

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Shirley C. Robinson, Administrative Law Judge

Appellate Case No. 2019-000995

Amber Geohaghan

Appellant

v.

South Carolina Department of Employment and Workforce and
South Carolina Department of Social Services,

Respondents

RECORD ON APPEAL

Adam Protheroe
S.C. APPLESEED LEGAL
JUSTICE CENTER
P.O. Box 7187
Columbia, SC 29202
(803) 779-1113
*Attorney for Appellant Amber
Geohaghan*

Benjamin T. Cook, Esquire
Todd Timmons, Esquire
S.C. Department of Employment and
Workforce
P.O. Box 8597
Columbia, SC 29202
*Attorneys for Respondent South
Carolina Department of Employment
and Workforce*

Eugene H. Matthews, Esquire
Richardson Plowden & Robinson, P.A.
P.O. Drawer 7788
Columbia, SC 29202
*Attorneys for Respondent South
Carolina Department of Social Services*

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**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Amber Geohaghan,

Appellant,

vs.

South Carolina Department of
Employment and Workforce and
South Carolina Department of
Social Services,

Respondents.

Docket No. 18-ALJ-22-0351-AP

ORDER

STATEMENT OF CASE

This matter comes before the South Carolina Administrative Law Court ("ALC" or "Court") pursuant to the Notice of Appeal filed by Amber Geohaghan ("Appellant"). Appellant seeks judicial review of the South Carolina Department of Employment and Workforce ("Department") Appellate Panel's ("Panel") final decision. The Panel held Appellant voluntarily left employment without good cause attributable to her employment pursuant to S.C. Code Ann. § 41-35-120(1). The Court has jurisdiction to hear this matter pursuant to S.C. Code Ann. § 41-35-750. After reviewing the Record on Appeal [Record] and filings from the parties, the Panel's decision is affirmed.¹

BACKGROUND

Appellant worked for the South Carolina Department of Social Services ("Employer") from March 4, 2013 to March 16, 2018, most recently as a senior child welfare specialist. Appellant contends she voluntarily resigned her position on March 16, 2018 due to her concerns for her personal safety arising out of an incident occurring on January 31, 2018 during an emergency family meeting with a hostile client. During this meeting, the client used profanity and described Appellant using derogatory terms. The client then demanded Employer assign a new

¹ This case was decided without oral argument pursuant to SCALC Rule 39. Additionally, pursuant to SCALC Rule 36(G) documents submitted by Appellant that were not placed in evidence during the evidentiary hearing and that do not appear in the Record on Appeal will not be considered.

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ADMIN. LAW COURT

case worker and walked out of the meeting. Following the incident, security escorted the client out of Employer's facility and the client left the premises.

On February 12, 2018, Appellant submitted an e-mail describing the incident to Cynthia Brown, Employer's Human Resources Liaison. In her e-mail, Appellant informed Ms. Brown the client verbally assaulted her during the January 31st meeting. Appellant also advised in her e-mail, according to information relayed to her by other staff, the client made a statement referencing a gun prior to being escorted out of Employer's facility. Ms. Brown responded by directing witnesses to submit statements as to their observations of the incident, and once the statements were collected, she forwarded them to Employer's critical response unit as part of an investigation into the matter. Employer informed Appellant the hostile client would not be allowed on the premises until further notice.

Appellant also verbally complained of the incident to her direct supervisor, Ms. Gwendolyn Breeland. In response, Ms. Breeland agreed to see if another case worker would take over the hostile client's case. Ms. Breeland asked another case worker to take on the client, but that case worker declined, and the client was not re-assigned. While the client remained assigned to Appellant's caseload, Appellant had no further contact or interactions with the client following the January 31st meeting. On or about March 2, 2018, Appellant submitted a letter of resignation, effective March 16, 2018, stating she felt her resignation would be beneficial to her long-term career goals.

Appellant filed for unemployment benefits with the Department on March 19, 2018. Following a review of her claim a claims adjudicator issued a determination on March 30, 2018 holding Appellant indefinitely ineligible for receipt of unemployment benefits, effective March 18, 2018, based upon a finding she left work voluntarily without good cause. Appellant appealed this decision to the Department's Appeal Tribunal ("Tribunal") on March 29, 2018 and filed a written statement with the Tribunal on June 5, 2018. The Tribunal held a telephonic evidentiary hearing on June 8, 2018 before a Tribunal hearing officer.

Appellant and Employer's witnesses, Cynthia Brown and Nicole Foulks, testified during the June 8, 2018 hearing. No witnesses other than Appellant testified on Appellant's behalf. Appellant testified the January 31, 2018 incident was the sole reason for quitting her job and that she quit voluntarily. She testified she was concerned for her safety after discovering news of three employees killed at Employer's facility in Aiken, South Carolina in 1996 as well as the general

trend of gun violence in the country. Appellant also stated she became fearful due to the nature of her job, but also admitted she knew from the time she began working with Employer in 2013 that she would be interacting with individuals going through difficult times who might occasionally exhibit hostility. Other than e-mailing Ms. Brown, Appellant testified she did not report her concerns about the January 31st incident beyond her immediate supervisor. She additionally testified that prior to her resignation there had been no recent changes to the terms or conditions of her employment, including hours, duties or rate of pay. Appellant further testified that, had she not resigned, she would still have a job.

Ms. Brown, Employer's HR Liaison, proffered testimony as to her observations of the incident on January 31, 2018. Ms. Brown testified she overheard loud talking and profane language, but did not observe the hostile client make any statement regarding a gun. According to Ms. Brown, she asked all witnesses to provide statements of their observations of the incident, and that confirmed the client was prohibited from coming onto the premises while the matter was being investigated. Ms. Brown testified she forwarded the witness statements to Employer's Critical Response Unit in April 2018, and later met with the Unit's program coordinator who advised her the matter would be handled by the Critical Response Unit going forward. She further testified the hostile client was sent a formal notice of no trespassing after she was provided with the client's mailing address in April 2018. Ms. Brown stated she was aware the client was still assigned to Appellant; however, Employer has a process in place whereby employees can circumvent their direct supervisors with case reassignment requests. According to Ms. Brown, if Appellant felt her supervisor was not sufficiently responsive, Appellant could have come to her or the director. Furthermore, Ms. Brown testified staff are not required to conduct monthly visits with clients when there is a threat of harm, and she was not aware of any issues with the client after the January 31st incident. Finally, she testified she was not aware of any recent changes to the terms or conditions of Appellant's employment at or near the time of Appellant's resignation.

Ms. Foulks, Employee's Regional Director, was the Interim Orangeburg County Director at the time of the incident. She testified she did not witness the incident with the client on January 31st, but was made aware of the encounter shortly thereafter. Ms. Foulks also could not recall whether Appellant expressed concern about her assignment as the client's case manager. Had she been aware, Ms. Foulks stated she could have attempted multiple measures beginning with de-escalation training or pairing Appellant with another case manager; however, because of her lack

of involvement, she did not know what plan, if any, was put in place to address Appellant's concerns. Ms. Foulks stated that Appellant's direct supervisor, Ms. Breeland, would have been responsible for implementing a plan to address the matter. However, Ms. Foulks explained she considered the January 31st incident to be a critical incident for which the Employer's no-trespassing protocol was implemented.

