

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

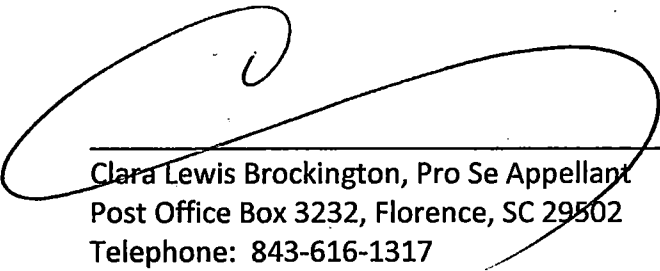
Appellate Case No.: 2018-001740

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

MOTION

RECEIVED
JAN 22 2020
SC Court of Appeals

I, Pro Se Appellant, am requesting that the Court grant this Motion to Serve the Record of Appeal, as well as continue the case in the Court of Appeals. Thanks in advance!


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

January 13, 2020

Columbia, South Carolina

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

AMENDED BRIEF OF APPELLANT

January 13, 2020

RECEIVED

JAN 22 2020

SC Court of Appeals

Clara Lewis Brockington, Pro Se Appellant

(Post Office Box 3232, Florence, South Carolina 29502)

Verses

**South Carolina Department of Employment and Workforce,
Respondents.**

(Paul Famolari, Attorney for Respondents, P. O. Box 8597, Columbia, SC 29202)

TABLE OF AUTHORITIES

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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.

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.

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.

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 granted in favor of the Petitioner.

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 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 job are contingent with taking and passing a Child Welfare test.**

I begin work approximately February 9th 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 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 20th, 21st and 22nd, 2015 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 10th and 11th, 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.

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.**

ARGUMENT

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 **APPELLANT** IS GUILTY OF OWING RESPONDENTS ANY MONIES. THESE DOCUMENTS WERE REQUESTED ON NUMEROUS OCCASIONS AND NEVER PROVIDED
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 ERROR BY DISQUALIFYING THE PETITIONER FROM GETTING 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*.

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.

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.

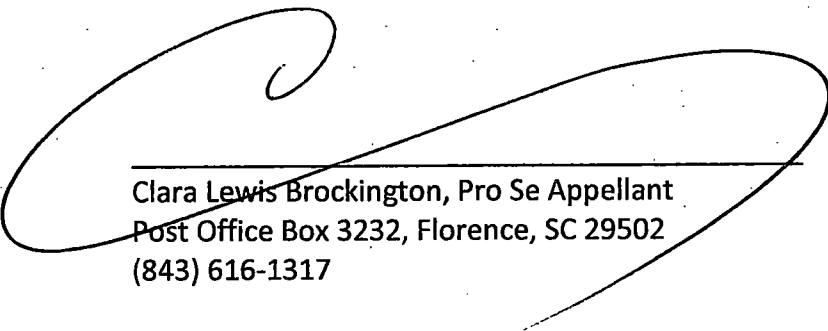
Other State Representatives, national organizations, local organizations, paralegals, etc. have been very instrumental in confirming that South Carolina Department of Social Services have been very unprofessional for the termination and how they have not supported my medical condition after termination.

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, Pro Se Appellant
Post Office Box 3232, Florence, SC 29502
(843) 616-1317

