

10 BRUSH WOOD CT.
COLUMBIA SC 29229
January 28th 2013
(803) 521-8990

C. Court of Appeals
315 Sumter Street
Columbia SC 29201

RECEIVED

JAN 30 2013

SC Court of Appeals

To The Court of Appeals, I am responding to the order of the respondents claim to dismiss my case because they don't claim I did not comply with my notices of complying with the time, line of serving them notice of my appeal, they are very mistaken, because I have always did my paperwork but the respondents and the court have looked at the papers that I am providing to me that the respondents are not telling the truth to the court about me not giving them notice of any order that the

Court And then have placed upon the
Mail to me. I have given notice And place
my paper work to them in proper time
Please look over it and I pray
that the Court will see that
this is a frivolous motion because
I did comply with every rule of
time & serving to them.

Please give this matter
the fairest answer

The high standard of their
lawyers. they considered to be perfect
I Am a pro se, but I Am complying
with the truth in this case

January 28th 2013

Respectfully Submitted,
Alma Wash
10 Brushwood Ct
Columbia SC 29229

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

Richland COUNTY
Court of Common Pleas

Honorable Debra Brooks Durbin Circuit Court Judge

Case No. 2012 - 210826

Palmetto Health
+
SC Dept of Employment + Work Force

Respondent,

Alma Washburn

Appellant.

RECEIVED

JAN 30 2013

SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the Notice to Palmetto Health + Dew depositing a copy of it in the United States Mail, postage prepaid, on JANUARY 29 2013, addressed to his Attorneys Helms + McLeod III, Columbia, South Carolina 29201. [by personally delivering a copy of it to Clerk of Court, Jenny Kitchens office at PO BX 11629, Columbia, South Carolina 29211]

January 28th 2013

Alma Washburn
103 Brantwood Ct
803 21-8990
Columbia, South Carolina

: Appellant

EB Trey McLeod III ATT
SC Dept of Employment + Work Force
Columbia SC 29202
PO BX 8597

Katherine Helms
Palmetto Health ATT
1320 MAIN ST Suite 6C
Columbia SC 29202

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE
ADMINISTRATIVE LAW COURT

Debra Brooks Durden, Administrative Law Judge

Case No.: 11-ALJ-22-0553-AP

RECEIVED

JAN 30 2013

SC Court of Appeals

Alma Washington,

Appellant,

v.

South Carolina Department of Employment and Workforce
and Palmetto Health,

Respondents.

**RESPONDENTS JOINT NOTICE OF SPECIAL APPEARANCE, MOTION TO
DISMISS AND MEMORANDUM IN SUPPORT OF MOTION TO DISMISS**

NOTICE IS HEREBY GIVEN that the Respondents, South Carolina Department of Employment and Workforce, (hereinafter "SCDEW" or "Department") and Palmetto Health (hereinafter collectively "Respondents") through their undersigned attorneys, make a special appearance and submit this Motion to Dismiss and Memorandum in Support of their Motion to Dismiss. Appellant has served neither the Department nor Palmetto Health with her Notice of Appeal within thirty (30) days of receipt of the Administrative Law Court's final decision as is required for jurisdiction to attach pursuant to S.C. Code Ann. § 1-23-610 and Rule 203(b)(6), SCACR. This Court must dismiss Appellant's appeal with prejudice for the failure to comply with the thirty (30) day mandatory appeal period.

The South Carolina Court of Appeals

Palmetto Health and Department of Employment and
Workforce, Respondent,

v.

Alma Washington, Appellant.

Appellate Case No. 2012-210826

ORDER

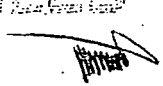
Appellant appeals an order of the Administrative Law Court that dismisses her appeal from a South Carolina Department of Employment and Workforce decision regarding his claim for unemployment benefits. Appellant has filed a motion to proceed without costs. After careful consideration, Appellant's motion is granted. *See* S.C. Code Ann. 41-39-30 (Supp. 2011) ("An individual claiming benefits may not be charged a fee in a proceeding under Chapters 27 through 41 of this title by the department . . . or by a court . . ."). Appellant's request for this court to assemble the record on appeal is denied. *See* Rule 210, SCACR (stating it is the appellant's responsibility to compile the record on appeal).