Following the hearing, the Tribunal affirmed the claims adjudicator's decision and held Appellant voluntarily quit without good cause. In its decision, the Tribunal found "[Appellant's] concern was justified . . . However, the [Appellant] was not in imminent jeopardy at the time she resigned." More specifically, the Tribunal found:

"There were no material changes to the terms or conditions of the [Appellant's] employment. The circumstances would not cause a reasonable person to become totally unemployed rather than continue working, given the time and distance from the precipitating incident and the additional options available to the [Appellant] to have the employer further address her concerns."

Appellant sought review of the Tribunal's decision by filing a Notice of Appeal with the Appellate Panel on July 17, 2018. Upon review of the record, the Panel affirmed the Tribunal, finding "... [Appellant] voluntarily left work without good cause attributable to the employment." In its decision, the Panel commented that Appellant attempted to introduce additional evidence pertaining to her separation, which it could not consider because its review was confined to the record developed by the Tribunal. The Appellant filed an appeal of the Panel's decision with the ALC on September 27, 2018.

ISSUE ON APPEAL

Whether there is substantial evidence in the Record supporting the Panel's finding that Appellant voluntarily left employment without good cause attributable to the employment.

STANDARD OF REVIEW

The ALC has jurisdiction to hear this matter pursuant to S.C. Code Ann. § 41-35-750. In addition, the Department is considered an "agency" under the Administrative Procedures Act. *See Gibson v. Florence Country Club*, 282 S.C. 384, 386, 318 S.E.2d 365, 367 (1984). In reviewing an appeal of a Department decision, this Court "may modify or reverse the decision . . . when substantial rights of the appellant have been prejudiced" in one or more of the following ways:

[T]he administrative findings, inferences conclusions, or decisions are [found to be]
(a) in violation of constitutional or statutory provisions; (b) in excess of the statutory authority of the agency; (c) made upon unlawful procedure; (d) affected

by other error of law; (e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

§ 1-23-380(5).

This Court will regard the Department's findings of fact as conclusive if supported by substantial evidence. See S.C. Code Ann. § 41-35-750; See also *Rodney v. Michelin Tire Co.*, 320 S.C. 515, 519, 466 S.E.2d 357, 359 (1996) (citing *Kearse v. State Health & Human Servs. Fin. Comm'n*, 318 S.C. 198, 456 S.E.2d 892 (1995)). A decision is supported by substantial evidence when the record, as a whole, allows reasonable minds to reach the same conclusion as the agency. *Friends of the Earth v. Pub. Serv. Comm'n of S.C.*, 387 S.C. 360, 366, 692 S.E.2d 910, 913 (2010). When applying the substantial evidence rule, the factual findings of the administrative agency are presumed to be correct. *Rodney*, 320 S.C. 515 at 519, 466 S.E.2d 357 at 359. Furthermore, the reviewing court is prohibited from substituting its judgment for that of the agency as to the weight of the evidence on questions of fact. *Grant v. S.C. Coastal Council*, 319 S.C. 348, 353, 461 S.E.2d 388, 391 (1995). Finally, the party challenging an agency action has the burden of proving convincingly that the agency's decision is unsupported by substantial evidence. *Waters v. S.C. Land Res. Conservation Comm'n*, 321 S.C. 219, 226, 467 S.E.2d 913, 917 (1996)

DISCUSSION

Voluntary Quit

Under S.C. Code Ann. § 41-35-120(1), a claimant for unemployment compensation is indefinitely disqualified for benefits if the Department "finds [s]he left voluntarily, without good cause, [her] most recent work..." Good cause means "attributable to or connected with the employment." *Stone Mfg. Co. v. S.C. Emp't Sec. Comm'n*, 219 S.C. 239, 247, 64 S.E.2d 644, 647 (1951). A claimant who terminates their employment voluntarily for good cause has the burden of proof on that issue. 81 C.J.S. *Social Security and Public Welfare* § 417 (updated Dec. 2018). The claimant must show that the reason for voluntary termination was of a necessitous and compelling nature. *Id.* Basically, circumstances causing the voluntary termination must be "real, substantial, and reasonable, and which would compel a reasonable person under similar circumstances to act in the same manner." *Id.* For example, "intentional harassment by a supervisor may constitute good cause" to voluntarily leave employment. *Kowalski v. Dir. of Div.*

of Employment Sec., 391 Mass. 1005, 1005, 460 N.E.2d 1042, 1043 (1984). However, a claimant must take measures to resolve the problem before quitting, unless such measures would only be futile gesture. *See Id.* (“[T]he claimant has the burden of proving a reasonable attempt to correct those conditions of employment which [s]he now claims justified [her] leaving [the] employment, unless [s]he can show that such an attempt would have been futile.”); *See also* 76 Am. Jur. 2d *Unemployment Compensation* § 104 (updated Nov. 2018).

In this case, Appellant testified she quit her position because of the incident that occurred on January 31, 2018 when a client became hostile. It was relayed to Appellant by other staff that the client stated, “You better be glad I don’t have my gun.” The Client reportedly was not in Appellant’s presence, and did not refer to Appellant by name, when making the statement. Nevertheless, Appellant asserts she faced a threat of lethal physical violence which was not addressed by Employer for more than six weeks. However, Employer’s witness testified that the client was escorted from the premises by security and was prohibited from entering upon the premises pending completion of an investigation. Ms. Brown, Employer’s HR Liason, testified she collected statements from witnesses immediately following the incident, and sent the offending client a no-trespassing letter. Although Appellant’s supervisor wasn’t successful in having the client’s case transferred to another case worker, Appellant acknowledged she had no further contact with the client and Employer did not instruct Appellant to contact the client. Furthermore, Employer’s policy does not require its case workers to conduct monthly visits with clients if they feel threatened.

Additionally, while Appellant now complains that Employer was not assertive in addressing her safety concerns, other than the contact with her immediate supervisor, Appellant did not avail herself of other measures available to address her concerns. In this case, Appellant has not proven she made a reasonable attempt to correct the conditions which she now claims justified her resignation, nor has she shown that such an attempt would have been futile. *See Id.* Citing *Ex parte S.C. Employment Sec. Comm’n*² and *Stone Mfg. Co. v. S.C. Emp’t Sec. Comm’n*,³ the Department and Employer contend there is substantial evidence in the record to find Appellant voluntarily left employment without good cause. I agree.

² 332 S.C. 286, 288, 504 S.E.2d 345, 346 (Ct. App. 1998).

³ 219 S.C. 239, 257, 64 S.E.2d 644, 647 (1951).

Substantial Evidence

This Court will not overturn the Panel's findings "unless there is no reasonable probability that the facts could be as related by a witness upon whose testimony the finding was based." *Sea Pines Ass'n for Protection of Wildlife, Inc. v. S.C. Dep't of Nat. Res.*, 345 S.C. 594, 603-04, 550 S.E.2d 287, 292 (2001) (quoting *Lark v. Bi-lo, Inc.*, 276 S.C. 130, 136, 276 S.E.2d 304, 307 (1981)). In its decision, the Panel found:

"The record establishes the [Appellant] voluntarily severed the employer/employee relationship by submitting a letter of resignation. The nature of the job and the [Appellant's] duties had not changed, and her job was not in jeopardy. The [Appellant] was upset after receiving a threat; however, she had no further interaction with the client and she waited a month to resign. Although she maintained the Employer was not responding to her concerns, she did not report her fears up the chain of command in order to seek a quicker resolution. The Employer had measures to put in place to support the [Appellant] and ensure her safety, but she did not avail herself of these additional resources. The [Appellant] has not presented specific credible evidence of circumstances directly attributable to the employment which would cause a reasonable person to become totally unemployed rather than continue working. Therefore, we find the [Appellant] voluntarily left work without good cause attributable to the employment.