January 13, 2020

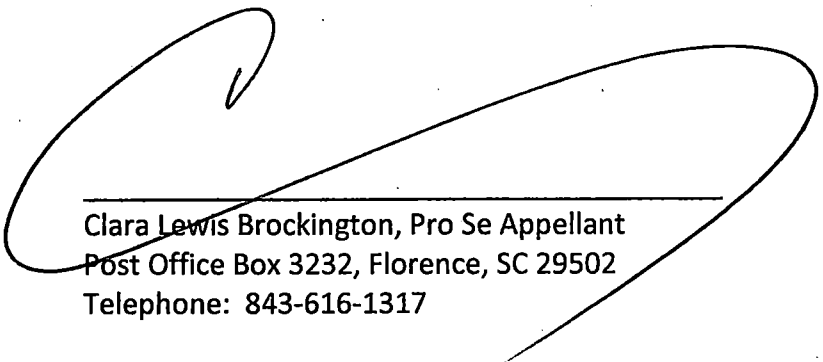
Columbia, South Carolina

PROOF OF SERVICE

I, Clara Lewis Brockington, certify that I have served the Amended Brief of Appellant by depositing copies of each in the United States mail, postage prepaid, on January 13, 2020, addressed to:

S. Phillip Lenski, Administrative Law Judge
1205 Pendleton Street, Suite 224
Columbia, South Carolina 29201

Paul Famolari, Defendants' Attorney
Post Office Box 8597
Columbia, South Carolina 29202



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

January 13, 2020

Florence, South Carolina

**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
January 13, 2020**

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

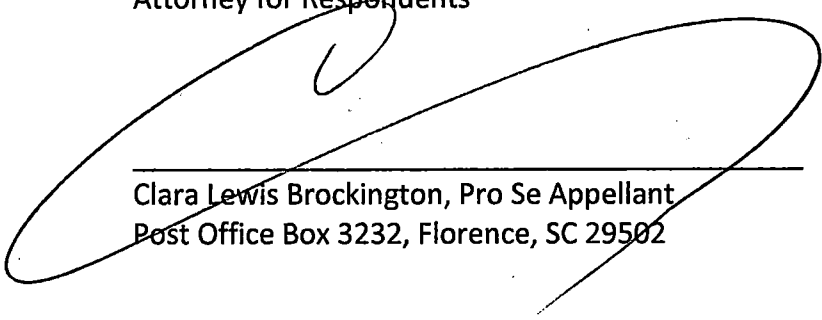
- 1/ Designation of Matter Title Page
- 2/ Request for Contested Case Hearing Form
- 3/ Thomas T. Medlock, Jr., Hearing Officer's Decision (**UNSIGNED**)
- 4/ Certification of Hearing (**UNSIGNED**)
- 5/ Motion from Appellate Requesting Readable CD
- 6/ Letter from Kristi Chesley, Admin. Asst. / Attorney Paul Famolari confirming missing info.
- 7-13/ Motion for Prehearing Statement
- 14/ Certificate of Service

CERTIFICATE OF SERVICE

I certify that this **Designation of Matter** contains no matter which is irrelevant to this appeal and copies have been deposited in the United States mail, postage prepaid on January 13, 2020, addressed to the individuals listed below:

S. Phillip Lenski
1205 Pendleton Street, Suite 224
Columbia, South Carolina 29201
Telephone: 803-734-0550
Administrative Law Judge

Paul Famolari
P. O. Box 8597
Columbia, South Carolina 29202
Telephone: 803-737-0395
Attorney for Respondents



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

January 13, 2020

Columbia, South Carolina

File

The South Carolina Court of Appeals

Clara L. Brockington, Appellant,

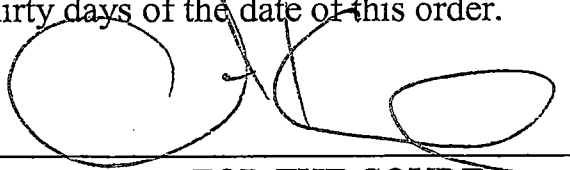
v.

South Carolina Department of Employment and Workforce, Respondent.

Appellate Case No. 2018-001740

ORDER

Because Appellant has filed her initial brief and proof of service, Respondent's motion to dismiss is denied. Respondent's initial brief and designation of matter shall be served and filed within thirty days of the date of this order.