FOR THE COURT

Columbia, South Carolina

cc:

Alma Washington
Katherine Dudley Helms
Brenda L. Gorski

FILED
12/12/12 

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA

In The Court of Appeals
[In The Supreme Court]

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Debra Brooks Pyrden Circuit Court Judge

Case No. 11-ALJ-22-0553-AP

Palmetto Health AND
Department of Employment AND Work
Force

Respondent,

v.

Alma Washington

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal Palmetto Health by depositing a copy of it in the United States Mail, postage prepaid, MARCH 29, 2012, addressed to his attorney of record, Ms. ~~Katherine D. Helms~~ 1320 MAIN ST. COLA SC 29201, delivering a copy of it to his attorney of record.

~~Office~~ at 1320 MAIN ST Suite 600 on March 29 2012. Katherine Dudley Helms at Her

S/Alma Washington

Alma Washington
10 Brushwood Ct
Columbia SC 29220
803 404-7243

Appellant INCAS

FORM 1
NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

[In The Supreme Court]

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Debra Brooks Durdem Circuit Court Judge

Case No. 11-ALS-22-0553-AP

Palmetto Health and
Department of Employment and
WORK FORCE

Respondent,

v.

Alma WASHINGTON

Appellant.

NOTICE OF APPEAL

Alma Washington appeals the order [judgment] of the Honorable Debra B. Durdem dated
MARCH 9th 2012 Appellant received written notice of entry of this order [judgment] on
MARCH 10th 2012

MARCH 29th 2012

S/Alma Washington

Alma Washington
10 Brush Wood Ct.
Columbia SC 29229
(803) 404-7243

Appellant IN CASE

STATE OF SOUTH CAROLINA)

COUNTY OF Richland)

Katherine Dudley Helms)

Attorney)

Almeta Hedette)

Adversary)

_____)

_____)

IN THE COURT OF COMMON PLEAS
 FAMILY COURT

FILE NO: 2012-210726

CERTIFICATE OF SERVICE

I certify that, on this date, I served a copy of the ORDER in this action, dated Nov 9, on 2012 by _____

delivering it to him/her personally; or,

mailing it to him/her, at his/her last known address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows:

1320 Main St Suite 600
Columbia SC
29201 ; or

Other:

Jenny Abbott Kitchings
SC Court of Appeals
PO Box 11689
Columbia SC 29201

Mrs. Brenda L Gorski
631 Hampton St
PO Box 85197
Columbia SC 29202

[See Rule 5(b)(1), SCRCF]

August 28th 2012
(Date)

Almeta Washburn
(Signature)

10 Brushwood Ct,
Columbia SC 29229
803 521-8990

August 28th 2012

SC Court of Appeals
1015 Sumter Street
Columbia SC 29201

To The Court of Appeals, here
is the order of the Appeal that I am
Challenging on record, please Assemble
the record now on my behalf for this
Appeal, I am hoping this letter is in Compli-
ance with the rules of the Court. Thank you
for your time in pursuing this matter

Alma Washburn
10 Brushwood Ct.
Columbia SC 29229
803-521-8990

10 Brushwood Ct
Columbia SC 29220
803 464-7243
March 28th 2012

SC Court of Appeals
1015 Sunder Street
Columbia SC 29201

To The Court of Appeals, please
consider this motion that I'm writing
you concerning my fee to the Court
In my appeal case, I do not have
the means to pay the fee because
I have battled my case since July
3 2011 and I don't have no income
coming in. I have been job hunting since
May and have lots of job applications with
no job yet, I want to work, but continually
get nowhere, I have tried with ex employer

out of no luck, please consider my plea because

I can tell the truth and have been trying

to prove my case no matter how far I

have to go to get to the truth.

