

**THE STATE OF SOUTH CAROLINA  
In the Court of Appeals**

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APPEAL FROM THE ADMINISTRATIVE LAW COURT  
S. Phillip Lenski, Administrative Law Judge

Case No.: 18-ALJ-30-0181-CC

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Appellate Case No. 2018-001740

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**RECEIVED**

MAY 20 2019

SC Court of Appeals

Clara L. Brockington, Appellant,

v.

South Carolina Department of Employment and  
Workforce, Respondent.

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**MOTION TO DISMISS FOR FAILURE TO TIMELY FILE AND SERVE  
APPELLANT'S INITIAL BRIEF AND DESIGNATION OF MATTER**

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Respondent South Carolina Department of Employment and Workforce (the Department) submits this motion to dismiss Appellant Clara L. Brockington's appeal due to her failure to timely file and serve her initial brief and designation of matter as required by Rules 208 and 209 of the South Carolina Appellate Court Rules, as well as this Court's letter dated April 16, 2019.

The Administrative Law Court (ALC) issued its decision August 21, 2018, finding the Department was entitled to receive a debt set-off in the amount of \$752.00. (*Exhibit A, ALC Decision*). Specifically, the ALC granted summary judgment in favor of the Department, in part, on the grounds that Appellant failed to exhaust her administrative remedies and was precluded from re-litigating an issue she previously failed to appeal. (*Id.*)

Appellant filed her appeal with this Court on September 21, 2018. (*Exhibit B, Appeal to Court of Appeals*). On November 15, 2018, this Court advised Appellant that she had to serve and file her initial brief and designation of matter by December 5, 2018. (*Exhibit C, November 15, 2018, letter*). After Appellant failed to submit her initial brief and designation of matter, this Court sent a letter on December 18, 2018, advising Appellant that she had to serve and file her initial brief and designation of matter by December 28, 2018. (*Exhibit D, December 18, 2018, letter*). Additionally, the Court informed Appellant that her brief would not be considered without a motion requesting permission to file her brief and designation of matter outside of the standard filing deadlines. *Id.*

On December 22, 2018, Appellant served only a motion requesting thirty (30) additional days to file her initial brief and designation of matter, citing “the holidays and plans to be away from home to visit the sick...” (*Exhibit E, Appellant first motion for extension*). This Court granted Appellant’s motion for extension by order filed January 11, 2019, giving Appellant until February 11, 2019, to file her initial brief and designation of matter. (*Exhibit F, January 11, 2019, order*).

On February 11, 2019, Appellant filed a second motion for extension. (*Exhibit G, February 11, 2019, motion filed with the Department*). Appellant cited a variety of personal ailments and did not request a specific timeframe for her extension. (*Id.*) Notably, although Appellant dated her motion February 4, 2019, and included a corresponding proof of service, the envelope was not postmarked until February 11, 2019, and the Department did not receive it until February 13, 2019. *Id.* The copy Appellant mailed to this Court was also postmarked February 11, 2019, and received by the Court on February 13, 2019. (*Exhibit H, February 11, 2019, motion filed with the Court*).

The Department filed a Return on February 20, 2019,<sup>1</sup> consenting to an extension, but requesting that the extension be limited to no more than twenty (20) days from the Court's order. (*Exhibit I, Department's return (internal exhibits omitted)*).

This Court issued an Order on April 16, 2019, requiring Appellant's initial brief and designation of matter be filed within ten (10) days, and advising Appellant that no further extension requests would be granted absent extraordinary circumstances. (*Exhibit J, April 16, 2019, order*). Consequently, Appellant's initial brief and designation of matter was due to be filed and served no later than April 26, 2019.

On May 2, 2019, the Department received Appellant's initial brief and designation of matter. (*Exhibit K, Appellant's initial brief and designation of matter*). Appellant included a proof of service form alleging that she filed her initial brief and designation of matter by placing it with the United States Postal Service (USPS) on April 19, 2019. *Id.* However, Appellant's envelope to the Department was postmarked April 29, 2019. (*Exhibit L, envelope*). The Court's Appellate Case Management System (C-Track) shows that Appellant filed her initial brief and designation of matter with the Court on April 30, 2019. (*Exhibit M, C-Track screenshot*)<sup>2</sup>.

While the Department recognizes that Appellant is proceeding *pro se*, a *pro se* litigant is responsible "for complying with substantive and procedural requirements of the law." *State v. Burton*, 356 S.C. 259, 265, 589 S.E.2d 6, 9 (2003); *State v. Policano*, 402 S.C. 547, 558, 741 S.E.2d 774, 779-80 (Ct.App.2013). Rule 208(a)(4), SCACR, provides that an appellant's appeal shall be dismissed if an appellant fails to file and serve her brief within the time prescribed. Further,

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<sup>1</sup> The Department filed an amended Return on February 28, 2019, due to a copying error that omitted pages from its February 20, 2019 Return.

<sup>2</sup> The copy of the envelope sent to the Court available on C-Track does not show the postmark.

pursuant to Rule 260(a), SCACR, this Court "shall" dismiss an appeal whenever an appellant fails to comply with the requirements of the Court's rules.

This Court has given Appellant ample opportunity, including multiple extensions, to timely file and serve her initial brief and designation of matter. Nonetheless, Appellant has failed to timely file and serve her initial brief and designation of matter in this case. Although Appellant purports to have filed her brief on April 19, 2019, her envelope to the Department was not postmarked until April 29, 2019 (*see Exhibit L*), and this Court lists her brief as being filed on April 30, 2019. (*See Exhibit M*).

Moreover, this is not the only instance of Appellant presenting a proof of service that differs wildly from reality. Appellant's motion for extension postmarked February 11, 2019, included a proof of service claiming she had placed it with the USPS on February 4, 2019. (*See Exhibit G*). Additionally, Appellant filed a motion on April 29, 2019, seeking to "refile" an appeal of a 2018 decision of the Workers' Compensation Commission.<sup>3</sup> (*Exhibit N, April 29, 2019, motion*). In that motion, Appellant included a proof of service claiming she served her original appeal on May 10, 2018, but that her appeal was not filed because a Court employee provided her with an incorrect address for the Court. *Id.* The motion involving the Workers' Compensation Commission included a proof of service showing that she placed the motion with the USPS on April 29, 2019, the same date the envelope was postmarked. *Id.* Notably, April 29, 2019, is the same date Appellant served her initial brief and designation of matter on the Department.

It belies belief that Appellant placed mail with the USPS addressed to the Department and to this Court on April 19, 2019, but both pieces were not postmarked until ten or more days later.

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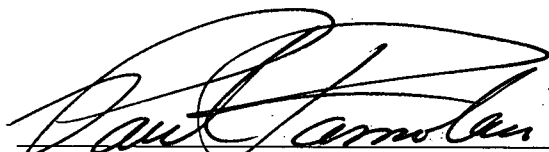
<sup>3</sup> Although the Department is not involved in Appellant's appeal of a Workers' Compensation Commission decision, this motion was appended to the Court of Appeals' electronic case file for this docket number.

A delay of ten or more days between when Appellant allegedly placed her brief with the USPS and when it was postmarked and filed with the Department and this Court cannot be reasonably explained away by postal error. Rather, it is more likely that Appellant actually filed her initial brief and designation of matter on April 29, 2019, the same date she filed her motion involving the Workers' Compensation Commission. As a result, Appellant failed to comply with the Court's clearly established deadline, which required Appellant to file and serve her initial brief and designation of matter by April 26, 2019.

## **II. Conclusion**

Appellant has failed to timely file and serve her initial brief and designation of matter. Accordingly, the Department respectfully requests that this Court dismiss Appellant's appeal pursuant to Rule 260(a) due to her failure to comply with Rules 208 and 209. The Department further respectfully requests that all deadlines be held in abeyance pending the Court's resolution of this motion.

Respectfully Submitted,



Paul Famolari (SC Bar # 076723)  
SC Department of Employment and Workforce  
Post Office Box 8597  
Columbia, SC 29202  
803.737.0395 (phone); 803.737.0124 (fax)  
Legal@dew.sc.gov

May 15, 2019

**Attorney for Respondent SC Department of  
Employment and Workforce**

# EXHIBIT A



case hearing with the Administrative Law Court (ALC or court.) On June 19, 2018, the court issued an Order for Pre-Hearing Statements to the parties. On July 3, 2018, the Department filed its Pre-Hearing Statement and a Motion in Limine<sup>1</sup> arguing that the doctrine of *res judicata* prevents this court from relitigating issues that were finally decided in the unappealed Department decision from the March 21, 2017 hearing.

### STANDARD OF REVIEW

Pursuant to ALC Rule 68, this court may apply South Carolina Rules of Civil Procedure (SCRCP) in contested case proceedings where no ALC rule applies and when practicable. Therefore, Rule 56(c), SCRCP applies in determining whether summary judgment is proper in this case. Summary judgment is proper when there is no issue as to any material fact and the moving party is entitled to a judgment as a matter of law. *Quality Towing, Inc. v. City of Myrtle Beach*, 340 S.C. 29, 530 S.E.2d 369 (2000); Rule 56(c), SCRCP. Summary judgment should not be granted, even when there is no dispute as to evidentiary facts, if there is disagreement concerning the conclusions or inferences to be drawn from those facts. *Moriarty v. Garden Sanctuary Church of God*, 341 S.C. 320, 534 S.E.2d 672 (2000); *Fleming v. Rose*, 338 S.C. 524, 236 S.E.2d 732 (2000). To determine whether any triable issues of fact exist, the reviewing court must consider the evidence and all reasonable ambiguities and inferences in the light most favorable to the non-moving party. *Ferguson v. Charleston Lincoln Mercury, Inc.*, 349 S.C. 558, 563, 564 S.E.2d 94, 96 (2002). However, when plain, palpable, and indisputable facts exist on which reasonable minds cannot differ, summary judgment should be granted. *Trico Surveying, Inc. v. Godley Auction Co.*, 314 S.C. 542, 431 S.E.2d 565 (1993).