Following a careful review of the entire record, I find there is substantial evidence in the record to support the Panel's finding that Appellant is disqualified from receiving unemployment benefits because she voluntarily quit her employment without good cause, pursuant to S.C. Code Ann. § 41-35-120(1). *See Waters v. S.C. Land Res. Conservation Comm'n*, 321 S.C. 219, 226, 467 S.E.2d 913, 917 (1996) (holding the fact that the record presents the possibility of drawing two inconsistent conclusions from the evidence does not prevent the agency's findings from being supported by substantial evidence).

ORDER

THEREFORE, IT IS HEREBY ORDERED that the Panel's Decision is **AFFIRMED**.

CERTIFICATE OF SERVICE
AND IT IS SO ORDERED.
This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy thereof in the United States mail, postage paid, or in the interagency Mail Service addressed to the party (es) or their attorney (s).
This 7 day of March, 2019
By: [Signature]
Judicial Law Clerk

[Signature]
SHIRLEY C. ROBINSON
Administrative Law Judge

March 7, 2019
Columbia, South Carolina

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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Amber Geohaghan,

Appellant,

vs.

South Carolina Department of
Employment and Workforce and
South Carolina Department of
Social Services,

Respondents.

Docket No. 18-ALJ-22-0351-AP

**ORDER DENYING
MOTION FOR REHEARING**

This matter came before the South Carolina Administrative Law Court pursuant to Amber Geohaghan's ("Appellant") appeal of a decision issued by the South Carolina Department of Employment and Workforce's Appellate Panel ("Panel"). The Panel indefinitely disqualified Appellant from receiving unemployment benefits due to her voluntary separation from employment with the South Carolina Department of Social Services ("Employer"), without good cause pursuant to S.C. Code Ann. § 41-35-120(1)(Supp. 2018). On March 7, 2019, this Court affirmed the Panel's decision. On March 20, 2019, Appellant filed a Petition for Rehearing.

To begin, Appellant reasserts her argument that whether she maintained good cause to resign from employment is a matter of law. Appellant, citing a case from the Georgia Court of Appeals, criticizes this Court's treatment of the issue as one of fact. *Scott v. Butler*, 759 S.E.2d 545, 546 (Ga. Ct. App. 2014) (stating whether good cause exists "more often requires a legal conclusion."). Further, and in conformity with issues of law, Appellant complains that this Court erred in failing to employ a de novo standard of review. This Court refrained from addressing Appellant's argument in the underlying decision because Appellant's argument is without merit. See SCALC Rule 40. The meaning of good cause, as contemplated in § 41-35-120(1), has already been established. See *Stone Mfg. Co. v. S.C. Employment Sec. Comm'n*, 219 S.C. 239, 247, 64 S.E.2d 644, 647 (1951); 81 C.J.S. *Social Security and Public Welfare* § 417. The Panel, therefore, was solely tasked with making factual findings regarding the existence of good cause. Indeed, South Carolina Appellate Courts have consistently treated the question of whether an employee

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Appellant also seeks rehearing based on perceived errors in the Court's factual recitation. Appellant believes the Court improperly substituted its judgments for that of the Panels on questions of fact. First, Appellant complains of the following portion of Court's decision: "It was relayed to Appellant by other staff that the client stated, 'You better be glad I don't have my gun.' The Client reportedly was not in Appellant's presence, and did not refer to Appellant by name when making the statement." This Court will modify its order to reflect that Appellant was present when the threatening statement was made. However, this change does not warrant rehearing, as this fact is immaterial to the Court's ultimate conclusion. Second, Appellant points to the Court's statement that the "Employer's policy does not require its case workers to conduct monthly visits with clients if they feel threatened." Appellant is correct that the Panel made no such finding. However, testimony from Employer's witnesses supports the Court's statement. When affirming an appealed decision, SCALC Rule 40 allows this Court to rely on any evidence in the record.

AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

May 14, 2019
Columbia, South Carolina

[illegible]

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Amber Geohaghan,

Appellant,

vs.

South Carolina Department of
Employment and Workforce and
South Carolina Department of
Social Services,

Respondents.

Docket No. 18-ALJ-22-0351-AP

AMENDED ORDER

STATEMENT OF CASE

This matter comes before the South Carolina Administrative Law Court ("ALC" or "Court") pursuant to the Notice of Appeal filed by Amber Geohaghan ("Appellant"). Appellant seeks judicial review of the South Carolina Department of Employment and Workforce ("Department") Appellate Panel's ("Panel") final decision. The Panel held Appellant voluntarily left employment without good cause attributable to her employment pursuant to S.C. Code Ann. § 41-35-120(1). The Court has jurisdiction to hear this matter pursuant to S.C. Code Ann. § 41-35-750. After reviewing the Record on Appeal [Record] and filings from the parties, the Panel's decision is affirmed.¹

BACKGROUND

Appellant worked for the South Carolina Department of Social Services ("Employer") from March 4, 2013 to March 16, 2018, most recently as a senior child welfare specialist. Appellant contends she voluntarily resigned her position on March 16, 2018 due to her concerns for her personal safety arising out of an incident occurring on January 31, 2018 during an emergency family meeting with a hostile client. During this meeting, the client used profanity and described Appellant using derogatory terms. The client then demanded Employer assign a new

¹ This case was decided without oral argument pursuant to SCALC Rule 39. Additionally, pursuant to SCALC Rule 36(G), documents submitted by Appellant that were not placed in evidence during the evidentiary hearing and that do not appear in the Record on Appeal will not be considered.

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SC ADMIN. LAW COURT

case worker and walked out of the meeting. Following the incident, security escorted the client out of Employer's facility and the client left the premises.

On February 12, 2018, Appellant submitted an e-mail describing the incident to Cynthia Brown, Employer's Human Resources Liaison. In her e-mail, Appellant informed Ms. Brown the client verbally assaulted her during the January 31st meeting. Appellant also advised in her e-mail, according to information relayed to her by other staff, the client made a statement referencing a gun prior to being escorted out of Employer's facility. Ms. Brown responded by directing witnesses to submit statements as to their observations of the incident, and once the statements were collected, she forwarded them to Employer's critical response unit as part of an investigation into the matter. Employer informed Appellant the hostile client would not be allowed on the premises until further notice.

Appellant also verbally complained of the incident to her direct supervisor, Ms. Gwendolyn Breeland. In response, Ms. Breeland agreed to see if another case worker would take over the hostile client's case. Ms. Breeland asked another case worker to take on the client, but that case worker declined, and the client was not re-assigned. While the client remained assigned to Appellant's caseload, Appellant had no further contact or interactions with the client following the January 31st meeting. On or about March 2, 2018, Appellant submitted a letter of resignation, effective March 16, 2018, stating she felt her resignation would be beneficial to her long-term career goals.