Thank you

Submitted By

Alma Washburn

10 BRUSHWOOD CT

COLUMBIA SC 29229

MARCH 28th 2012

803 404-7243

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

[In The Supreme Court]

APPEAL FROM Richland County
Court of Common Pleas

Debra Beost Durdew Circuit Court Judge

Case No. 11-~~025~~-22-0553-AP

Palmetto Health ADD
Department of Employment AND
Work Force v.

Respondent,

ALMA WASHINGTON

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on DEW by depositing a copy of it in the United States Mail, postage prepaid, MARCH 29 2012 addressed to his attorney of record, M BRENDA GORSKI ESQ PO BOX 8597 Columbia SC 29202 delivering a copy of it to his attorney of record, Brenda Gorski at her OFFICE

PO BOX 8597 Columbia SC on March 29 2012

S/ ALMA WASHINGTON

ALMA WASHINGTON
10 BRUSHWOOD CT.
COLUMBIA SC 29229
(803) 404-7243
APPELLANT IN CASE

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alma Washington.

Docket No. 11-ALJ-22-0553-AP

Appellant.

vs.

ORDER

South Carolina Department of Employment
and Workforce, and Palmetto Health,

Respondents.

STATEMENT OF THE CASE

The Appellant, Alma Washington (Washington), appeals the decision of the South Carolina Department of Employment and Workforce (Department), which indefinitely disqualified her from receiving unemployment benefits because she voluntarily retired from her job at Palmetto Health (Employer). The Administrative Law Court (ALC or Court) has jurisdiction to hear this matter pursuant to S.C. Code Ann. § 41-35-750 (Supp. 2011). Upon consideration of the record and the briefs, this court affirms, finding that substantial evidence supports the Department's decision.

BACKGROUND

Washington worked as a Sterile Processing Technician for Palmetto Health. Her customary schedule was working weekends. In May 2011 she requested a new work schedule that would give her one weekend off per month. Palmetto Health denied that request. Subsequently, Washington notified Palmetto Health that she was retiring effective May 18, 2011. At issue in this case is the factual dispute concerning the reason for her retirement.

On August 18, 2011, the Department issued a determination that Washington was ineligible to receive benefits because she voluntarily retired from her position with Palmetto Health. Washington appealed to the Appeal Tribunal.¹ At the hearing Washington maintained

FILED

March 9, 2012

SC ADMIN. LAW COURT

¹ Despite its name, the Department's Appeal Tribunal actually functions as a trial tribunal, hearing testimony, taking evidence, and making findings of fact. See 24 S.C. Code Ann. Regs. 47-51(C)(1), (E)(1) (Supp. 2011). Hearings before the Tribunal are held *de novo*. Regs. 47-51(C)(1).

that she retired because her supervisor told her that the way to work out her scheduling issues would be to retire and then apply for the open position. The supervisor denied making such a statement to Washington. Following the hearing the Appeal Tribunal affirmed the initial determination denying benefits.

Appellant appealed the Appeal Tribunal decision to the Appellant Panel. The Appellant Panel issued a final decision on October 25, 2011 affirming the Appeal Tribunal decision holding Appellant voluntarily retired and that she was indefinitely disqualified from receiving benefits. Appellant timely filed this appeal to the ALC.

ISSUES ON APPEAL

Does the evidence in the record support the Department's finding that Washington voluntarily retired?

STANDARD OF REVIEW

The Department is an "agency" under the Administrative Procedures Act (APA). See Gibson v. Florence Country Club, 282 S.C. 384, 386, 318 S.E.2d 365, 367 (1984) (finding that the Employment Security Commission, a predecessor of the Department, was an agency within the meaning of the APA). Accordingly, the APA's standard of review governs appeals from decisions of the Department. See S.C. Code Ann. §§ 1-23-380, and 1-23-600(D) (Supp. 2011); Gibson, 282 S.C. at 386, 318 S.E.2d at 367; McEachern v. S.C. Employment Sec. Comm'n, 370 S.C. 553, 557, 635 S.E.2d 644, 646-47 (Ct. App. 2006). The standard used by appellate bodies to review agency decisions is provided by S.C. Code Ann. § 1-23-330(5) (Supp. 2011). See § 1-23-600(D) (directing administrative law judges to conduct appellate review in the same manner prescribed in § 1-23-380(5)). That section states:

The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision [of an agency] if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative and substantial

evidence on the whole record; or

(f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

S.C. Code Ann. § 1-23-380(5) (Supp. 2011).