"The purpose of summary judgment is to expedite disposition of cases which do not require the services of a fact finder." *George v. Fabri*, 345 S.C. 440, 452, 548 S.E.2d 868, 874 (2001). "A court considering summary judgment neither makes factual determinations nor considers the merits of competing testimony; however, summary judgment is completely appropriate when a properly supported motion sets forth facts that remain undisputed or are contested in a deficient manner." *David v. McLeod Reg'l Med. Ctr.*, 367 S.C. 242, 250, 626 S.E.2d 854, 856 (2001). One may not create a genuine issue of material fact and, thus, avoid summary judgment by asserting

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<sup>1</sup> Although the Department filed its motion as a Motion in Limine, the court will treat it as a Motion for Summary Judgment.

that the trier of fact may disbelieve uncontradicted evidence. *Hoard ex rel. Hoard v. Roper Hosp., Inc.*, 387 S.C. 539, 694 S.E.2d 1 (2010).

## DISCUSSION

The Department seeks to recover a debt owed to it by the Petitioner for overpayment of unemployment insurance benefits pursuant to the Setoff Debt Collection Act, S.C. Code Ann. § 12-56-10 *et seq.* The South Carolina Supreme Court held in *Gardner v. S. Carolina Dep't of Revenue*, 353 S.C. 1, 18, 577 S.E.2d 190, 199 (2003), that unemployment insurance overpayments could be recovered by the Department as a delinquent debt pursuant to the Setoff Debt Collection Act by intercepting a claimant's state income tax refund if the debt "accrued through contract, subrogation, tort, operation of law, or any other legal theory." *Id* at 17. A "delinquent debt" is defined as "a sum due and owing a claimant agency, including collection costs, court costs, fines, penalties, and interest which have accrued through contract, subrogation, tort, operation of law, or other legal theory..." S.C. Code Ann. § 12-56-20(4) (2014).

In this case, the Department relies on the operation of law as the basis for its claim to set off a delinquent debt owed by the Petitioner against tax refunds. A claimant who is found by the Department to have "received a sum as benefits under Chapters 27 through 41 while conditions for the receipt of benefits...were not fulfilled or while he was disqualified from receiving benefits...liable to repay [the Department]...a sum equal to the amount received by him. S.C. Code Ann. § 41-41-40(A)(1) (Supp. 2014). This section obligates the Petitioner to repay any benefits she received to which she was not entitled. The obligation arises by operation of law when a final decision as to eligibility is reached. A decision is final ten days after the date that decision is mailed, unless the decision is timely and properly appealed. S.C. Code Ann. § 41-35-740 (Supp. 2014). In this case, the Petitioner failed to appeal the Department's decision; therefore, it became a final decision as to the Petitioner's overpayment.

The Petitioner's right to seek relief from this court pursuant to the Setoff Debt Collection Act does not include a right to relitigate issues which should have been presented to the Department's Appellate Panel. With respect to the Department's decisions, "judicial review is permitted only after a party claiming to be aggrieved by it has exhausted his administrative remedies as provided by Chapters 27 through 41 of [Title 41]." S.C. Code Ann. § 41-35-740 (Supp. 2014.) Because the Petitioner did not timely appeal the underlying decision, she is barred

from relitigating issues that she failed to appeal at the proper time. The doctrine of *res judicata* applies to the decisions of state agencies, barring the relitigation of issues which were or could have been raised before the administrative hearing body. *S. Carolina Dep't of Soc. Servs. v. Winyah Nursing Homes, Inc.*, 282 S.C. 556, 563, 320 S.E.2d 464, 468 (Ct. App. 1984). The Department's factual findings are preclusive if they meet the traditional elements of *res judicata* and there exists no countervailing consideration which necessitates relitigation<sup>2</sup>. *Res judicata* bars subsequent actions by the same parties when the claims arise out of the same transaction or occurrence that was the subject of a prior action between those parties. *Sub-Zero Freezer Co. v. R.J. Clarkson Co.*, 308 S.C. 188, 417 S.E.2d 569 (1992). The doctrine of *res judicata* bars a litigant from raising any issues that were adjudicated in the former suit and any issues which might have been raised in the former suit. To establish *res judicata*, a party must prove the following three elements: (1) identity of the parties; (2) identity of the subject matter; and (3) adjudication of the issue in the former suit. *Plum Creek Dev. Co. v. City of Conway*, 334 S.C. 30, 34, 512 S.E.2d 106, 109 (1999). All of these elements are met in this case. The determination that the Petitioner was overpaid benefits to which she was not entitled to and the amount of the overpayment due to the Department was the subject adjudicated between the parties in the Department's decision issued after the March 21, 2017 hearing.

The Petitioner cannot use the protest rights granted by S.C. Code Ann. § 12-56-65 to reverse a decision regarding issues which are soundly the law of the case. "An unchallenged ruling, right or wrong, is the law of the case and requires affirmance." *First Union Nat. Bank of S. Carolina v. Soden*, 333 S.C. 554, 566, 511 S.E.2d 372, 378 (Ct. App. 1998). Therefore, because the Petitioner did not appeal the Department's decision that she owed the overpayment nor the amount due, the Department's decision became the law of the case. The only issue raised by the Petitioner in her Request for Contested Case Hearing is that she is "...not in agreement that I owe the agency any monies." That issue falls squarely within the matters decided after the Department's March 21, 2017 hearing and relitigation of that issue is barred by *res judicata*.

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<sup>2</sup> The South Carolina Supreme Court held in *Shelton v. Oscar Mayer Foods Corp.*, 325 S.C. 248, 252, 481 S.E.2d 706, 708 (1991), that the doctrine of collateral estoppel does not apply to bar relitigation of issues decided by the Department in subsequent litigation. That decision was based on the Court's conclusion that "the narrow issue the [Department] decides is simply whether the claimant is qualified to receive unemployment benefits. That case is distinguishable from the circumstances of the present case because of the differences between the doctrines of collateral estoppel and *res judicata*." See *Beall v. Doe*, 281 S.C. 363, 369 n. 1, 315 S.E.2d 186, 190 (Ct. App. 1984) "The doctrines of *res judicata* and collateral estoppel are, of course, two different concepts."

**IT IS THEREFORE ORDERED** that the South Carolina Department of Employment and Workforce is entitled to receive a debt set-off in the amount of \$752.00 from Petitioner's 2019 tax return for credit on the delinquent amount owed related to the overpayment determined after the March 21, 2017 hearing of the Department.<sup>3</sup>

**AND IT IS SO ORDERED.**



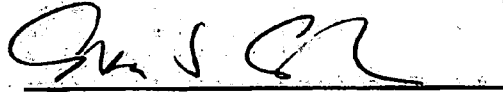
S. Phillip Lenski  
Administrative Law Judge

August 21, 2018  
Columbia, South Carolina

<sup>3</sup> All other motions not addressed in this Order are deemed denied.

**CERTIFICATE OF SERVICE**

I, Erika S. Easler, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).



Erika S. Easler  
Judicial Law Clerk

August 21, 2018  
Columbia, South Carolina

# EXHIBIT B

Rec'd 9/24

**COURT OF APPEALS  
COLUMBIA, SOUTH CAROLINA  
NOTICE OF APPEAL**

CLARA LEWIS BROCKINGTON  
POST OFFICE BOX 3232  
FLORENCE, SOUTH CAROLINA 29502  
TELEPHONE: (843-616-1317)  
APPELLANT/PETITIONER, PRO SE

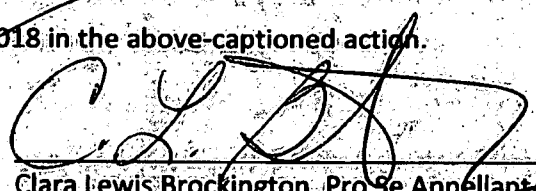
DOCKET NO. 18-AJ-30-0181-CC

**NOTICE OF APPEAL**

VS.

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT  
EDGAR A. BROWN BUILDING  
1205 PENDLETON STREET, SUITE 224  
COLUMBIA, SOUTH CAROLINA 29201  
RESPONDENT

NOTICE IS GIVEN that Clara Lewis Brockington, Pro Se, Appellant/Petitioner, hereby Appeals from the South Carolina Administrative Law Court Honorable Judge S. Phillip Lenski, who signed the order dated, August 21, 2018 in the above-captioned action.



Clara Lewis Brockington, Pro Se Appellant/Petitioner  
Post Office Box 3232, Florence, SC 29502  
Telephone: (843) 616-1317

September 17, 2018

Columbia, South Carolina

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

CAPTION:

CLARA Lewis Brockington,  
Pro Se Petitioner/Appellant,

CERTIFICATE OF SERVICE\*

Docket Number: 18-ALJ-30-0181-CC

v.  
The Honorable Judge S. Phillip Lenski,  
Administrative Law Court, Respondents.

I, CLARA Lewis Brockington, hereby certify under penalty of perjury that  
(print name)  
on September 17, 2018, I served a copy of (1) Notice of Appeals;  
(date) (2) Copy of The Honorable Judge S. Phillip Lenski's Order  
(list all documents)

by (select all applicable)\*\*

Personal Delivery  United States Mail  Federal Express or other  
Overnight Courier  
 Commercial Carrier  E-Mail (on consent)

on the following parties:

Court of Appeals P.O. Box 11629, Columbia, SC 29211  
Name Address City State Zip Code

S.C. Administrative Law Court, 1205 Pendleton St, Suite 224, Colo, SC 29201  
Name Address City State Zip Code

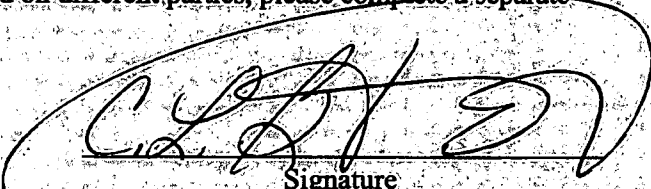
S.C. Dept. of Employment + Workforce, P.O. Box 995, Colo, SC 29202  
Name Address City State Zip Code

Name Address City State Zip Code

\*A party must serve a copy of each paper on the other parties, or their counsel, to the appeal or proceeding. The Court will reject papers for filing if a certificate of service is not simultaneously filed.

\*\*If different methods of service have been used on different parties, please complete a separate certificate of service for each party.

September 17, 2018  
Today's Date

  
Signature

# EXHIBIT C



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1838  
[www.sccourts.org](http://www.sccourts.org)

November 15, 2018

Clara L. Brockington  
Post Office Box 3232  
Florence SC 29502

Re: Clara Brockington v. SCDEW  
Appellate Case No. 2018-001740

Dear Ms. Brockington:

Upon reviewing your correspondence dated November 9, 2018, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and this deficiency must be corrected within ten (10) days of the date of this letter. Within twenty (20) days of the date of this letter, you must serve and file your appellant's initial brief and designation of matter.