Appellant filed for unemployment benefits with the Department on March 19, 2018. Following a review of her claim a claims adjudicator issued a determination on March 30, 2018 holding Appellant indefinitely ineligible for receipt of unemployment benefits, effective March 18, 2018, based upon a finding she left work voluntarily without good cause. Appellant appealed this decision to the Department's Appeal Tribunal ("Tribunal") on March 29, 2018 and filed a written statement with the Tribunal on June 5, 2018. The Tribunal held a telephonic evidentiary hearing on June 8, 2018 before a Tribunal hearing officer.

Appellant and Employer's witnesses, Cynthia Brown and Nicole Foulks, testified during the June 8, 2018 hearing. No witnesses other than Appellant testified on Appellant's behalf. Appellant testified the January 31, 2018 incident was the sole reason for quitting her job and that she quit voluntarily. She testified she was concerned for her safety after discovering news of three employees killed at Employer's facility in Aiken, South Carolina in 1996 as well as the general

trend of gun violence in the country. Appellant also stated she became fearful due to the nature of her job, but also admitted she knew from the time she began working with Employer in 2013 that she would be interacting with individuals going through difficult times who might occasionally exhibit hostility. Other than e-mailing Ms. Brown, Appellant testified she did not report her concerns about the January 31st incident beyond her immediate supervisor. She additionally testified that prior to her resignation there had been no recent changes to the terms or conditions of her employment, including hours, duties or rate of pay. Appellant further testified that, had she not resigned, she would still have a job.

Ms. Brown, Employer's HR Liaison, proffered testimony as to her observations of the incident on January 31, 2018. Ms. Brown testified she overheard loud talking and profane language, but did not observe the hostile client make any statement regarding a gun. According to Ms. Brown, she asked all witnesses to provide statements of their observations of the incident, and that confirmed the client was prohibited from coming onto the premises while the matter was being investigated. Ms. Brown testified she forwarded the witness statements to Employer's Critical Response Unit in April 2018, and later met with the Unit's program coordinator who advised her the matter would be handled by the Critical Response Unit going forward. She further testified the hostile client was sent a formal notice of no trespassing after she was provided with the client's mailing address in April 2018. Ms. Brown stated she was aware the client was still assigned to Appellant; however, Employer has a process in place whereby employees can circumvent their direct supervisors with case reassignment requests. According to Ms. Brown, if Appellant felt her supervisor was not sufficiently responsive, Appellant could have come to her or the director. Furthermore, Ms. Brown testified staff are not required to conduct monthly visits with clients when there is a threat of harm, and she was not aware of any issues with the client after the January 31st incident. Finally, she testified she was not aware of any recent changes to the terms or conditions of Appellant's employment at or near the time of Appellant's resignation.

Ms. Foulks, Employer's Regional Director, was the Interim Orangeburg County Director at the time of the incident. She testified she did not witness the incident with the client on January 31st, but was made aware of the encounter shortly thereafter. Ms. Foulks also could not recall whether Appellant expressed concern about her assignment as the client's case manager. Had she been aware, Ms. Foulks stated she could have attempted multiple measures beginning with de-escalation training or pairing Appellant with another case manager; however, because of her lack

of involvement, she did not know what plan, if any, was put in place to address Appellant's concerns. Ms. Foulks stated that Appellant's direct supervisor, Ms. Breeland, would have been responsible for implementing a plan to address the matter. However, Ms. Foulks explained she considered the January 31st incident to be a critical incident for which the Employer's no-trespassing protocol was implemented.

Following the hearing, the Tribunal affirmed the claims adjudicator's decision and held Appellant voluntarily quit without good cause. In its decision, the Tribunal found "[Appellant's] concern was justified . . . However, the [Appellant] was not in imminent jeopardy at the time she resigned." More specifically, the Tribunal found:

"There were no material changes to the terms or conditions of the [Appellant's] employment. The circumstances would not cause a reasonable person to become totally unemployed rather than continue working, given the time and distance from the precipitating incident and the additional options available to the [Appellant] to have the employer further address her concerns."

Appellant sought review of the Tribunal's decision by filing a Notice of Appeal with the Appellate Panel on July 17, 2018. Upon review of the record, the Panel affirmed the Tribunal finding "... [Appellant] voluntarily left work without good cause attributable to the employment." In its decision, the Panel commented that Appellant attempted to introduce additional evidence pertaining to her separation, which it could not consider because its review was confined to the record developed by the Tribunal. The Appellant filed an appeal of the Panel's decision with the ALC on September 27, 2018.

ISSUE ON APPEAL

Whether there is substantial evidence in the Record supporting the Panel's finding that Appellant voluntarily left employment without good cause attributable to the employment.

STANDARD OF REVIEW

The ALC has jurisdiction to hear this matter pursuant to S.C. Code Ann. § 41-35-750. In addition, the Department is considered an "agency" under the Administrative Procedures Act. See *Gibson v. Florence Country Club*, 282 S.C. 384, 386, 318 S.E.2d 365, 367 (1984). In reviewing an appeal of a Department decision, this Court "may modify or reverse the decision . . . when substantial rights of the appellant have been prejudiced" in one or more of the following ways:

[T]he administrative findings, inferences, conclusions, or decisions are [found to be]
(a) in violation of constitutional or statutory provisions; (b) in excess of the statutory authority of the agency; (c) made upon unlawful procedure; (d) affected

by other error of law; (e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

§ 1-23-380(c).

This Court will regard the Department's findings of fact as conclusive if supported by substantial evidence. See S.C. Code Ann. § 41-35-750; See also *Rodney v. Michelin Tire Co.*, 320 S.C. 515, 519, 466 S.E.2d 357, 359 (1996) (citing *Kearse v. State Health & Human Servs. Fin. Comm'n.*, 318 S.C. 198, 456 S.E.2d 892 (1995)). A decision is supported by substantial evidence when the record, as a whole, allows reasonable minds to reach the same conclusion as the agency. *Friends of the Earth v. Pub. Serv. Comm'n of S.C.*, 387 S.C. 360, 366, 692 S.E.2d 910, 913 (2010). When applying the substantial evidence rule, the factual findings of the administrative agency are presumed to be correct. *Rodney*, 320 S.C. 515 at 519, 466 S.E.2d 357 at 359. Furthermore, the reviewing court is prohibited from substituting its judgment for that of the agency as to the weight of the evidence on questions of fact. *Grant v. S.C. Coastal Council*, 319 S.C. 348, 353, 461 S.E.2d 388, 391 (1995). Finally, the party challenging an agency action has the burden of proving convincingly that the agency's decision is unsupported by substantial evidence. *Waters v. S.C. Land Res. Conservation Comm'n.*, 321 S.C. 219, 226, 467 S.E.2d 913, 917 (1996).