FOR THE COURT

Columbia, South Carolina

cc:
Clara L. Brockington
Sandra Bell Grooms, Esquire
Paul R. Famolari, Esquire

FILED
June 20, 2019

COPY

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

COPY

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

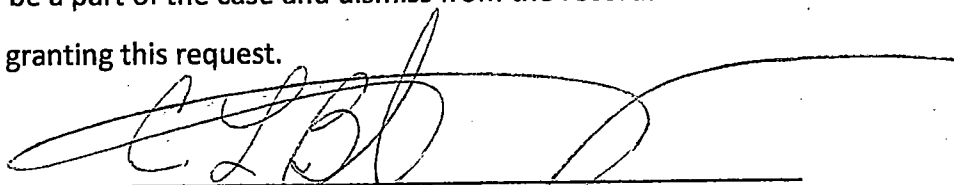
Docket No.: 18-ALJ-30-0181-CC

**REQUEST FOR READABLE CD
THAT CAN BE OPENED BY THE
APPELLANT**

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 expeditedly. 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

14

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Clara Lewis Brockington,)	Docket No. 18-ALJ-30-0181-CC
)	
Petitioner)	PREHEARING STATEMENT
v.)	by Clara Lewis Brockington
)	
South Carolina Department of)	
Employment and Workforce,)	
)	
Respondents.)	
_____)	

In response to the Order for Prehearing Statements issued by the Honorable S. Phillip Lenski, Administrative Law Judge, on June 19, 2018, Petitioner Clara Lewis Brockington respectfully submits the following:

THE NATURE OF THIS PROCEEDING:

Petitioner is appealing the amount of \$752.00 (original amount of \$800.00) stated by South Carolina Department of Employment and Workforce, that agency said is due from the Petitioner, for receiving overpayment of these amounts.

THE STATUTORY PROVISION(S) CONFERRING SUBJECT MATTER JURISDICTION

TO THE COURT AND OTHER APPLICABLE STATUTES AND REGULATIONS:

- Pierce's Case, 325 Mass. 649, 92 N.E.2d 245, 250 (1950)
- Raymond Rival's Case, 391 N.E.2d 932 (Mass. App. Ct. 1979)
- Mizrahi's Case, 320 Mass. 733, 71 N.E.2d 383 (1947)
- Cal. Unemp. Ins. Code § 2601 et seq., Unemployment Coverage
- Hawaii Rev. Stat., Ch. 392-1 to 392-91, Unemployment Coverage
- R.I. Gen. Laws. Ann. §§ 28-39-1, et seq., Unemployment Coverage

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

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

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. Roshaunda 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

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

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

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.

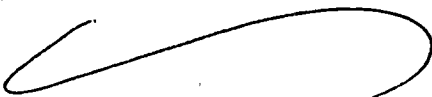
ANY DATES THE PARTIES, COUNSEL OR KEY WITNESSES ARE SPECIFICALLY UNAVAILABLE DURING THE NEXT THREE MONTHS:

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,

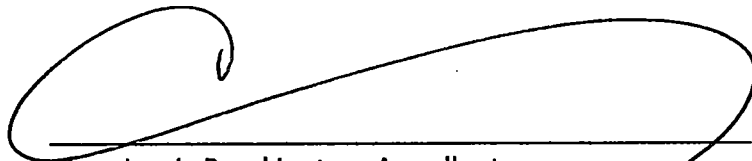

Clara Lewis Brockington, Petitioner
Post Office Box 3232
Florence, South Carolina 29502
Telephone: 843-616-1317

July 2, 2018

Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that I have served the Motion to Serve the Record of Appeal, as well as Continue the Case, by depositing copies of each in the United States Mail, postage prepaid, on January 13, 2020, addressed to S. Phillip Lenski, Administrative Law Judge, 1205 Pendleton Street, Suite 224, Columbia, South Carolina 29201 and Attorney Paul Famolari, Post Office Box 8597, Columbia, South Carolina 29202.



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

January 13, 2020

Columbia, South Carolina

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JAN 22 2020

SC Court of Appeals

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P.O. Box 3232
Florence, SC 29502



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