- 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.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny Abbott Kitchings".

CLERK

cc: Sandra Bell Grooms, Esquire

# EXHIBIT D



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

December 18, 2018

Clara L. Brockington  
Post Office Box 3232  
Florence SC 29502

Re: Clara Brockington v. SCDEW  
Appellate Case No. 2018-001740

Dear Ms. Brockington:

Our records reflect that the time for serving and filing the appellant's initial brief and designation of matter has expired. Within ten (10) days of the date of this letter, you must serve and file the appellant's initial brief and designation of matter, along with a motion requesting permission to serve and file the appellant's initial brief and designation of matter outside of the filing deadlines set by Rules 208 and 209 of the SCACR. Your appellant's initial brief and designation of matter will not be considered if no motion is made. Failure to comply with the Court's request within ten (10) days of the date of this letter will result in the dismissal of this appeal.

Very truly yours,

A handwritten signature in cursive script that reads "Jay A. Kitchings".

CLERK

cc: Sandra Bell Grooms, Esquire

# EXHIBIT E

# THE SOUTH CAROLINA COURT OF APPEALS

CLARA LEWIS BROCKINGTON, APPELLANT,

VERSES

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT  
AND WORKFORCE, RESPONDENT.


APPELLATE CASE NUMBER: 2018-001740

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## APPELLANT MOTION FOR EXTENSION

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Per the request of Pro Se Appellant, this motion is to request an additional 30 days of Extension to reply to the court's order dated, December 18, 2018 to file the Appellant's initial Brief and designation of matter. Due to the holidays and plans to be away from home to visit the sick and the time needed to prepare the above mentioned lengthy documents, Pro Se Appellant is requesting an additional 30 days to return home and seek advice on preparing the documents requested by the court. Thanks in advance for the court understanding and in granting this motion.

  
Clara Lewis Brockington, Pro Se Appellant  
Post Office Box 3232, Florence, South Carolina

December 22, 2018

Florence, South Carolina

RECEIVED  
DEC 28 2018

BY: .....

# THE SOUTH CAROLINA COURT OF APPEALS

CLARA LEWIS BROCKINGTON, APPELLANT,

VERSES

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT  
AND WORKFORCE, RESPONDENT.

APPELLATE CASE NUMBER: 2018-001740

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## PROOF OF SERVICE

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I, certify that I have served the South Carolina Department of Employment by depositing a copy of the Motion for Extension in the United States Mail, postage paid, on December 22, 2018, addressed to South Carolina Department of Employment and Workforce, Post Office Box 995, Columbia, South Carolina 29202.

*Clara Lewis Brockington*

Clara Lewis Brockington, Pro Se Appellant  
Post Office Box 3232, Florence, South Carolina

December 22, 2018

Florence, South Carolina

RECEIVED  
DEC 28 2018

BY: .....

# EXHIBIT F

# The South Carolina Court of Appeals

Clara L. Brockington, Appellant,

v.

South Carolina Department of Employment and  
Workforce, Respondent.

Appellate Case No. 2018-001740

The Honorable S. Phillip Lenski  
Trial Court Case No. 2018ALJ300181CC

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## ORDER

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The appellant has filed a motion to allow late filing of the appellant's initial brief and designation of matter. No return has been filed. The motion is Granted. The appellant's initial brief and designation of matter must be served and filed within thirty (30) days from the date of this order. Failure to comply with the Court's request will result in the dismissal of this appeal.

FOR THE COURT

BY V. Claire Allen, Deputy  
CLERK

Columbia, South Carolina

cc:

Clara L. Brockington  
Sandra Bell Grooms, Esquire

**FILED**

January 11, 2019

# EXHIBIT G

Rec'd  
2/13

## THE SOUTH CAROLINA COURT OF APPEALS

CLARA LEWIS BROCKINGTON, APPELLANT,

VS.

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT  
AND WORKFORCE, RESPONDENT.

APPELLATE CASE NUMBER: 2018-001740

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### MOTION FOR EXTENSION

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Pro Se Appellant, Clara Lewis Brockington, is requesting an extension due to dealing with some health issues in the past 30 days. Pro Se Appellant has been dealing with some unstable diabetic conditions and attacks causing dizziness, unstable mobilization, extensive sweating, disoriented, blurred vision, very high sugar readings, etc., which has caused Pro Se Appellant's condition to be unstable, out of order and unable to reply to any COURT ORDERS.

Pro Se Appellant would like to thank the Court for their consideration in advance for understanding the medical condition of the Pro Se Appellant at this time and granting this extension.



Clara Lewis Brockington, Pro Se Appellant  
Post Office Box 3232, Florence, S. C. 29502

Florence, South Carolina

February 4, 2019

# THE SOUTH CAROLINA COURT OF APPEALS

CLARA LEWIS BROCKINGTON, PRO SE APPELLANT,

VS.

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT  
AND WORKFORCE, RESPONDENT.

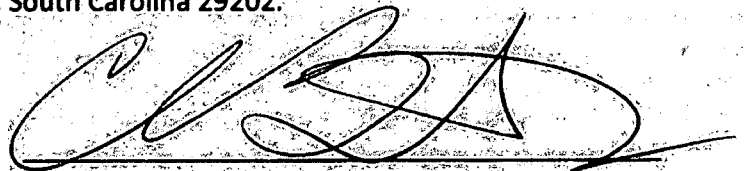
APPELLATE CASE NUMBER: 2018-001740

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## PROOF OF SERVICE

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I, certify that I have served the South Carolina Department of Employment and Workforce by depositing a copy of the Motion for Extension in the United States Mail, postage paid, on February 4, 2019, addressed to South Carolina Department of Employment and Workforce, Post Office Box 995, Columbia, South Carolina 29202.



Clara Lewis Brockington, Pro Se Appellant  
Post Office Box 3232, Florence, SC 29502

February 4, 2019

Florence, South Carolina

Brockington  
P.O. box 3232  
Florence, SC 29502

COLUMBIA  
SC 290  
11 FEB '19  
PM 11



S. C. Dept. of Employment and Work Force  
Post Office Box 995  
Columbia, South Carolina 29202

29202-099595



# EXHIBIT H

# THE SOUTH CAROLINA COURT OF APPEALS

CLARA LEWIS BROCKINGTON, APPELLANT,

VS.

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT  
AND WORKFORCE, RESPONDENT.

APPELLATE CASE NUMBER: 2018-001740

**RECEIVED**  
FEB 13 2019  
SC Court of Appeals


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## MOTION FOR EXTENSION

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Pro Se Appellant, Clara Lewis Brockington, is requesting an extension due to dealing with some health issues in the past 30 days. Pro Se Appellant has been dealing with some unstable diabetic conditions and attacks causing dizziness, unstable mobilization, extensive sweating, disoriented, blurred vision, very high sugar readings, etc., which has caused Pro Se Appellant's condition to be unstable, out of order and unable to reply to any COURT ORDERS.

Pro Se Appellant would like to thank the Court for their consideration in advance for understanding the medical condition of the Pro Se Appellant at this time and granting this extension.



Clara Lewis Brockington, Pro Se Appellant  
Post Office Box 3232, Florence, S. C. 29502

Florence, South Carolina

February 4, 2019

1  
2

THE SOUTH CAROLINA COURT OF APPEALS

**RECEIVED**  
FEB 13 2019  
SC Court of Appeals

CLARA LEWIS BROCKINGTON, PRO SE APPELLANT,

VS.

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT  
AND WORKFORCE, RESPONDENT.

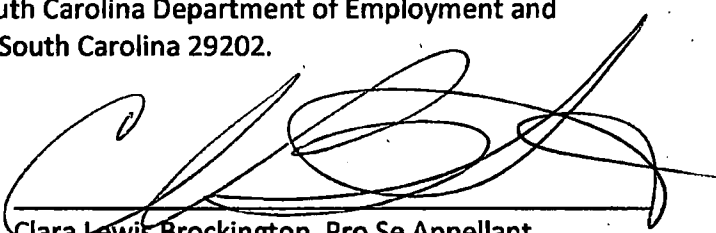
APPELLATE CASE NUMBER: 2018-001740

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PROOF OF SERVICE

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I, certify that I have served the South Carolina Department of Employment and Workforce by depositing a copy of the Motion for Extension in the United States Mail, postage paid, on February 4, 2019, addressed to South Carolina Department of Employment and Workforce, Post Office Box 995, Columbia, South Carolina 29202.



Clara Lewis Brockington, Pro Se Appellant  
Post Office Box 3232, Florence, SC 29502

February 4, 2019

Florence, South Carolina

Brockington  
P.O. Box 3232  
Florence, SC 29502

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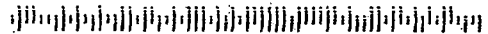
SC Court of Appeals

The South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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SC 290  
11 FEB '19  
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29211-162929



# EXHIBIT I

**THE STATE OF SOUTH CAROLINA  
In the Court of Appeals**

---

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
S. Phillip Lenski, Administrative Law Judge

Case No.: 18-ALJ-30-0181-CC

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Appellate Case No. 2018-001740

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Clara L. Brockington, Appellant,

v.

South Carolina Department of Employment and  
Workforce, Respondent.

**RECEIVED**  
MAR 04 2019  
SC Court of Appeals

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**RETURN TO APPELLANT'S MOTION FOR EXTENSION**

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Respondent South Carolina Department of Employment and Workforce (the Department) submits this return to Appellant Clara L. Brockington's second motion for extension. The Department does not oppose Appellant's motion. However, the Department respectfully requests this Court limit Appellant's extension to no more than twenty (20) days from the date of its order and that any future motions for extension from Appellant be denied absent proof of extraordinary circumstances.

**I. Procedural History**

1. The Administrative Law Court (ALC) issued its decision August 21, 2018, finding the Department was entitled to receive a debt set-off in the amount of \$752.00. (*See Exhibit A, ALC Decision*). Specifically, the ALC granted summary judgment in favor

of the Department, in part, on the grounds that Appellant failed to exhaust her administrative remedies and was precluded from re-litigating an issue she previously failed to appeal. (*Id.*).