DISCUSSION

Voluntary Quit

Under S.C. Code Ann. § 41-35-120(f), a claimant for unemployment compensation is indefinitely disqualified for benefits if the Department "finds [s]he left voluntarily, without good cause, [her] most recent work..." Good cause means "attributable to or connected with the employment." *Stone Mfg. Co. v. S.C. Emp't Sec. Comm'n.*, 219 S.C. 239, 247, 64 S.E.2d 644, 647 (1951). A claimant who terminates their employment voluntarily for good cause has the burden of proof on that issue. 81 C.J.S. *Social Security and Public Welfare* § 417 (updated Dec. 2018). The claimant must show that the reason for voluntary termination was of a necessitous and compelling nature. *Id.* Basically, circumstances causing the voluntary termination must be "real, substantial, and reasonable, and which would compel a reasonable person under similar circumstances to act in the same manner." *Id.* For example, "intentional harassment by a supervisor may constitute good cause" to voluntarily leave employment. *Kowalski v. Dir. of Div.*

of Employment Sec., 391 Mass. 1005, 1005, 460 N.E.2d 1042, 1043 (1984). However, a claimant must take measures to resolve the problem before quitting, unless such measures would only be futile gesture. *See Id.* ("[T]he claimant has the burden of proving a reasonable attempt to correct those conditions of employment which [s]he now claims justified [her] leaving [the] employment, unless [s]he can show that such an attempt would have been futile."); *See also* 76 Am. Jur. 2d *Unemployment Compensation* § 104 (updated Nov. 2018).

In this case, Appellant testified she quit her position because of the incident that occurred on January 31, 2018 when a client became hostile during a meeting. Appellant heard the client say, "You better be glad I don't have my gun." The Client did not refer to Appellant by name when making the statement. Nevertheless, Appellant asserts she faced a threat of lethal physical violence which was not addressed by Employer for more than six weeks. However, Employer's witness testified that the client was escorted from the premises by security and was prohibited from entering upon the premises pending completion of an investigation. Ms. Brown, Employer's HR Liason, testified she collected statements from witnesses immediately following the incident, and sent the offending client a no-trespassing letter. Although Appellant's supervisor wasn't successful in having the client's case transferred to another case worker, Appellant acknowledged she had no further contact with the client and Employer did not instruct Appellant to contact the client. Furthermore, Employer's policy does not require its case workers to conduct monthly visits with clients if they feel threatened.

Additionally, while Appellant now complains that Employer was not assertive in addressing her safety concerns, other than the contact with her immediate supervisor, Appellant did not avail herself of other measures available to address her concerns. In this case, Appellant has not proven she made a reasonable attempt to correct the conditions which she now claims justified her resignation, nor has she shown that such an attempt would have been futile. *See Id.* Citing *Ex parte S.C. Employment Sec. Comm'n*² and *Stone Mfg. Co. v. S.C. Emp't Sec. Comm'n*,³ the Department and Employer contend there is substantial evidence in the record to find Appellant voluntarily left employment without good cause. I agree.

² 332 S.C. 286, 288; 504 S.E.2d 345, 346 (Cl. App. 1998).

³ 219 S.C. 239, 257; 64 S.E.2d 644, 647 (1951).

Substantial Evidence

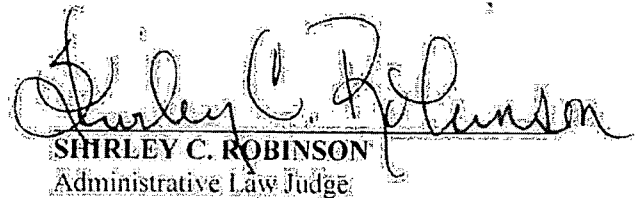
This Court will not overturn the Panel's findings "unless there is no reasonable probability that the facts could be as related by a witness upon whose testimony the finding was based." *Sea Pines Ass'n for Protection of Wildlife, Inc. v. S.C. Dep't of Nat. Res.*, 345 S.C. 594, 603-04, 550 S.E.2d 287, 292 (2001) (quoting *Lark v. Biolo, Inc.*, 276 S.C. 130, 136, 276 S.E.2d 304, 307 (1981)). In its decision, the Panel found:

"The record establishes the [Appellant] voluntarily severed the employer/employee relationship by submitting a letter of resignation. The nature of the job and the [Appellant's] duties had not changed, and her job was not in jeopardy. The [Appellant] was upset after receiving a threat; however, she had no further interaction with the client and she waited a month to resign. Although she maintained the Employer was not responding to her concerns, she did not report her fears up the chain of command in order to seek a quicker resolution. The Employer had measures to put in place to support the [Appellant] and ensure her safety, but she did not avail herself of these additional resources. The [Appellant] has not presented specific credible evidence of circumstances directly attributable to the employment which would cause a reasonable person to become totally unemployed rather than continue working. Therefore, we find the [Appellant] voluntarily left work without good cause attributable to the employment.

Following a careful review of the entire record, I find there is substantial evidence in the record to support the Panel's finding that Appellant is disqualified from receiving unemployment benefits because she voluntarily quit her employment without good cause, pursuant to S.C. Code Ann. § 41-35-120(1). See *Waters v. S.C. Land Res. Conservation Comm'n*, 321 S.C. 219, 226, 467 S.E.2d 913, 917 (1996) (holding the fact that the record presents the possibility of drawing two inconsistent conclusions from the evidence does not prevent the agency's findings from being supported by substantial evidence).

ORDER

THEREFORE, IT IS HEREBY ORDERED that the Panel's Decision is **AFFIRMED**.
AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

May 16, 2019
Columbia, South Carolina



South Carolina
Department of Employment and Workforce



1567446

Original

AMBER GEOHAGHAN

Mailing Date: 03/30/2018
Effective Date: 03/18/2018
Type: QT05
Category: Working Conditions
Benefit Year Ends: 03/16/2019
RE: STATE
DEPARTMENT OF
SOCIAL SERVICE

Claimant ID:
SSN:

DECISION

You are held ineligible for benefits from 03/18/2018 .

DETERMINATION REASON

You left your most recent bona fide employer because you were dissatisfied with the work environment. There had been no significant change in the working conditions or surroundings which you had accepted at the time you were hired. You left voluntarily and without good cause under the South Carolina code section 41-35-120.

CONCLUSION

You have not met the eligibility requirements of the law, benefits are denied from 03/18/2018.

UI Claims Adjudicator

IMPORTANT: This determination will be the final decision of the Department unless you file an appeal setting forth in detail the grounds for appeal by 04/09/2018. Your appeal may be filed via the MyBenefits Portal, by mail addressed to the "Appeal Tribunal, Post Office Box 995, Columbia, SC 29202," or by fax to 803-737-0287. For additional information on filing an appeal, contact the Appeals Department at 803-737-2520 or visit our website at www.dew.sc.gov/individuals/manage-your-benefits/appeals.

SEE FURTHER EXPLANATIONS OF THE LAW ON PAGE TWO (2) OF THIS FORM

South Carolina
Department of Employment and Workforce

EXPLANATION OF DETERMINATION

South Carolina Employment and Workforce Law provides varying penalties for a claim that does not meet the requirements of the law.

The term "bona fide employer" means the employer with whom the claimant last earned at least eight (8) times the weekly benefit amount.

SECTION 41-35-110 provides that a claimant is eligible for benefits for any week only if the week is claimed according to the regulations, and the claimant has registered and continued to report to an employment office for work as required. Additionally, a claimant must be physically able to work at his usual occupation which prior training and experience show him to be qualified. Also, a claimant must be available for work, which means being ready, able, and willing to accept suitable work, and that personal circumstances would not prevent him from accepting such work.

No weeks of unemployment benefits will be paid for weeks for which the claimant is held to be unavailable. The claimant should call 1-866-831-1724 if the condition which caused the unavailability changes.