A decision is supported by “substantial evidence” when the record as a whole allows reasonable minds to reach the same conclusion as the agency. Friends of the Earth v. Pub Serv. Comm'n of S.C., 387 S.C. 360, 366, 692 S.E.2d 910, 913 (2010). The fact that the record, when considered as a whole, presents the possibility of drawing two inconsistent conclusions from the evidence does not prevent the agency’s findings from being supported by substantial evidence. Waters v. S.C. Land Res. Conservation Comm'n. 321 S.C. 219, 226, 467 S.E.2d 913, 917 (1996). In applying the substantial evidence rule, “a reviewing court will not overturn a finding of fact by an administrative agency ‘unless there is no reasonable probability that the facts could be as related by a witness upon whose testimony the finding was based.’” Sea Pines Ass'n for Prot. of Wildlife, Inc. v. S.C. Dep't of Natural Res., 345 S.C. 594, 603-04, 550 S.E.2d 287, 292 (2001) (quoting Lark v. Bi-Lo. Inc., 276 S.C. 130, 136, 276 S.E.2d 304, 307 (1981)).

DISCUSSION

The Appellant argues that the Department erred in finding that she voluntarily retired, maintaining that she never intended to permanently leave her employment at Palmetto Health. While there is evidence in the record which tends to support Appellant’s position, there is contradictory evidence supporting the Employer’s position.

The Appellate Panel decision rests upon the finding that Washington voluntarily retired. There is evidence in the record showing that Washington submitted a letter of resignation following the denial of her request for a changed schedule. Her supervisor denied ever telling her that she could retire and then return to her same job as a way to obtain her desired schedule. Accordingly, there is substantial evidence upon which a reasonable person could find that Appellant’s retirement was voluntary. The Court finds that the agency’s decision was not clearly erroneous in light of the substantial evidence in the record, and that the record supports the decision.

ORDER

IT IS THEREFORE ORDERED that the Department's decision is **AFFIRMED**.

AND IT IS SO ORDERED.



Deborah Brooks Durden
Deborah Brooks Durden
Administrative Law Judge

March 9, 2012
Columbia, South Carolina

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alma Washington,

Appellant,

vs.

South Carolina Department of Employment
and Workforce, and Palmetto Health,

Respondents.

Docket No. 11-ALJ-22-0553-AP

**ORDER GRANTING
RESPONDENTS'
MOTIONS TO STRIKE**

On February 6, 2012, Respondent Palmetto Health (Palmetto) in this case filed an Objection to the Introduction of New Evidence with the Administrative Law Court (ALC or Court). The motion seeks to exclude the attachments submitted by Appellant as part of her Reply, filed January 24, 2012, because the documents were not presented at any of the prior proceedings in this matter. On February 8, 2012, Appellant filed her opposition to the Motion with this Court stating that the documents she seeks to present are accurate.

On February 9, 2012, Respondent South Carolina Department of Employment and Workforce (DEW) filed an Objection and Motion to Strike New Evidence with this Court. The motion seeks to exclude Appellant's Reply Brief to DEW's Brief, and 35 pages attached to the Reply Brief filed January 30, 2012 stating that these new documents submitted to the ALC have never been offered as evidence in this case previously, and it is too late to do so upon review of the final agency decision. DEW also joins Palmetto's objection to the admission and consideration of these new documents, in part due to a question of the authenticity of the documents and their relevance to the issue of whether or not the Appellant voluntarily retired from her employment without just cause.

S. C. Code Ann. § 1-23-380(4) provides that review by the ALC "must be confined to the record." ALC Rule 36(G) of the Rules of Procedure for the ALC provides that "[t]he Administrative Law Judge will not consider any fact which does not appear in the Record."