2. Appellant filed her appeal with this Court on September 21, 2018. (*See Exhibit B, Appeal to Court of Appeals*).
3. On November 15, 2018, this Court advised Appellant that she had to serve and file her initial brief and designation of matter by December 5, 2018. (*See Exhibit C, November 15, 2018, letter*).
4. After Appellant failed to submit her initial brief and designation of matter, this Court sent a letter on December 18, 2018, advising Appellant that she had to serve and file her initial brief and designation of matter by December 28, 2018. (*See Exhibit D, December 18, 2018, letter*). Additionally, the Court informed Appellant that her brief would not be considered without a motion requesting permission to file her brief and designation of matter outside of the standard filing deadlines. (*Id.*).
5. On December 22, 2018, Appellant served only a motion requesting thirty (30) additional days to file her initial brief and designation of matter, citing “the holidays and plans to be away from home to visit the sick...” (*See Exhibit E, Appellant first motion for extension*).
6. This Court granted Appellant motion for extension by order filed January 11, 2019, giving Appellant until February 11, 2019, to file her initial brief and designation of matter. (*See Exhibit F, January 11, 2019, order*).

7. On February 11, 2019,<sup>1</sup> Appellant filed a second motion for extension. (*See Exhibit G, February 11, 2019, motion*). Appellant cited a variety of personal ailments and, notably, did not request a specific timeframe for her extension. (*Id.*).
8. While the Department recognizes that Appellant is proceeding pro se, a pro se litigant is responsible “for complying with substantive and procedural requirements of the law.” *State v. Burton*, 356 S.C. 259, 265, 589 S.E.2d 6, 9 (2003); *State v. Policano*, 402 S.C. 547, 558, 741 S.E.2d 774, 779-80 (Ct.App.2013).

## II. Conclusion

The Department does not oppose Appellant’s second motion for extension. However, given Appellant’s persistent history of missed deadlines and extensions, coupled with the narrow issue on appeal, the Department respectfully requests that this Court grant Appellant no more than twenty (20) additional days to file her initial brief and designation of matter. Additionally, the Department respectfully requests that Appellant be denied any future request for extension to file her initial brief and designation of matter absent proof of extraordinary circumstances.

Respectfully Submitted,



---

Paul Famolari (SC Bar # 076723)  
SC Department of Employment and Workforce  
Post Office Box 8597  
Columbia, SC 29202  
803.737.0395 (phone); 803.737.0124 (fax)  
Legal@dew.sc.gov

**Attorney for Respondent SC Department of  
Employment and Workforce**

February 19, 2019

---

<sup>1</sup> Although Appellant dated her motion February 4, 2019, and included a corresponding proof of service, the envelope was not postmarked until February 11, 2019, and the Department did not receive it until February 13, 2019.

# EXHIBIT J

# The South Carolina Court of Appeals

Clara L. Brockington, Appellant,

v.

South Carolina Department of Employment and  
Workforce, Respondent.

Appellate Case No. 2018-001740

---

## ORDER

---

The Court has received the appellant's motion for an extension of time to serve and file the initial brief of appellant and designation of matter. This motion is Granted. The initial brief of appellant and designation of matter are due to be served and filed within ten (10) days of the date of this order. No further extensions will be granted absent extraordinary circumstances.

 J.  
FOR THE COURT

Columbia, South Carolina

cc:

Clara L. Brockington

Sandra Bell Grooms, Esquire

Paul R. Famolari, Esquire

**FILED**

April 16, 2019

# EXHIBIT K

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BY: *[Signature]*

**BRIEF OF APPELLANT**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

Case No.: 18-AJ-30-0181-CC

Appellate Case No.: 2018-001740

Clara Lewis Brockington, Appellant,

vs

South Carolina Department of Employment  
And Workforce, Respondents.

INITIAL BRIEF OF APPELLANT

Clara Lewis Brockington  
Post Office Box 3232  
Florence, South Carolina 29502  
843-616-1317

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MAY 02 2019

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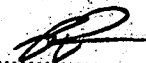
BY: 

Table of Authorities..... iii  
Statement of Issues on Appeal..... 1  
Statement of the Case..... 1  
Standard of Facts..... 2  
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Arguments:

1. BECAUSE **RESPONDENT REFUSED** TO PROVIDE PETITIONER WITH CHECK STUBS (BACK AND FRONT), DEDUCTING ANY AMOUNT THAT DID NOT CORRESPOND WITH THEIR PAPERWORK, RESPONDENT DOES NOT HAVE ANY LEGAL DOCUMENTS TO SHOW THAT **PETITIONER** IS GUILTY OF OWING RESPONDENTS ANY MONIES. THESE DOCUMENTS WERE REQUESTED ON NUMEROUS OCCASIONS AND NEVER PROVIDED BY THE RESPONDENTS.
2. PREHEARING STATEMENT WAS PREPARED BY PETITIONER TO THE ADMINISTRATIVE LAW COURT, WHICH WERE NOT RESPONDED TO BY THE COURT. THIS IS A LEGAL DOCUMENT WHICH WOULD HAVE SUPPORTED SUBJECT MATTER JURISDICTION AND DISCOVERY REQUESTED FROM RESPONDENTS THAT WERE NEVER RECEIVED FROM THE RESPONDENTS. PETITIONER CANNOT COMPLETE CASE FOR COURT WITHOUT THESE DOCUMENTS.
3. BECAUSE PETITIONER RECEIVED FUNDS FROM THE RESPONDENT WEEKLY AND WERE CONSIDERED ELIGIBLE BY THE RESPONDENTS, THIS CONFIRMS THAT PETITIONER WAS ELIGIBLE FOR WEEKLY BENEFITS DUE TO RESPONDENTS REFUSING TO CORRECT ANY ERRORS BY DISQUALIFYING THE PETITIONER FROM RECEIVING THE FUNDS.
4. BECAUSE THE PETITIONER NOTED ON THE "REQUEST FOR CONTESTED CASE HEARING FORM" THE DISAGREEMENT IN OWING MONIES TO THE RESPONDENTS, AS WELL AS REQUESTED CHECK STUBS (BACK AND FRONT), THIS IS PETITIONER'S RIGHT TO SEEK RELIEF FROM THIS COURT AND IS NOT RELITIGATING ISSUES THAT WERE ALREADY REQUESTED AND NEVER RECEIVED FROM THE RESPONDENTS. PETITIONER REQUESTED DOCUMENTS IN A TIMELY MANNER AND IS APPEALING AGAIN.

5. BECAUSE THE RESPONDENTS' FINDINGS ARE NOT PRECLUSIVE AND DID NOT MEET THE TRADITIONAL ELEMENTS OF *res judicata* and there exist countervailing consideration which necessitates relitigation. Therefore, these two parties may provide subsequent actions between the two parties if needed. Petitioner has established *res judicata* by: a/identity of the parties; b/identity of the subject matter; and c/adjudication of the issue in the former suit. *Plum Creek Dev. Co. v. City of Conway*, 334 S.C. 30, 34, 512 S.E.2d 106, 109 (1999). SEVERAL OF THESE ELEMENTS WERE NOT MET IN THIS CASE. THE DETERMINATION THAT THE RESPONDENT REFUSED TO PROVIDE DISCOVERY FOR SUBJECT MATTER AND THE ADJUDICATION OF THE ISSUE IN THE FORMER MATTER WERE NEVER MET.
6. THE PETITIONER IS PROTESTING RIGHTS BE GRANTED BY S.C. Code 12-56-65 TO REVERSE A DECISION REGARDING ISSUES THAT WERE CHALLENGED BY PETITIONER AND WERE NOT CONSIDERED IN THE RULING OF THE CASE. PETITIONER IS REQUESTING THAT THE CASE IS DISMISSED BECAUSE THE PETITIONER DOES NOT OWE ANY MONIES TO RESPONDENTS. THERE WERE ERRONEOUS RETENTION OR SET OFF NOTED BY THE RESPONDENTS; *The New York Times*, 1975, USA, English.

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*[Signature]*

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BY: *[Signature]*

TABLE OF AUTHORITIES

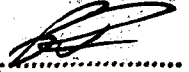
CASES

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BY: 

### STATEMENT OF ISSUES ON APPEAL

- 1/ DID THE COURTS REFUSED TO ADDRESS THE FACTS THAT THE PETITIONER NEVER RECEIVED DISCOVERY REQUESTED AND ERRED IN MAKING A DECISION THAT THE CASE COULD NOT PROCEED WITHOUT DISCOVERY?
- 2/ DID THE COURTS ERRED IN FAILING TO REVIEW THE PREHEARING STATEMENT PREPARED BY THE PETITIONER TO SUPPORT SUBJECT MATTER JURISDICTION AND SUMMARY JUDGMENT?
- 3/ DID THE COURTS ERRED IN NOTICING THAT NO DOCUMENTATION WAS SUBMITTED BY THE RESPONDENTS NOTIFYING THE PETITIONER DISQUALIFIED THE PETITIONER FROM RECEIVING FUNDS AT ANY TIME?
- 4/ DID THE COURTS ERRED IN FAILING TO SEE THAT CHECK STUBS (BACK AND FRONT) WERE REQUESTED BY THE PETITIONER, BUT NEVER RECEIVED FROM THE RESPONDENTS?
- 5/ DID THE COURT ERRED IN GRANTING A REVERSED DECISION IN S.C. CODE 12-56-65 IN FAVOR OF THE PETITIONER BECAUSE ALL EVIDENCE SUPPORTED BY PETITIONER DOES NOT SHOW PETITIONER OWES MONIES TO RESPONDENTS? ALSO, THE RESPONDENTS DOES NOT PROVIDE CHECK STUBS, ETC., SHOWING THE PETITIONER RECEIVED MONIES AFTER BEING DISQUALIFIED BY RESPONDENTS.

### STATEMENT OF THE CASE

On May 9, 2018, Petitioner filed a "Request for Contested Case Hearing Form" appealing the decision of the Respondents. Petitioner stated that she did not agree in owing the Respondents any monies. Petitioner, again, requested copies of checks (back and front) that were never submitted in Discovery by Respondents. (EXHIBIT 1)

On April 20, 2018, Respondent mailed unsigned documents (which are not legal Documents) to Petitioner, which should have been signed by an Administrative Hearing Officer. Case should be dismissed due to document is NOT legal and in error. (EXHIBITS 2 and 3)

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On July 18, 2018, Petitioner requested on numerous occasions (from Kristi Chelsey, Legal Assistant to the Respondents) a correct copy of the CD that was mailed to Petitioner that would NOT open the document. Petitioner motion to the Administrative Law Court, which erred in granting the motion. Case should be dismissed due to this and numerous other errors by the Respondents. (EXHIBIT 4)

On February 28, 2019, Respondents confirmed that they have been in error from the beginning of this case to the end on providing documents, sending illegal documents not signed, refusing to abide by Motion for Discovery and refusing to send documents that are readable, etc. Due to numerous errors by the Respondents and the courts, Petitioner is requesting that this case is dismissed effective immediately. (EXHIBIT 5)

#### STATEMENT OF FACTS

Approximately September or October 2014, I applied for employment with Richland County Department of Social Services in Columbia, South Carolina.