SECTION 41-35-120(1) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant left work without good cause connected with the employment. The disqualification shall begin on the effective date of the claim and shall continue until the claimant returns to work and earns at least eight times the weekly benefit of the claim.

SECTION 41-35-120(2)(a) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant was discharged for misconduct connected with the most recent work. The disqualification shall begin on the effective date of the claim and shall continue for twenty weeks, with a corresponding reduction of the claimant's benefits to be calculated by multiplying the weekly benefit amount by twenty. Misconduct includes deliberate violations or disregard of standards of behavior the employer has the right to expect, or carelessness or negligence of such degree or recurrence as to show an intentional and substantial disregard of the employer's interest or the claimant's duties and obligations to the employer.

SECTION 41-35-120(2)(b) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant was discharged for cause, other than misconduct, connected with the most recent work. The disqualification shall begin on the effective date of the claim and shall continue for not less than five nor more than nineteen weeks, with a corresponding reduction of the claimant's benefits to be calculated by multiplying the weekly benefit amount by the number of weeks of the disqualification.

SECTION 41-35-120(3) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant was discharged for illegal drug use. The disqualification shall begin on the effective date of the claim and shall continue until the claimant returns to work and earns at least eight times the weekly benefit amount of the claim.

SECTION 41-35-120(4) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant was discharged for gross misconduct. The disqualification shall begin on the effective date of the claim and shall continue until the claimant returns to work and earns at least eight times the weekly benefit amount of the claim.

SECTION 41-35-120(5) provides that a claimant shall be disqualified from benefits if the Department finds the claimant failed without cause to either apply for suitable work when directed by the Department or to accept available suitable work. The disqualification shall begin on the effective the week the failure occurs and shall continue until the claimant returns to work and earns at least eight times the weekly benefit amount of the claim.

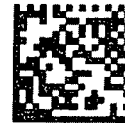
SECTION 41-35-120(8) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant retired voluntarily from the most recent work. The disqualification shall begin on the effective date of the claim and shall continue until the claimant returns to work and earns at least eight times the weekly benefit amount of the claim.

If you are still unemployed at the end of a period of disqualification or believe you have met the requalification requirements imposed, you may reopen your claim by reporting to the local unemployment office on the earliest possible date following the end of the disqualification or after meeting the earnings requirement.

FOR ADDITIONAL INFORMATION OR QUESTIONS PLEASE CONTACT US AT 1-866-831-1724.



South Carolina
Department of Employment and Workforce



1998600

DECISION OF APPEAL TRIBUNAL

Hearing Date: June 8, 2018

Appeal Number: 18-LA-005927

AMBER GEOHAGHAN

CLAIMANT

STATE DEPARTMENT OF SOCIAL SERVICE
PO BOX 1520
COLUMBIA SC 29202-1520

EMPLOYER

APPELLANT: Claimant

SSI: [REDACTED]

CLAIMANT ID: [REDACTED]

APPEARANCES

FOR THE CLAIMANT: Claimant

FOR THE EMPLOYER: Employer

FINDINGS OF FACTS

The issue in this case is whether the claimant voluntarily quit with good cause.

The claimant appealed the determination mailed March 30, 2018, which held her indefinitely disqualified from receiving benefits effective March 18, 2018, upon a finding she voluntarily quit employment without good cause.

The claimant worked with the employer from March 4, 2013, to March 16, 2018, most recently as a senior child welfare specialist. A client to whom the claimant was assigned was involved in a meeting on January 31, 2018. The meeting devolved and the client became highly upset. She used profanity and stated the claimant "better be glad I don't have my gun." The client was escorted out and was told to stay off the premises. However, the employer still had to provide services to her family. The employer did not change the assignment of the family to the

South Carolina
Department of Employment and Workforce

claimant. The claimant requested that the assignment be changed as she did not think their working relationship could recover after the threats that were made. The claimant did not go on any home visits or engage with the client after the incident. The employer asserts there were a variety of things that could be done to ensure the claimant's safety in the event she did have to interact with the client again. This includes sending other employees out to work as a team and other potential solutions. The claimant was not disciplined or reprimanded for refusing to interact with the client further. Her job was not in jeopardy. There were no changes to the terms or conditions of her employment. The claimant could have escalated her concerns to human resources or management at the state level if she felt her local human resources and management were not sufficiently responsive to her concerns. The claimant resigned her position on March 2, 2018. There was continuing work available for the claimant at the time she resigned.

The claimant asserts she was concerned about her safety which is what prompted her resignation. She asserts she was very concerned about the possibility of gun violence. She also asserts she did research and found there had been employees of the subject employer who had been killed over 20 years ago by a client which furthered her concerns. She no longer wished to be involved in the difficult situations the employer must routinely handle.

REASONS

S.C. Code Ann. § 41-35-120(1) requires an indefinite disqualification from benefits when the Department finds the claimant has voluntarily quit without good cause attributable to the employment. The disqualification continues until the claimant returns to work and earns eight times the weekly benefit amount of the claim in covered employment.

"Good cause" refers to a material, substantial change in the conditions of employment, or other circumstances directly attributable to the employment, which would cause a reasonable person to become totally unemployed rather than continue working.

In this case the claimant resigned her position due to concerns about her safety. Given the tone of the meeting and the statements made by the client, the claimant's concern was justified. However, the claimant was not in imminent jeopardy at the time she resigned. Though it is certainly reasonable to be concerned given the interaction with the client on January 31, 2018, the claimant waited another month to resign and she did not engage with the client after the incident in question. She was not forced to engage with the client nor was she disciplined for refusing to engage with the client. The employer had taken some steps to address her concerns, even though the client was still assigned to the claimant. If the claimant felt the employer's remedy was inadequate, she had further options she could pursue to remain employed. If she felt the local director and human resources were insufficiently responsive to her concerns, she could have gone further up the chain of command and addressed her

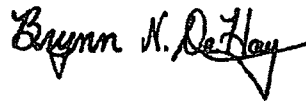
South Carolina
Department of Employment and Workforce

concerns about her safety. The nature of the subject employer's business is fraught with difficult situations and emotions for the clients and consequently the case workers involved. The nature of the employer's business has not changed, though the claimant decided she no longer wanted to be involved in these situations. There were no material changes to the terms or conditions of the claimant's employment. The circumstances would not cause a reasonable person to become totally unemployed rather than continue working, given the time and distance from the precipitating incident and the additional options available to the claimant to have the employer further address her concerns. Therefore, the Tribunal must find that the claimant voluntarily quit without good cause and an indefinite disqualification must be imposed.

DECISION

The Tribunal holds the claimant disqualified from receiving benefits indefinitely effective March 18, 2018, until requalification, upon a finding she voluntarily quit the most recent bona fide employment without good cause. This decision affirms the determination mailed March 30, 2018.

This will be the final decision of the Agency, unless you file an appeal to the Appellate Panel setting forth in detail the grounds for appeal within ten (10) calendar days, including weekends and holidays, from the mailing date of this decision. If the tenth day falls on a Saturday, Sunday or holiday, the appeal period is extended to the next business day. Your appeal may be filed by mail addressed to "Appellate Panel, Post Office Box 1752, Columbia South Carolina, 29202", or by fax at 803-737-3166. For additional information on filing an appeal, visit our web site at www.dew.sc.gov/appeals.