FILED

March 7, 2012

SC ADMIN. LAW COURT

IT IS THEREFORE ORDERED that Respondents' Motions to Strike are **GRANTED**.
Attachments to Appellant's Reply to Palmetto's Brief are hereby **STRICKEN** from her Reply

IT IS ALSO ORDERED that Appellant's Reply to DEW's Brief and its attachments be **STRICKEN**.

AND IT IS SO ORDERED.



Deborah Brooks Durden
Administrative Law Judge

March 7, 2012
Columbia, South Carolina

STATE OF SOUTH CAROLINA)

COUNTY OF Richland)

IN THE COURT OF COMMON PLEAS
 FAMILY COURT

Clerk of Court)
Jenny Abbott Kitching)
SC Court of Appeals)

FILE NO: 2012-210826

CERTIFICATE OF SERVICE

I certify that, on this date, I served a copy of the ORDER in this action, dated March 9th, on 2012 by

delivering it to him/her personally; or,

mailing it to him/her, at his/her last known address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows:

PO Box 11629
Columbia SC
29211 ; or

Other:

Katherine Dullely Helms
1320 MAIN ST
COLUMBIA SC 29201

Ms. Brenda L. Gorski
631 Hampton Street
PO BOX 8597
COLUMBIA SC
29202

[See Rule 5(b)(1), SCRPC]

August 28th 2012
(Date)

Alma Washburn
(Signature)

FORM 1
NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Debra Brooks Durdent Circuit Court Judge

Case No. 11-ALS-22-0553-AP

Palmetto Health and
Department of Employment and
WORK FORCE

Respondent,

v.

Alma WASHINGTON

Appellant.

NOTICE OF APPEAL

Alma Washington appeals the order [judgment] of the Honorable Debra B. Durdent dated MARCH 9th 2012. Appellant received written notice of entry of this order [judgment] on MARCH 10th 2012.

MARCH 29th 2012

S/Alma Washington
Alma Washington
10 Brush Wood Ct.
Columbia SC 29229
(803) 404-7243
Appellant IN CASE

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

[In The Supreme Court]

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Debra Brooks Pyrden Circuit Court Judge

Case No. 11-ALJ-22-0553-AP

Palmetto Health AND
Department of Employment AND Work
Force

Respondent,

v.

Alma Washington

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal Palmetto Health by depositing a copy of it in the United States Mail, postage prepaid, March 29, 2012, addressed to his attorney of record, Ms. Katherine D. Helms 1320 MAIN ST. COLA SC 29201, delivering a copy of it to his attorney of record, Katherine Dudley Helms at Her

Office at 1320 MAIN ST Suite 600 on March 29 2012.

S/Alma Washington

Alma Washington
10 Brushwood Ct
Columbia SC 29220
803 404-7243

Appellant INCA:

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

[In The Supreme Court]

APPEAL FROM Richland County
Court of Common Pleas

Debra Beoot Durdew Circuit Court Judge

Case No. 11-~~0025~~-22-0553-AP

Palmetto Health ADD
Department of Employment AND
Work Force v.

Respondent,

ALMA WASHINGTON

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on DEW by depositing a copy of it in the United States Mail, postage prepaid, March 29 2012 addressed to his attorney of record, M BRENDA GORSKI ESQ POBX 8597 Columbia SC 29202 delivering a copy of it to his attorney of record, Brenda Gorski at her OFFICE

POBX 8597 Columbia SC on March 29 2012

S/ Alma Washington

Alma Washington
10 Brushwood Ct.
Columbia SC 29229
(803) 404-7243
Appellant IN CASE

PO Box 995
1550 Gadsden Street
Columbia, SC 29202
www.dew.sc.gov



Nikki R. Haley
Governor

Abraham J. Turner
Executive Director

P.O. Box 8597
Columbia, South Carolina 29202
(803) 737-2666
FAX (803) 737-0124
February 9, 2012

The Honorable Deborah Durden
South Carolina Administrative Law Court
Edgar A. Brown Building
1205 Pendleton Street, Suite 224
Columbia, South Carolina 29201

Re: Alma Washington v. SC DEW and Palmetto Health
Docket Number: 11-ALJ-30-0553-AP

Dear Judge Durden:

Enclosed is the original Objection and Motion to Strike New Evidence of the Respondent, SC Department of Employment and Workforce in the above referenced case. Also included is an Affidavit of Service to the other parties. If you have any questions, please contact me at the number or address above.