Approximately, December 2014, I received a group interview with approximately 25 to 30 candidates with only approximately 3 interviewers in the room. The second interview process was narrowed down to approximately 10 candidates that were interviewed individually by approximately 3 interviewers in the room. Numerous questions were asked by me such as:

A/Job Vacancy Title; B/Salary for the Job; C/Location I will be working; D/Name of Supervisor; E/Starting Date; F/Materials Needed for work; G/Required Trainings for Job; H/Education requirements; I/Benefits; J/Sick Leave, Annual Leave, Leave of Absence with and without pay; K/Dress Code; L/Utilization of company cars, etc. There was nothing in the two interviews stating that the job is contingent upon taking and passing a Child Welfare test.

Approximately, January 28, 2015, I received an Offer Letter from Reese L. Palmer, County Director, naming only the position, where the job was located, salary of the job and the effective date to begin work. There was nothing in the offer letter stating that the job is contingent with taking and passing a Child Welfare test. Numerous questions were asked about

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requirements for the job from interviews, supervisor, etc. However, ALL of the employers at Richland County Department of Social Services Failed to be Truthful and state the jobs are contingent with taking and passing a Child Welfare test.

I begin work approximately February 9<sup>th</sup> or February 16, 2015 as Foster Care Manager. I was never called in by any Superiors to be counseled about not performing my job. However, when I was told in May 2015 that I had to take a Child Welfare Test and pass it to retain my employment with Department of Social Services (DSS), I begin to question my superiors and other co-workers. We all felt disappointed because no one was Professional in being truthful to the new hires.

Numerous employees begin taking the tests and numerous employees failed the test and were given two or more chances to retake the test. However, when myself and several others took the test, numerous employees failed the test given by unqualified contract workers with the University of South Carolina (my alumnus where I taught intern students in the College of Social Work Program with the University of South Carolina). I called and discussed the matter with several of my Professors who informed me that the Trainers were not qualified to give or monitor tests because they were not properly degreed nor licensed.

When several of us were set up to retake the Child Welfare test again, I inquired from the Monitor in the class on the degrees and licenses of the Trainers and explained that they were not qualified to give anyone a test and that I had contacted the University of South Carolina Professors, who validated the information.

When I returned to work, I was informed that Mr. Palmer, County Director was informed that I contacted USC concerning the qualifications of the Trainers, etc. I explained to those individuals that I have that right to inquire to my graduate university if I needed their assistance for clarification.

Several weeks later when I returned back to the office from working in the field, approximately, June 24, 2015, Ms. Roshawnda Gooden, my supervisor, informed me that Mr. Palmer wants to see me in his office. I inquired from Ms. Gooden if she knew why Mr. Palmer wanted to see me and she answered, "No". I proceeded to go to Mr. Palmer's office approximately 5:00pm and departed from his office to my supervisor's desk and showed her

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the "termination letter" from Mr. Palmer. I inquired from my supervisor, Ms. Gooden, if I never received a write up, etc., why was I terminated immediately? I further inquired why I was terminated after contacting USC Professors about the Monitors and Teachers that were not qualified to give tests. Ms. Gooden stated she was not aware of anything that was happening.

I started packing all of my belongings and Ms. Gooden stated that she will assist me in taking my belongings to my car. When we departed to take the belongings to the car, I fell as soon as I stepped out the office door with my belongings before reaching the parking lot. My fall was witnessed by Ms. Gooden, supervisor, Ms. Alysha Jackson and her supervisor and several other co-workers and their clients. I was informed by Ms. Jackson to go to the hospital for observation of my fall and call her to let her know what the Emergency Room Physicians findings and their recommendations.

I called Ms. Gooden approximately the next day and gave her my diagnosis and that I needed to see an Orthopedic Physician and my Family Physician due to my stress and depression from the fall, and possibly other medical problems. I followed the physician's recommendation and made contact with the necessary physicians. I also asked Ms. Gooden for the Worker's Compensation and Medical Forms per the hospital and doctors' offices and she asked that I contact the State Office.

I contacted Glenise Elmore approximately June 26, 2015 and Angela Payne approximately June 26 and June 29, 2015. I never received any paperwork from these two individuals from the State Office.

I was later to contact Lindsay Sadler and Jim Crosby at the State Accident Fund concerning workers compensation paperwork. I contacted these two individuals approximately July 20<sup>th</sup>, 21<sup>st</sup> and 22<sup>nd</sup>, 2019 and no one returned my call.

I later received a copy of a Subpoena from Elaine S. McKnight, Claims Technician from the State Accident Fund that was mailed to Dr. Rodney K. Alan, one of my treating physicians. I attempted to reach Jim Crosby again with State Accident Fund approximately August 10<sup>th</sup> and 11<sup>th</sup>, 2015 with no success. Sharon Roberts, Human Resources Manager with DSS, sent me a letter with a Long Term Disability Benefits application attached for me to have my physician complete, which was completed and returned to DSS Human Resources Manager.

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I received a letter from McKay, Cauthen, Settana & Stublely, PA Law firm to do a deposition on October 1, 2015 at 11:00 a.m. However, this deposition was cancelled and rescheduled due to my health problems.

I contacted and mailed Reese Palmer my flex time forms and received a call from Beverly Peele, Leave Administrator, who refused to reimburse me for my Comp Time.

After being terminated, I filed for unemployment compensation with South Carolina Department of Employment and Workforce. After a telephone conference, I was eligible to receive unemployment because the Staff stated that an employee cannot be terminated for failing a test.

#### Summary of Argument

After discussing my DSS case with numerous agencies, I was informed to file actions with South Carolina Department of Labor, S. C. Human Affairs Commission, Equal Employment Opportunity Commission, etc. After filing with S. C. Human Affairs Commission, I was awarded a "Notice of Right To Sue Letter" for wrongdoings of DSS to me as an employee.

I have never received my short term and long term disability benefits. I have never received continued insurance benefits to cover all of my healthcare visits and treatments. I continue to receive delinquent bills that were sent to DSS by Medical Professionals and DSS has refuse to pay and causing my credit report to show a **POOR RATING**.

I have filed Worker's Compensation and have been following up on the status of this case as a Pro Se Indigent Plaintiff and do not know the status at this time.

Worker's Compensation has failed me as a citizen of the United States.

South Carolina Department of Social Services has failed me as a hard-working professional with credentials and being over-qualified for the job as Foster Care Manager. South Carolina Department of Social Services has also caused my medical condition to deteriorate, depression, stress and anxiety, as well as unable to continue working due to fall.

Motion for Prehearing Statement was not included as evidence that case should be reversed. (Exhibit 6)

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South Carolina Department of Employment and Workforce have given me the monies I deserve due to unemployment and never attempted to disqualify me when I receive the required payment for the questionable payment cycle.

South Carolina Department of Labor has been helpful in referring me to the appropriate agencies that could assist me through the unemployment process.

South Carolina Human Affairs Commission completed a thorough assessment and evaluation of my case with DSS and gave me the right to sue for damages caused by DSS.

Other State Representatives, national organizations, local organizations, paralegals, etc. have been very instrumental in confirming that South Carolina Department of Social Services have been very unprofessional for the termination and how they have not supported my medical condition after termination.

#### CONCLUSION

The decision to repay South Carolina Department of Employment and Workforce is not even to be discussed further after reading this entire brief. This brief confirms that the decision should be reversed and case dismissed. When South Carolina Department of Employment and Workforce confirmed that there are no laws stating that an employer can terminate an employee for not passing a test, this showed that DSS has committed many wrongdoings and this case should be dismissed and Petitioner's motion should be granted to reverse the decision of South Carolina Department of Employment and Workforce. Documents needed to proceed with case was never were received by Petitioner so case became null and void at that time. Prehearing Statement prepared by Petitioner supported Subject Matter Jurisdiction as well as Discovery and was never answered by Respondents or the Courts.

Petitioner is requesting that the Motion to Reverse Decision is granted on behalf of the Petitioner and case is dismissed with prejudice.

Respectfully Submitted

Clara Lewis Brockington, Petitioner  
Post Office Box 3232, Florence, SC 29502  
(843) 616-1317

April 19, 2019

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BY: *[Signature]*

**DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeal

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
S. Phillip Lenski, Administrative Law Judge

Case No.: 18-ALJ-30-0181-CC

Appellate Case No.: 2018-001740

Clara Lewis Brockington, Appellate,  
Vs  
South Carolina Department of Employment  
And Workforce, Respondents.

**DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

- 1/ Request for Contested Case Hearing Form
- 2/ Thomas T. Medlock, Jr., Hearing Officer's Decision (**UNSIGNED**)
- 3/ Certification of Hearing (**UNSIGNED**)
- 4/ Motion from Appellate Requesting Readable CD
- 5/ Letter from Kristi Chesley, Admin. Asst. / Attorney Paul Famolari confirming missing info.
- 6/ Motion for Prehearing Statement

I certify that this designation contains no matter which is irrelevant to this appeal.

April 19, 2019

/s/ Clara Lewis Brockington  
Clara Lewis Brockington, Appellant

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BY: 

**PROOF OF SERVICE OF A NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

Case No.: 18-ALJ-30-0181-CC

Appellate Case No.: 2018-001740

Clara Lewis Brockington, Appellant;

Vs.

South Carolina Department of Employment

And Workforce, Respondents.

**PROOF OF SERVICE**

I certify that I have served the Notice of Appeal on South Carolina Department of Employment And Workforce by depositing a copy of it in the United States Mail, postage prepaid, on April 19, 2019, addressed to their attorney of record, Paul Famolari, Post Office Box 8597, Columbia, South Carolina, 29202.