Brynn N. DeHay
Sr. Administrative Hearing Officer

Decision Mailed: July 6, 2018

South Carolina
Department of Employment and Workforce



2270586

Office of Appellate Panel

AMBER GEOHAGHAN)
)
)
)

Claimant SSN: [REDACTED]

Claimant ID: [REDACTED]

**APPELLATE PANEL
DECISION**

STATE DEPARTMENT OF SOCIAL)
SERVICE)
PO BOX 1520)
COLUMBIA SC 29202-1520)

Appellant: AMBER GEOHAGHAN

Appeal Number: 18-HA-001158

Appellant: Claimant

The Claimant filed for unemployment benefits on March 9, 2018. The claims adjudicator's determination mailed March 30, 2018, held the Claimant indefinitely disqualified from benefits effective March 18, 2018, upon finding she left work voluntarily without good cause. The Claimant appealed to the Appeal Tribunal. After an evidentiary hearing, the Tribunal affirmed the determination. The Claimant appealed the Appeal Tribunal decision on July 17, 2018 to the Appellate Panel.

The Appellate Panel issued this decision upon review of the record on appeal. We affirm the Appeal Tribunal decision. The Claimant is indefinitely disqualified from benefits effective March 18, 2018, upon finding she voluntarily left work without good cause attributable to the employment.

BACKGROUND

The Claimant worked from March 4, 2013, to March 16, 2018, most recently as a senior child welfare specialist. She resigned her position due to concerns about her personal safety and her dissatisfaction with the way the Employer was responding after she was threatened. During a family meeting in the office on January 31, 2018, one of the Claimant's clients shouted profanity at the Claimant, said she wanted a different case worker, and told the Claimant she should be glad the client did not have a gun. The human relations liaison (HR liaison) began an investigation into

South Carolina
Department of Employment and Workforce

the incident at that time. The Claimant was concerned and fearful because the client had made a gun threat against a family member the previous week. She continued to work, but wrote an email to the HR liaison on February 12, 2018, stating, "Based on the incident that transpired and the request of [the client] wanting a new case manager, this option may be in the best interest of [the client] and the case's future." The Claimant maintains she did not receive a response to her email, and the Claimant's supervisor told her the client was "all bark and no bite." She asserts no one else would take the case, and she was still responsible for monthly meetings with the client. She acknowledges, however, she had no further interaction with the client in question. The Claimant's internet research confirmed her fears, and she submitted her resignation on March 16, 2018. She acknowledges she did not inquire about the status of the HR liaison's investigation, and she did not attempt to resolve the issue by enlisting the aid of the interim county director or the central human resources department. The Claimant was not disciplined for her lack of interaction with the client, and her job was not in jeopardy at the time she submitted her resignation.

The interim county director, who is now the regional director, explains the nature of the work of the agency requires employees to interact with clients who sometimes threaten violence. She states if the Claimant had addressed the issue up the chain of command, the Claimant could have been coached about deescalating future incidents, she could have been paired with another employee to interact with the client, or the case might have been reassigned.

FINDINGS

S.C. Code Ann. § 41-35-120(1) requires an indefinite disqualification from benefits when the Department finds the Claimant left work voluntarily without good cause. The disqualification continues until the claimant returns to work and earns eight times the weekly benefit amount of the claim in covered employment.

"Good cause" refers to a material, substantial change in the conditions of employment, or other circumstances directly attributable to the employment, which would cause a reasonable person to become totally unemployed rather than continue working.

The record establishes the Claimant voluntarily severed the employer/employee relationship by submitting a letter of resignation. The nature of the job and the Claimant's duties had not changed, and her job was not in jeopardy. The Claimant was upset after receiving a threat; however, she had no further interaction with the client and she waited a month to resign. Although she maintained the Employer was not responding to her concerns, she did not report her fears up the chain of command in order to seek a quicker resolution. The Employer had measures to put in place to support the Claimant and ensure her safety, but she did not avail herself of these additional resources. The Claimant has not presented specific credible evidence of circumstances directly attributable to the employment which would cause a reasonable person to become totally unemployed rather than continue working. Therefore, we find the Claimant voluntarily left work without good cause attributable to the employment.

In her appeal to the Appellate Panel, the Claimant requested to submit additional evidence pertaining to her separation. As a board of review, the Appellate Panel generally is confined to

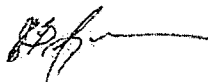
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Department of Employment and Workforce

the record developed by the Appeal Tribunal and does not consider additional information which was not previously presented in the evidentiary hearing before the Tribunal.

DECISION

The Appeal Tribunal decision mailed July 17, 2018, is affirmed. The Claimant is indefinitely disqualified from benefits effective May 20, 2018, upon finding she voluntarily left work without good cause attributable to the employment.

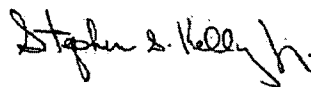
**SOUTH CAROLINA DEPARTMENT OF
EMPLOYMENT AND WORKFORCE
APPELLATE PANEL**



E.B. AYERS, Concur



TIM DANGERFIELD



STEPHEN S. KELLY, JR.

Date Mailed: 08/29/2018

STATE OF SOUTH CAROLINA

Amber Geohaghan

Appellant

vs.

South Carolina Department of Social Services
and the South Carolina Department of
Employment and Workforce

Respondents

IN THE ADMINISTRATIVE LAW COURT

CASE NO.:

**PETITION FOR JUDICIAL REVIEW OF
THE FINAL DECISION OF THE SOUTH
CAROLINA DEPARTMENT OF
EMPLOYMENT AND WORKFORCE**

Now comes the Appellant, complaining of the Respondents herein, and respectfully shows this Court that:

1. This action for judicial review of the Final Decision of the South Carolina Department of Employment and Workforce is brought pursuant to S.C. Code Ann. §§ 1-23-380 and 41-35-750.
2. Appellant was employed by the South Carolina Department of Social Services (the "Employer") from March 4, 2013 to March 16, 2018, most recently as a senior child welfare specialist.
3. Respondent South Carolina Department of Employment and Workforce (hereinafter referred to as "the Department") is an administrative agency of the State of South Carolina as defined in S.C. Code Ann. § 1-23-310(1) and is authorized by § 41-35-710 to hear and decide appeals of awards or denials of unemployment benefits.
4. On March 18, 2018, Appellant applied to the Department for unemployment benefits, which issued an Initial Determination disqualifying her from receiving benefits indefinitely effective March 18, 2018 finding that she left work voluntarily without good cause.
5. Appellant appealed to the Department's Appeal Tribunal, which affirmed the Department's Initial Determination.

6. On July 17, 2018, Appellant appealed to the Department's Appellate Panel, which upheld the indefinite disqualification.
7. Appellant has exhausted all administrative remedies available to her within the Department's appeals process.
8. Appellant asserts that her substantial rights were prejudiced because:
 - a. The Appellate Panel erred by finding that Appellant left work voluntarily without good cause when the record shows that Appellant was subjected to the threat of lethal physical violence during the performance of her job duties and that her Employer, despite being notified of the threat to Appellant and purportedly beginning an investigation into the matter, took no action to address the threat to Appellant for more than six weeks;
 - b. The Appellate Panel erred by misapplying the good cause standard contained in S.C. Code Ann. § 41-35-120 and finding that the threat to Appellant of lethal physical violence was not good cause to resign which was directly attributable to her employment.
 - c. The Appellate Panel's indefinite disqualification of Appellant is arbitrary, capricious, excessive, characterized by abuse of discretion, and is not supported by substantial evidence of the whole record.