With kind regards, I am

Sincerely Yours,

A handwritten signature in cursive script that reads "Jessica Chesley".

Jessica Chesley
Administrative Legal Assistant for
Brenda Gorski
Attorney for SC DEW



OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

Attorneys at Law

1320 Main Street, Suite 600
Columbia, SC 29201-3266
Telephone: 803.252.1300
Facsimile: 803.254.6517
www.ogletreedeakins.com

Beth Anne Swalgren
beth.swalgren@ogletreedeakins.com

November 16, 2011

Ms. Alma Washington
10 Brush Wood Court
Columbia, SC 29229

Re: Alma Washington v. SC DEW and Palmetto Health
Case No. 11-ALJ-22-0553-AP

Dear Ms. Washington:

Enclosed for your records is a copy of Respondent Palmetto Health's Notice of Appearance regarding the above-referenced case.

Sincerely,

Beth Anne Swalgren
*Assistant to Katherine Dudley Helms
and Todd S. Timmons*

/bas

Enclosure

By Certified Mail

cc/enc: SC Department of Employment and Workforce (By Certified Mail)

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alma Washington,

Appellant,

v.

South Carolina Department of
Employment and Workforce and
Palmetto Health,

Respondents.

Docket No. 11-ALJ-22-0553-AP

NOTICE OF APPEARANCE


Please be notified that Katherine Dudley Helms and Todd S. Timmons of Ogletree,
Deakins, Nash, Smoak & Stewart, P.C., hereby appear as counsel for Respondent Palmetto
Health.

Dated this the 16th day of November 2011.

Respectfully submitted,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

By:


Katherine Dudley Helms (SC Bar No. 2907)
Todd S. Timmons (SC Bar No. 100249)

1320 Main Street, Suite 600
Columbia, SC 29201
Phone: 803.252.1300
Fax: 803.254.6517
kathy.helms@ogletreedeakins.com
todd.timmons@ogletreedeakins.com

FILED

NOV 16 2011

SC ADMIN. LAW COURT

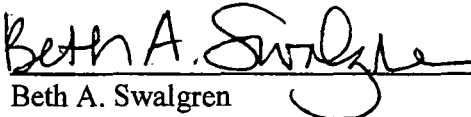
CERTIFICATE OF SERVICE

I, Beth A. Swalgren, hereby certify that the foregoing **NOTICE OF APPEARANCE** has been served upon the following persons by certified mail, return receipt requested, properly addressed and with the correct amount of postage affixed thereto:

Ms. Alma Washington
10 Brush Wood Court
Columbia, SC 29229

South Carolina Department of Employment and Workforce
ATTN: Legal Department
631 Hampton Street
Columbia, SC 29201

Dated this the 16th day of November 2011.


Beth A. Swalgren
Legal Assistant

1320 Main Street, Suite 600
Columbia, SC 29201
Phone: 803.252.1300
Fax: 803.254.6517
beth.swalgren@ogletreedeakins.com

FILED

NOV 16 2011

SC ADMIN. LAW COURT



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 10, 2013

Alma Washington
10 Brushwood Ct
Columbia SC 29229

Re: Palmetto Health v. Washington, Alma
Appellate Case No. 2012-210826

Dear Counsel:

Upon reviewing your appellant's initial brief, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.
- Under Rule 208 of the SCACR, a table of contents and cases is required.
- Rule 267 of the SCACR states that the lower court judge is required to be on the cover of the initial brief.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Katherine Dudley Helms
Brenda L. Gorski



OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

Attorneys at Law

1320 Main Street, Suite 600
Columbia, SC 29201-3266
Telephone: 803.252.1300
Facsimile: 803.254.6517
www.ogletreedeakins.com

Beth Anne Swalgren
beth.swalgren@ogletreedeakins.com

December 19, 2011

Ms. Alma Washington
10 BrushWood Court
Columbia, SC 29229

Re: Alma Washington v. SC DEW and Palmetto Health
Case No. 11-ALJ-22-0553-AP

Dear Ms. Washington:

Enclosed for your records please find a copy of Respondents' Joint Motion to Dismiss, filed with the Administrative Law Court on December 19, 2011, in the above-referenced case.

Sincerely,

Beth Anne Swalgren
*Assistant to Katherine Dudley Helms
and Todd S. Timmons*

/bas

Enclosure

By Certified Mail and U.S. Mail

cc/enc: Brenda L. Gorski, Esq.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

COPY

Alma Washington,)
)
Appellant,)
)
v.)
)
South Carolina Department of Employment and)
Workforce and Palmetto Health,)
)
Respondents.)
_____)

Docket No. 11-ALJ-22-0553-AP

RESPONDENTS' JOINT
MOTION TO DISMISS

FILED

DEC 19 2011

To: Ms. Alma Washington
10 Brushwood Court
Columbia, SC 29229

SC ADMIN. LAW COURT

NOTICE IS HEREBY GIVEN that the Respondents, South Carolina Department of Employment and Workforce, ("SCDEW" or "Agency") and Palmetto Health, through their undersigned attorneys, move this Honorable Court, pursuant to ALC Rule 38, to dismiss this appeal for reason that the Appellant's issues are deemed abandoned, and in support thereof states that.

Failure to Comply with Administrative Court Rule 37 and the Order Governing Procedure

1. The Appellant filed a Notice of Appeal in the captioned case on October 27, 2011.
2. An Order Governing Procedure was issued by this Court on November 8, 2011, requiring the Appellant to file her brief within 20 days after the Record on Appeal is filed.
3. The Record on Appeal was filed November 21, 2011.
4. Twenty (20) days after November 21, 2011 was Sunday, December 11, 2011, therefore the Appellant had through December 12, 2011 to file her brief.
5. On December 5, 2011, the Respondents received a five-page hand written statement from the Appellant, along with a Certificate of Service, filed November 30, 2011, which identified the

statement as a Brief. Nothing further has been received by the Respondents as of the date of this Motion.

6. Appellant's Brief, dated November 30, 2011, merely reiterates broad, general issues, asserted facts and conclusory statements, all unsupported by citation of authority, and thereby fails to meet the ALC Rule 37 criteria necessary to advance the Appellant's position.

7. The Appellant's brief fails to state: the issues on appeal, a statement of the case, and argument including discussion and citation of authority, proper cover, and format as required by ALD Rule 37.

8. Bald conclusions leave the alleged error unargued and effectively abandoned. *Solomon v. City Realty Company, et al.*, 262 S.C. 198, 201, 203 S.E.2d 435, 436 (S.C. 1974). An issue is deemed abandoned and will not be considered on appeal if the argument is raised in a brief but not supported by authority. *Bryson v. Bryson*, 378 S.C. 502, 510., 662 S.E.2d 611, 615 (S.C. App. 2008). Where an appellant fails to provide arguments or supporting authority for his assertion, he is deemed to have abandoned the issue. *First Savings Bank v. McLean*, 314 S.C. 361, 363, 444 S.E.2d 513, 514 (S.C. 1994). "Mere allegations of error are not sufficient to demonstrate an abuse of discretion." *Id.* The South Carolina Supreme Court has held that "the burden is on appellants to prove convincingly that the agency's decision is unsupported by the evidence." *Waters v. S.C. Land Resources Conservation Commission*, 321 S.C.219, 226, 467 S.E.2d 913, 917 (S.C. 1996).