April 19, 2019

s/ Clara Lewis Brockington  
Clara Lewis Brockington, Appellant  
P. O. Box 3232, Florence, SC 29502  
(843) 616-1317

Exhibit 1

**South Carolina Administrative Law Court (SC ALC)**  
**Request for Contested Case Hearing FORM**  
 Mail to: 1205 Pendleton St, Suite 224, Columbia, SC 29201

|  |              |                                  |                      |   |  |                                     |
|--|--------------|----------------------------------|----------------------|---|--|-------------------------------------|
| Last Name: <b>BRACKINGTON</b>                |              | First: <b>CLARA</b>              | Middle: <b>LEWIS</b> | <input type="checkbox"/> Mr.<br><input type="checkbox"/> Mrs. | <input type="checkbox"/> Miss<br><input checked="" type="checkbox"/> Ms. | Decker No. (To Be Completed by ALC) |
| Mailing Address: <b>Post Office Box 3332</b> |              | City: <b>Florence</b>            |                      | State and Zip: <b>South Carolina 29522</b>                    |  |                                     |
| Home Number:                                 | Work Number: | Cell Number: <b>843-616-1317</b> |                      | E-Mail Address:   |  |                                     |

By providing your e-mail address, you consent to receive court orders and notices via electronic transmission

**REPRESENTATION**

Are you representing yourself?  Yes  No

Are you represented by an Attorney?  Yes  No

Attorney Mailing Address:

Attorney Work Number and Cell Number:

Name of Attorney:

City, State and Zip:

Attorney E-Mail Address:

**CASE INFORMATION**

Name of Agency that Issued the Decision: **S. C. Dept. of Employment and Workforce**  
 (Example - Dept. of Revenue, Dept. of Insurance, DHEC)

In order to have your case processed, you must attach the agency decision. Is it attached?  
 Yes  No If no, please explain:

Date the decision was issued: **04-20-18** Date the decision was received: **04-25-18**

Please provide a brief statement regarding why the hearing is being requested and the relief sought: **I am not in agreement that I owe the agency any money. I requested proof of any and all payments made to me such as cashed checks (back and front) and any other proof the agency has on hand. I called in to Job Service only the weeks I was unemployed according to my memory. The agency has refused to provide any documents for the phone conference and for this appeal.**

Payment via  Check  Money Order  Cash for \$ submitted today to the Administrative Law Court via  U.S. Postal Service  Hand-delivery

**Clara Lewis Brackington** (applicable filing fee pursuant to ALC Rule 71) is being submitted today to the Administrative Law Court via  U.S. Postal Service  Hand-delivery

**Clara Lewis Brackington** Date: **5/9/18**

Your Signature or Signature of Attorney

**PROOF OF SERVICE (MUST BE COMPLETED)**

Your Name: **CLARA LEWIS BRACKINGTON** Date: **5-9-18** City: **Florence** State: **S.C.**

I hereby certify that on the date and place listed above, I served a copy of the foregoing Request for Contested Case Hearing on all other parties to this matter by depositing the same in the United States Mail, postage paid, and addressed as follows (use the reverse side for any additional names):

**S. C. Dept. of Employment and Workforce** P.O. Box 995 **Columbia, SC 29202**  
 Name and/or Agency Name Address City, State and Zip

**Clara Lewis Brackington** Date: **5/9/18**

Your Signature or Signature of Attorney

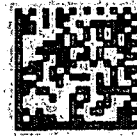
**Attention:** All cases filed in the Administrative Law Court are subject to the Rules of Procedure found at the Court's website [www.scalc.net](http://www.scalc.net) or from the Clerk of Court. Failure to follow these rules may result in dismissal of your case.

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 MAY 9 2018  
 BY: *[Signature]*



South Carolina  
Department of Employment and Workforce

Exhibit 2



1652563

04/20/2018

Appeal Docket #: 18-LA-004309

CLARA L BROCKINGTON  
Po Box 3232  
Florence SC 29502-3232

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MAY 02 2019

BY: *R*

Debtor: CLARA L BROCKINGTON  
PO BOX 3232  
FLORENCE SC 29502

Claimant Agency: DEW  
Debtor SSN: xxx-xx-6197  
Claimant ID: 4895720  
Original Debt Amt: \$752.00

I, Thomas T. Medlock, Jr., do hereby find that:

- No amount is due from the debtor. The amount of the debt originally submitted through the Debt Setoff Collection Act should be REDUCED and the proper amount due is \_\_\_\_\_
- The amount of the debt originally submitted through the Debt Setoff Collection Act is correct and is rightfully due from the above debtor.

**The specific reasons for my ruling are as follows:**

Under the Debt Setoff Collection Act, S.C. Code Ann. § 12-56-10, et. seq., the SC Department of Employment and Workforce (DEW) is a "claimant agency." See S.C. Code Ann. § 12-56-20(1). DEW satisfied the statutory notice requirements by mailing the notice, with postage prepaid, addressed to the debtor at the debtor's last known address which included a statement of the appeal procedures available to the debtor. See S.C. Code Ann. § 12-56-62.

Pursuant to S.C. Code Ann. § 12-56-20(4), the overpayment of unemployment insurance benefits is a "delinquent debt" because it arises through operation of law, specifically, a final decision of DEW.

THEREFORE, the debtor owes monies to the SCDEW in the amount stated above.

Administrative Hearing Officer

*No Signature*

Date Hearing Officer's decision was Mailed: 04/20/2018.

South Carolina  
Department of Employment and Workforce

Exhibit 3

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CERTIFICATION OF HEARING

BY: *BR*

Claimant Agency: SCDEW Agency's 4-digit ID: 0897 18-LA-004309  
Debtor Name: CLARA L BROCKINGTON Hearing Date: 04/18/2018  
Debtor SSN: xxx-xx-6197  
Original Debt Amt: \$752.00

I certify that I have conducted a hearing in the above matter, in accordance with S.C. Code Ann. § 12-56-65, and have ruled in favor of the claimant agency, SCDEW. I further certify that:

X The amount of the debt originally submitted has not changed.

The amount of the debt has been REDUCED; the new amount is \_\_\_\_\_

The debtor did not appear for the hearing; therefore, the amount of the debt originally submitted is correct.

Administrative Hearing Officer

*No signature*

SWORN to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_  
\_\_\_\_\_  
(LS)

*Not  
Notarized*

Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_

Exhibit 4 COPY

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

COPY

Clara Lewis Brockington, )  
Appellant, )  
Vs: )  
S. C. Department of Employment and )  
Workforce, )  
Respondents. )

Docket No.: 18-ALI-30-0181-CC

REQUEST FOR READABLE CD  
THAT CAN BE OPENED BY THE  
APPELLANT

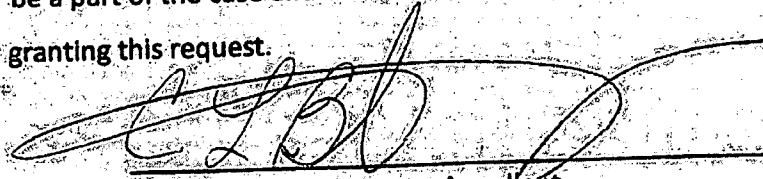
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MAY 02 2019

BY: 

TO THE ADMINISTRATIVE LAW COURT JUDGE:

The Appellant has spoken with Kristi Chelsey, Legal Assistant to the Respondents on numerous occasions concerning the CD that was requested by the Appellant that will not open for the Appellant to read and confirm the information. Please ask the Respondents to resend another CD that can be open in WORD DOCUMENT, which is the NORMAL document that most everyone uses to open documents.

Appellant ask that this request is granted and look forward to receiving CD in Word Document within the next few days, if this is going to be a part of their case. Otherwise, we can agree that this document will NOT be a part of the case and dismiss from the records expeditely. Thanks in advance for granting this request.



Clara Lewis Brockington, Appellant  
Post Office Box 3232  
Florence, South Carolina 29502  
Telephone: (843) 616-1317

July 20, 2018

Columbia, South Carolina

FILED

JUL 23 2018

SC ADMIN. LAW COURT

Exhibit 5

P.O. Box 995  
1550 Gadsden Street  
Columbia, SC 29202  
dew.sc.gov



Henry McMaster  
Governor


Jamie Suber  
Acting Executive Director

Post Office Box 8597  
Columbia, SC 29202  
Telephone: (803) 737-0395  
Fax: (803) 737-0124  
February 28, 2019

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

RE: Clara L. Brockington v. South Carolina Department of  
Employment and Workforce  
Appellate Case No: 2018-001740

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MAY 02 2019


BY: 

Dear Ms. Kitchings:

The Appellant in the above case, Ms. Brockington, contacted our office to inform us that she was missing pages of DEW's Return to Appellant's Motion for Extension that was mailed on February 19, 2019. In reviewing our copies, we were also missing pages. To remedy that, we are remailing the original and six copies to the Court and a copy to Ms. Brockington of the full Return and exhibits.

Please let me know if you have any questions.

Sincerely,

  
Kristi Chesley  
Administrative Legal Assistant for  
Paul Famolari  
Assistant General Counsel

Cc: Clara L. Brockington, Appellant

**THE ISSUES TO BE PRESENTED FOR DETERMINATION, INCLUDING ANY CLAIMS OR DEFENSES EXPECTED TO BE RAISED:**

Petitioner will argue the facts that she was hired incorrectly and illegally, as well as others that may testify. When Petitioner informed her superior(s) and other co-workers that she will inquire from South Carolina Department of Social Services about their hiring policy, etc. and compare with the University of South Carolina (contractual partner), Petitioner was threatened to be terminated by the Regional Director. This showed that policies, procedures, tests, etc. were illegal. I became unemployed in June 2016 after being terminated from South Carolina Department of Social Services for stating that I would be inquiring from the University of South Carolina Administration Office/College of Social Work in Columbia, South Carolina, about a Child Welfare Certification test that South Carolina Department of Social Services threaten all new employees, that they would have to take to continue working with the agency. Hundreds of employees were threaten to take the test and were terminated if they did not pass the test. However, this test was never mentioned on the interview, given to anyone as a part of the hiring packet or mentioned to anyone when offered the job. The test was never contingent if hired. Secondly, I was terminated after threatening to call the University of South Carolina President to discuss the test being given by unqualified individuals employed by the university. I immediately filed for unemployment benefits and was informed by Job Services that Department of Social Services could not refuse to pay me unemployment benefits because I was wrongfully terminated (for not passing a test that was never mentioned in the interview process), and paid me unemployment benefits that were accumulated by me, to file for unemployment as needed. I fell while exiting the building with

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BY: 

all of my belongings in boxes. My former supervisor, Roshaunda Gooden, was carrying one box and I was carrying one box and my purse, etc., and fell between uneven steps coming out of the door of South Carolina Department of Social Services. The agency never acknowledged my fall nor offered me worker's compensation, which I was eligible because I fell on the premises of the agency, and witnessed by my supervisor and others. I am petitioning the court to grant me as the Petitioner NOT to repay any monies to South Carolina Department of Employment and Workforce, because I was never awarded any worker's compensation benefits for my injuries that I continue to have numerous medical problems, limitations; due to extensive pain, motivation, ambulation, walking, bending, kneeling, stooping, crawling, etc. Per my physicians, after several months of therapy, pain medications, shots, etc., I have received permanent damages to my back, lower and upper extremities, left and right sides of my total body, stress, depression, migraine headaches, etc.

