURT

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE S.C. ADMINISTRATIVE LAW COURT
The Honorable S. Phillip Lenski, Administrative Law Judge
ALC Case 18-ALJ-30-182-AP

Appellate Case No. 2019-000301

Ms. Alicia Bolden,

Appellant,

v.

S.C. Dept. of Disabilities and Special Needs,

Respondent,

PROOF OF SERVICE

I certify that on March 29, 2019, I served the Motion to Strike Exhibits Attached to the Initial Brief of Appellant and Listed in the Designation of Matter to be Included in the Records on Appeal by mailing a copy of the same by United States Certified Mail #7017-0190-0000-9625-8201, postage prepaid, to Alicia Bolden, 1115 Carnegie Avenue, Charleston, SC 29407.

Date: March 29, 2019



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General Counsel
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March 29, 2019

Ms. Jenny Abbott Kitchings
Court of Appeals, Clerk of Court
1220 Senate Street
Columbia, SC 29201

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RE: Alicia Bolden vs. SCDDSN
18-ALJ-030-0182-AP

Dear Ms. Kitchings:

Enclosed for filing in the above-referenced appeal is a Motion. We request removing attachments which were included in the Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal.

Please return a filed copy of this motion in the enclosed self-addressed stamped envelope. Feel free to contact me at (803) 898-9683 or by email at tvanderbilt@ddsn.sc.gov if you have any questions or if I can be of assistance.

Sincerely,

A handwritten signature in black ink that reads "Tana Vanderbilt".

Tana Vanderbilt
General Counsel

cc: Ms. Alicia Bolden, Appellant **VIA CERTIFIED MAIL - 7017 0190 0000 9625 8201**

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