9. Although the Appellant is a *pro se* litigant, she assumed full responsibility for compliance with substantive and procedural requirements of the law. *State v. Burton*, 356 S.C. 259, 265, 589 S.E.2d 6, 9, n. 5 (S.C. 2003).

10. The Appellant had an obligation to advance her position by filing a brief in compliance with ALC Rule 37, to support her request for appeal. She has not done so, despite being given ample time.

11. Pursuant to ALC Rule 38, Respondents move this Court to dismiss the Appellant's appeal for failure to timely file a brief that complies with the rules of procedure for this appeal and that fails to advance the Appellant's position.

WHEREFORE, the Respondents, South Carolina Department of Employment and Workforce and Palmetto Health, pray that the captioned appeal be dismissed with prejudice, and that all time requirements and deadlines be held in abeyance pending resolution of this motion.

Respectfully submitted,



Brenda L. Gorski, Assistant General Counsel
Office of General Counsel
South Carolina Department of Employment and Workforce
P.O. Box 8597
Columbia, SC 29202
(T) (803) 737-2666
(F) (803) 737-0124
Attorney for Respondent, SCDEW



Katherine Dudley Helms
Todd S. Timmons
Ogletree, Deakins, Nash, Smoak, & Stewart, P.C.
1320 Main Street, Suite 600
Columbia, SC 29201
(T) 803-252-1300
(F) 803-254-6517
Attorneys for Respondent, Palmetto Health

December 19, 2011
Columbia, South Carolina

PO Box 995
1550 Gadsden Street
Columbia, SC 29202
www.dew.sc.gov



Nikki R. Haley
Governor

Abraham J. Turner
Executive Director

P.O. Box 8597
Columbia, South Carolina 29202
(803) 737-2666
FAX (803) 737-0124
November 21 2011

The Honorable Deborah Durden
South Carolina Administrative Law Court
Edgar A. Brown Building
1205 Pendleton Street, Suite 224
Columbia, South Carolina 29201

Re: Alma Washington v. SC DEW and Palmetto Health
Docket Number: 11-ALJ-22-0553-AP

Dear Judge Durden:

Enclosed are an original and one copy of the Record on Appeal of the Respondent SC Department of Employment and Workforce. Also enclosed is a certificate of service to the other parties. If you have any questions, please contact me at the above number.

With kind regards, I am

Sincerely Yours,

A handwritten signature in cursive script that reads "Jessica Chesley".

Jessica Chesley
Administrative Legal Assistant for
Brenda Gorski
Attorney for SC DEW
Legal@dew.sc.gov

"Putting South Carolinians Back to Work"

Uma Washington
10 Brushwood Ct
Columbia SC 29228
803-404-7243
Docket: 11-ALJ-22-0553-A

Honorable Judge Debra Brooks Dunder
1205 Pendleton St Suite 224
SC Administrative Law Court
Columbia SC 29201

Your Honor I'm asking the Court
to reconsider the motion to grant the respondents
request to strike my evidence that I applied to the
Court in connection to my case saying that the evidence
was admitted after the fact with no regards to the
facts presented early, your Honor I reiterate that
in my briefs in Nov 30th 2011 I said that I have
documents & witness to prove that I was telling the
truth, the respondents have 3 lawyers at their disposal
to go over the rule of law, I don't know the rules of
case law, I've never had to write and handle my
case myself, I don't know the standard case laws
I was only telling and give the truth in my papers
but I submitted to court, at no time did either party
ask me to submit my evidence, I would have

course it would prove that I'm telling the
truth at anytime if needed. But they only
objected after they couldn't prove that I could
make up what I said to all party involved.

The respondents have the means to disprove
me along with their assets, I did say that
they can prove me wrong with legal paperwork
that the hospital policy requires for retirement
of a individual employee, that paper says
I considered retirement at that time like

he said for me to write. No signatures or
other management signatures on that paper.

I pray that the Judge will hear my plea
and let the truth stand. your Honor
and Dumas code Ann 41-35-100 Respectably Submitted
Demetrius Washburn
Submitted MAR 5, 2017.

Applicant word of
10 P. Washburn SC 2017
P. Washburn