Petitioner anticipates arguing the illegal hiring process of South Carolina Department of Social Services, contractual responsibilities of the University of South Carolina and request of two tests and not scores ONLY and any other information that will support this case.

**THE ACTION REQUESTED OF THE COURT AND A DETAILED STATEMENT OF THE LAW WHICH SUPPORTS THE REQUESTED ACTION, INCLUDING STATUTORY AND/OR CASE CITATIONS:**

Petitioner respectfully requests that the Court grant this request from the Petitioner because there is valid evidence, possible witnesses who are current employees or former employees of South Carolina Department of Social Services, and include the requested claim of \$75,000 for the pain, suffering, personal

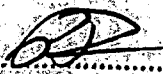
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injuries, loss of employment, wages, insurance, bills incurred that continues to be outstanding, worker's compensation income never received, bills, family losses, socialization losses, continuing medical treatment, physical therapy treatment, counseling due to financial and medical conditions, etc., that were never acknowledged by South Carolina Department of Social Services and any and all fees not included at this time.

**A BRIEF SUMMARY OF THE FACTS TO BE PRESENTED AT THE HEARING:**

This appeal is from a final agency decision upholding that Petitioner owing South Carolina Department of Employment and Workforce \$800.00 or more, plus any monies already paid by the Petitioner in the past), due to unprofessionalism of the Richland County Director, who has since been terminated for not complying by policies and procedures of the agency and hiring employees without explaining the hiring process and what is entailed to become an employee of South Carolina Department of Social Services. Also, the Petitioner will be addressing that Petitioner fell on the property and premises of South Carolina Department of Social Services which was witnessed by Ms. Roshanda Gooden, Supervisor who was assisting Petitioner with her belongings when Petitioner fell at South Carolina Department of Social Services. Also, Ms. Gooden instructed Petitioner to go to the hospital and report back to Ms. Gooden on what the doctor says, etc. Petitioner followed the orders of Ms. Gooden and the agency refused to show professionalism and start the worker's compensation process with Petitioner.

The Petitioner inquired about the testing process and the fact that this information was not included in the hiring packet, was not discussed on the

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BY: 

interview and was not in the award acceptance letter from Reese Palmer, Regional Director when Petitioner and other employees were, newly hired.

South Carolina Department of Social Services has a long history of wrongdoings and children dying, due to lack of cooperation, agency being challenged by employees, no policies and procedures in place, employees over-worked with too many cases (50 or more), being tested by unqualified and non-certified employees of the University of South Carolina, etc.

Petitioner contends that South Carolina Department of Employment and Workforce and South Carolina Department of Social Services were informed in writing that **"there is no law stating an employee can be terminated for not taking or passing a test"**. Employers should have policies and procedures for trained and certified staff in place to work with individuals to take tests and improve test scores to passing, if passing test is a part of their hiring packet (and this is not in place).

Petitioner contends that her rights were violated by terminating her for not passing a test, falling on the agency premises which was witnessed by supervisor and was never offered any type of worker's compensation. The agency refused to allow current employees their rights to speak with Petitioner (violating rights), even if the conversation did not include Department of Social Services (harassment), refused to give worker's compensation paperwork, refused to pay any bills related to the fall at the agency, refused to pay overtime compensation after submitting all forms to supervisor and Regional Director, ceased all income, insurance benefits, worker's compensation benefits, salaries, etc. No consideration had been given to Petitioner and South Carolina Department of Employment and Workforce apparently did not do their homework before stating

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BY: 

falsely what Petitioner owes their agency. Petitioner requested documentation (check stubs, tape of the hearing that will not play, etc.) and South Carolina Department of Employment and Workforce refuse to provide all documentation requested. Per Statehouse Representatives who reviewed all documents, South Carolina Department of Employment and Workforce have not done their homework appropriately before informing Petitioner that she owes a balance. If anything, the agency owes Petitioner and that is why Petitioner is appealing to the court at this time to grant all requests made by the Petitioner.

**A SUMMARY OF ANY MOTIONS EXPECTED TO BE RAISED AT THE HEARING AND THE APPRECIATE AUTHORITY UNDERLYING THE MOTION:**


Petitioner does not anticipate filing any motions at this time; however, the Petitioner respectfully reserves the right to file motions, if necessary upon notice in accordance with the Rules of the Administrative Law Court and the Rules of South Carolina Civil Procedure.

**A LIST OF PROPOSED WITNESSES AND EXHIBITS:**

In the event of a hearing on the merits, Petitioner is not aware of any witnesses that will be called for court at this time. However, Petitioner respectfully reserves the right to file the necessary motion, if needed, upon notice in accordance with the Rules of the Administration Law Court and the Rules of South Carolina Civil Procedure.

**A STATEMENT REGARDING THE NECESSITY OF DISCOVERY, IF ANY:**

Petitioner requested documents and devices during the discovery period from South Carolina Department of Employment and Workforce that were not received or sufficient. Petitioner respectfully reserves the right to submit a request to the Court for the same discovery documents and devices and

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BY: 

additional discovery from South Carolina Department of Employment and Workforce, as well as South Carolina Department of Social Services and the University of South Carolina.

**THE ESTIMATED TIME REQUIRED FOR THE HEARING:**

Petitioner expects that it will take approximately two days to present its case, if a merits hearing be necessary.


**ANY DATES THE PARTIES, COUNSEL OR KEY WITNESSES ARE SPECIFICALLY UNAVAILABLE DURING THE NEXT THREE MONTHS:**

Petitioner request that the court do not schedule any hearing or court dates before November 1, 2018 due to numerous medical appointments, during the next three months and possibly new scheduled testing, x-rays, scans, etc.

**AN E-MAIL ADDRESS WHERE YOU CAN BE REACHED:**

Petitioner respectfully requests that the court send all correspondence to the mailing address preferably which is: **Post Office Box 3232, Florence, South Carolina 29502**. My e-mail is not always available. Thanks for your cooperation and understanding.

Respectfully Submitted,



Clara Lewis Brockington, Petitioner  
Post Office Box 3232  
Florence, South Carolina 29502  
Telephone: 843-616-1317

July 2, 2018

Columbia, South Carolina

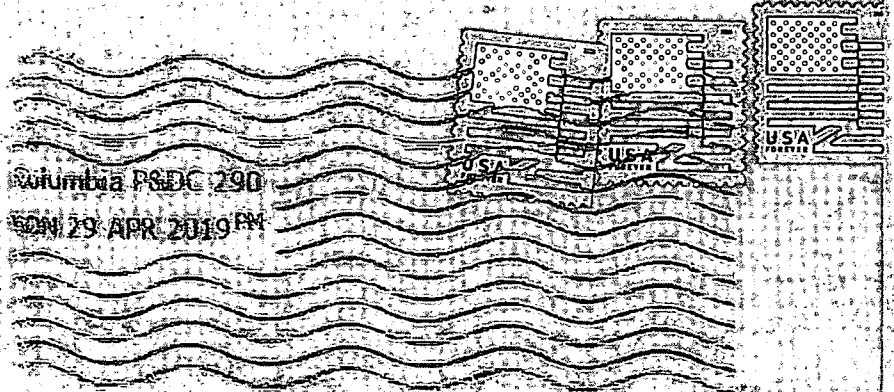
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MAY 02 2019

BY: 

# EXHIBIT L



P.O. Box 3252  
Florence, SC 29502



Attorney Paul Yamolaki  
S. C. Dept. of Employment  
And Workforce  
Post Office Box 8597  
Columbia, SC 29202

# EXHIBIT M

**Case Information: 2018-001740**

|                                 |                                 |                            |  |
|---------------------------------|---------------------------------|----------------------------|--|
| <b>Court:</b>                   | Court of Appeals                | <b>Classification:</b>     | Appeal - Administrative Law Court - Administrative Law Court |
| <b>Short Title:</b>             | Clara Brockington v. SCDEW      | <b>Case Status:</b>        | Initial Briefing   |
|                                 | <a href="#">View Full Title</a> |                            |  |
| <b>Consolidated:</b>            |                                 |                            |  |
| <b>Filed Date:</b>              | 09/24/2018                      | <b>Oral Argument Date:</b> |  |
| <b>Disposition Date:</b>        |                                 | <b>Disposition Type:</b>   |  |
| <b>Remittitur Date:</b>         |                                 |                            |  |
| <b>Lower Court or Tribunal:</b> | 2018ALB300181CC                 |                            |  |

**- Party Information**

| Appellate Role | Party Name  | Former | Attorney(s)                            |
|----------------|---|--------|--|
| Appellant      | Clara L. Brockington                              | N      | Self-Represented                       |
| Respondent     | South Carolina Department of Employment Workforce | N      | Sandra Bell Grooms<br>Paul R. Famolari |

**Views**Display:  **Event Information**

| Filed Date | Event Information  | Doc |
|------------|--|-----|
| 04/30/2019 | Designation of Matter - Designation of Matter Filed By the Appellant |     |
| 04/30/2019 | Initial Brief - Appellant  |     |

# EXHIBIT N

**SOUTH CAROLINA COURT OF APPEALS  
COLUMBIA DIVISION**

**RECEIVED**

MAY 01 2019

SC Court of Appeals

CLARA LEWIS BROCKINGTON, )  
 )  
 PLAINTIFF, )  
 )  
 VS )  
 )  
 SOUTH CAROLINA WORKERS )  
 COMPENSATION AND SOUTH CAROLINA )  
 DEPARTMENT OF SOCIAL SERVICES, )  
 )  
 DEFENDANTS. )

---

**MOTION**

Pro Se Plaintiff, Clara Lewis Brockington is requesting the Court to reconsider this **Motion to Appeal**, which was filed on May 10, 2018. Copies of this **Motion** were mailed to South Carolina Department of Social Services, Ms. Valerie D. Deller at South Carolina Workers Compensation Commission, Attorney James E. L. Fickling at Speed, Seta, Martin, Trivett & Stublely, LLC, Ms. Erin Farthing at State Accident Fund and Ms. Page P. Hilton at State Accident Fund around May 10, 2018.

**Per Caitlyn, Courthouse Employee on April 20, 2018, she asked that I complete the Notice of Appeal, Fee Waiver and Proof of Service to all parties and attach a copy of the Worker's Compensation Order and mail to: South Carolina Court of Appeals at 1015 Sumter Street in Columbia, South Carolina 29201, which is an incorrect address for the court.**

Pro Se Plaintiff was recuperating from two major surgeries on both kidneys last year and in sessions with my pastor to learn how to deal with my health issues daily.

I was informed by the courtroom staff today to send this **Motion to Refile Appeal** to the Court since the first copy was sent to the wrong address and/or got lost in the mail. Thanks in advance for your cooperation and consideration on these **Motions**.

April 29, 2019

/s/ Clara Lewis Brockington, Plaintiff

NOTICE OF APPEAL FROM ADMINISTRATIVE TRIBUNAL  
THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
COLUMBIA DIVISION

APPEAL FROM SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

T. SCOTT BECK, CHAIR FOR THE COMMISSION

SCWCC: 1509277

South Carolina Workers'  
Compensation Commission,

Respondent,

Verses

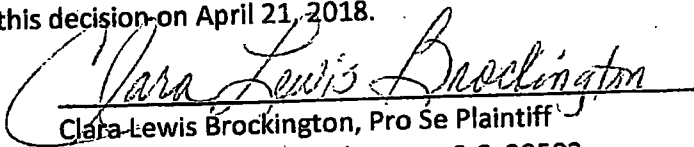
Clara Lewis Brockington,

Appellant.

NOTICE OF APPEAL

Clara Lewis Brockington appeals the decision of the Honorable T. Scott Beck dated April 16, 2018. Appellant received a copy of this decision on April 21, 2018.

May 10, 2018

  
Clara Lewis Brockington, Pro Se Plaintiff  
Post Office Box 3232, Florence, S.C. 29502  
Telephone: 843-616-1317

James E. L. Fickling  
Speed, Seta, Martin, Trivett & Stublely, LLC  
Post Office Box 11669, Columbia, SC 29211  
Attorney for S. C. Department of Social Services

Erin Farthing  
State Accident Fund  
P. O. Box 102100, Columbia, SC 29221

Page P. Hilton  
State Accident Fund  
P. O. Box 102100, Columbia, SC 29221

**FEE WAIVER MOTION**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

**APPEAL FROM RICHLAND COUNTY  
COURT OF COMMON PLEAS**

**SCWCC: 1509277**

South Carolina Workers' Compensation  
Commission

Respondent,

Verses

Clara Lewis Brockington,

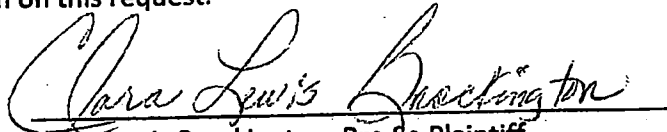
Appellant.

**FEE WAIVER MOTION**

This Motion is to request that all fees are waived due to my status is indigent. I was hospitalized in January and May, which caused me to become disabled and could not return to my full time employment. These surgeries left me with bills totaling over \$100,000.00. Thanks in advance with your expedite cooperation on this request.

May 10, 2018

Columbia, South Carolina



Clara Lewis Brockington, Pro Se Plaintiff  
Post Office Box 3232  
Florence, South Carolina 29502  
Telephone: 843-616-1317

**SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION  
JUDICIAL CONFERENCE DECISION AND ORDER**

**Clara Brockington v SC Dept. of Social Services  
SCWCC: 1509277  
Commissioner: Wilkerson**

This matter was heard before the South Carolina Workers' Compensation Full Commission in Judicial Conference. The Commissioners considered the matter and ordered the matter handled in the following manner:

**IT IS, THEREFORE, ORDERED** the pending appeal of the Administrative Order of the Commission is hereby;  
 Dismissed as Interlocutory.  Set for Oral Argument.

**IT IS, THEREFORE, ORDERED** the pending motion be, and hereby is;  
 Granted.  Denied.  Dismissed  Preserved for hearing

**BEFORE THE;**  
 Hearing Comm.  Jurisdictional Comm.  Full Commission.

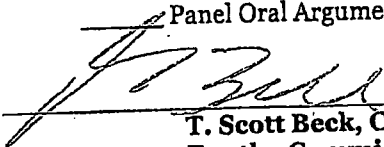
**IT IS, THEREFORE, ORDERED** this matter be, and hereby is; remanded to take such action and enter an Order consistent with the Court's directive.

Remand to Panel as indicated below.  
 Barden  James  Taylor  
 Beck  Campbell  Wilkerson  
 McCaskill

Remand for Order consistent with the Order of the Court.  
 Remand to the Hearing Commissioner.  
 Remand to the Jurisdictional Commissioner.  
 Other: \_\_\_\_\_

Remand:  Panel Oral Argument.  En Banc Oral Argument.

**AND IT IS SO ORDERED.**

  
**T. Scott Beck, Chair**  
**For the Commission**

Columbia, South Carolina

4/16 2018  
**CONCURRING:**

Commissioner Susan S. Barden  
 Commissioner Melody James  
 Commissioner Aisha Taylor  
 Commissioner Avery Wilkerson  
 Commissioner Michael Campbell  
 Commissioner Gene McCaskill

**NOT PARTICIPATING:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**DISSENTING:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**CERTIFICATE OF SERVICE**

**THIS IS TO CERTIFY THE UNDERSIGNED HAS THIS DATE SERVED THIS ORDER IN THE ABOVE ENTITLED ACTION UPON ALL PARTIES ELECTRONICALLY OR BY DEPOSITING A COPY HEREOF, POSTAGE PAID, IN THE UNITED STATES MAIL**

This 16 day of April, 2018.  
 By: Valerie D. Deller  
 SCWCC Judicial Department

**PROOF OF SERVICE OF A NOTICE OF APPEAL**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

**APPEAL FROM RICHLAND COUNTY  
COURT OF COMMON PLEAS**

**RECEIVED**  
MAY 01 2019  
SC Court of Appeals

**SCWCC: 1509277**

South Carolina Workers' Compensation  
Commission,

Respondent,

Verses

Clara Lewis Brockington,

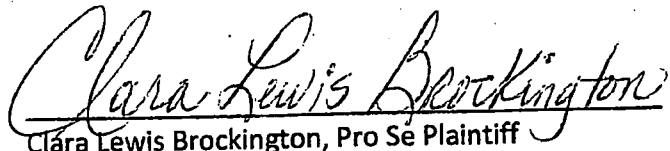
Appellant.

**PROOF OF SERVICE**

I, certify that I have served the Notice of Appeal on S. C. Department of Social Services by depositing a copy of it in the United States Mail, postage prepaid, on May 10, 2018, addressed to S. C. Department of Social Services, Attention: Workers Compensation Benefits Manager, 1535 Confederate Avenue, Columbia, South Carolina 29201.

May 10, 2018

Columbia, South Carolina



Clara Lewis Brockington, Pro Se Plaintiff

Post Office Box 3232

Florence, South Carolina 29502

Telephone: 843-616-1317

Blackington  
P.O. Box 3232  
Aurora, SC 29502

COLUMBIA SC 290

29 APR 2019 PM 1.1



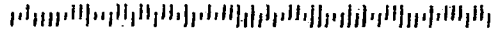
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MAY 01 2019

SC Court of Appeals

Attention: Elizabeth  
S.C. Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

29201-376999



THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE  
ADMINISTRATIVE LAW COURT  
S. Phillip Lenski, Administrative Law Judge

Case No: 18-ALJ-30-0181-CC

Appellate Case Number: 2018-001740

**RECEIVED**  
MAY 20 2019  
SC Court of Appeals

Clara L. Brockington,

Appellant,

v.

South Carolina Department of Employment  
and Workforce,

Respondent (s).

PROOF OF SERVICE

I certify that I have served the Motion to Dismiss for Failure to Timely File and Serve Appellant's Initial Brief and Designation of Matter of the Respondent DEW on the parties in this case by depositing a copy of it in the United States Mail, postage prepaid, on May 15, 2019, addressed to the parties at their addresses of record:

Clara L. Brockington  
PO Box 3232  
Florence SC 29502

May 15, 2019



Kristi Chesley  
Administrative Legal Assistant  
South Carolina Department of Employment and  
Workforce  
Post Office Box 8597  
Columbia, South Carolina 29202  
(803) 737-0395

P.O. Box 995  
1550 Gadsden Street  
Columbia, SC 29202  
dew.sc.gov



Henry McMaster  
Governor

G. Daniel Ellzey  
Executive Director

Post Office Box 8597  
Columbia, SC 29202  
Telephone: (803) 737-2666  
Fax: (803) 737-0124

May 15, 2018

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MAY 20 2018

SC Court of Appeals

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

RE: Clara L. Brockington v. South Carolina Department of  
Employment and Workforce  
Appellate Case No: 18-001740

Dear Ms. Kitchings:

Enclosed are the original and six copies of the Motion to Dismiss for Failure to Timely File and Serve Appellant's Initial Brief and Designation of Matter of Respondent South Carolina Department of Employment and Workforce. A Proof of Service is also included in this packet.

Please let me know if you have any questions.

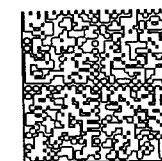
Sincerely,


*Kristi Chesley*

Kristi Chesley  
Administrative Legal Assistant for  
Paul Famolari  
Attorney for Respondent South Carolina  
Department of Employment and Workforce

**SOUTH CAROLINA  
DEPARTMENT OF EMPLOYMENT AND WORKFORCE  
COLUMBIA SC 29202**

**OFFICIAL BUSINESS**



U.S. POSTAGE  PITNEY BOWES  
ZIP 29201 \$ 008.75<sup>0</sup>  
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0001400923 MAY. 15. 2019

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MAY 20 2019  
SC Court of Appeals

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