THEREFORE, Appellant prays that this Court reverse the Respondent Department's decision and hold that she is entitled to unemployment benefits without disqualification.

Respectfully Submitted,

S.C. APPLESEED LEGAL JUSTICE CENTER



September 27, 2018
Columbia, SC

By: Adam Protheroe
SC Bar No. 78442
P.O. Box 7187
Columbia, SC 29202

Office – (803) 779-1113 ext. 106
Fax – (803) 779-5951
adam@scjustice.org

DICKEY LAW GROUP
Joseph D. Dickey, Jr.
1817 Hampton Street
Columbia, SC 29201
Tel: (803) 380-5575
Fax: (803) 380-5576
joseph@dickeylawsc.com

Attorneys for Appellant

Appellant:
Amber Geohaghan
159 Lakewood Drive
Orangeburg, SC 29118
(803) 570-1098
E-Mail: ageohagh@yahoo.com

STATE OF SOUTH CAROLINA

IN THE ADMINISTRATIVE LAW COURT

Amber Geohaghan

CASE NO.:

Appellant

CERTIFICATE OF SERVICE

vs.

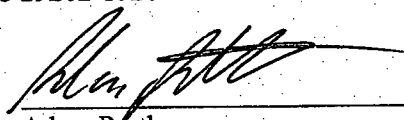
South Carolina Department of Social Services
and the South Carolina Department of
Employment and Workforce

Respondents

I, Adam Protheroe, served the Respondents this day by placing the Petition for Judicial Review, Final Decision, and Certificate of Service in the mail, postage pre-paid, to the following addresses:

Office of General Counsel
S.C.D.E.W.
P.O. Box 8597
Columbia, SC 29202

Office of General Counsel
South Carolina Department of Social Services
P.O. Box 1520
Columbia, SC 29202-1520


Adam Protheroe

Columbia, South Carolina

September 27, 2018

FILED

SEP 27 2018

SC ADMIN LAW COURT

PETITION FOR JUDICIAL REVIEW OF THE FINAL DECISION OF THE SOUTH CAROLINA
DEPARTMENT OF EMPLOYMENT AND WORKFORCE

Page 4 of 4

ROA - 0030

STATE OF SOUTH CAROLINA

Amber Geohaghan

Appellant

vs.

South Carolina Department of Social Services
and the South Carolina Department of
Employment and Workforce

Respondents

IN THE ADMINISTRATIVE LAW COURT

CASE NO.: 18-ALJ-22-0351-AP

BRIEF OF APPELLANT

For Appellant:

SOUTH CAROLINA APPLESEED
LEGAL JUSTICE CENTER

Adam Protheroe

SC Bar No: 78442

P.O. Box 7187

Columbia, SC 29202

Office – (803) 779-1113 ext. 106

Fax – (803) 779-5951

adam@scjustice.org

DICKEY LAW GROUP

Joseph D. Dickey, Jr.

1817 Hampton Street

Columbia, SC 29201

Tel: (803) 380-5575

Fax: (803) 380-5576

joseph@dickeylawsc.com

For Respondent:

Office of General Counsel

S.C.D.E.W.

P.O. Box 8597

Columbia, SC 29202

Office of General Counsel

S.C. Department of Social Services

P.O. Box 1520

Columbia, SC 29202-1520

FILED

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SC ADMIN LAW COURT

BRIEF OF APPELLANT
18-ALJ-22-0351-AP

Page 1 of 13

ROA - 0031

STATEMENT OF THE CASE

Appellant Amber Geohaghan ("Appellant" or "Geohaghan") began working for the South Carolina Department of Social Services ("DSS") in March of 2013. Geohaghan's most recent position at DSS was a senior child welfare specialist. ROA at 2. On January 26, 2018, Appellant spoke by phone with one of her clients. During that conversation the client, unhappy that her child had been placed with her sibling and not in foster care, threatened to go to her sibling's house with a gun and remove her child.¹ Appellant was able to defuse the situation and secure the client's agreement not to take action in furtherance of her threat of violence with the promise of an emergency family meeting.²

Subsequently, on January 31, 2018, Geohaghan held the promised emergency family meeting. During the emergency meeting, the client shouted profanity at Appellant, said she wanted a different case worker, and told Appellant to be glad she (the client) did not have a gun.³ Appellant's direct supervisor, performance coach, human resources ("HR") liaison, and security all were present at or around the time the client profanely assaulted and threatened Appellant.⁴ In response to the client's threat, Appellant's supervisor and security removed the client from the building.

Immediately after the January 31st incident, the DSS HR liaison indicated that she would be notifying the DSS county director about the incident. The HR liaison further advised that she would request that anyone who witnessed the incident write a statement and provide it to her.⁵ In addition, because the incident involved a violent threat to a DSS employee, the HR liaison reported the incident to DSS' central HR employer relations unit.⁶ In response to the HR liaison's report, the central HR employer relations unit provided the HR liaison with a contact person.⁷ The record does not indicate that any other action was taken by the DSS' central HR employer relations unit in response to this incident. The only other communication that appears to have occurred between

¹ ROA at 42, ln. 14-16; ROA at 44, ln. 10-11.

² ROA at 42, ln. 30 - 43, ln. 5.

³ ROA at 2.

⁴ ROA at 43, ln. 18-20; ROA at 66, ln. 5-18.

⁵ ROA at 44, ln. 18-26; ROA at 66, ln. 21-23.

⁶ ROA at 66, ln. 26 - 67, ln. 3.

⁷ ROA at 67, ln. 1-3.

the HR liaison and the central HR employer relations unit regarding this incident was in the beginning of April 2018, more than two months after the threat to Appellant was made, when the HR liaison forwarded the documentation she had collected regarding the incident to what she termed "critical response".⁸

The week following the incident, Appellant met with her immediate supervisor and expressed her concerns about continuing to handle the client's case.⁹ Appellant advised that she did not feel safe continuing to work with that client and suggested that, since the client had requested a new caseworker, it may not be in the best interest of the case that she continue to serve as that client's caseworker.¹⁰ Appellant offered to take another case or even two more cases in exchange for being removed from the violent client's case.¹¹ Appellant's supervisor told Geohaghan that the client was "all bark and no bite" but said she would explore options about transferring the case from Appellant.¹² The record suggests that Appellant's supervisor did seek to transfer the client's case to a caseworker who had worked with that client before, however, that caseworker refused.¹³ The record contains no evidence that DSS made any further effort to transfer that client's case or offer Appellant any additional support in continuing to handle that client's case if it could not be transferred. Likewise, the record contains no evidence that DSS made any effort to ensure Appellant's safety, though the Appellate Tribunal found that Appellant's concerns for her safety were justified and the Appellate Panel did not dispute this finding.¹⁴

On February 12, 2018, almost two weeks after the incident, Appellant sent an email to the DSS HR liaison regarding the January 31st incident.¹⁵ In this email, Appellant again indicated that she did not feel that it was safe for her to have contact with the client in the client's home or face to face. In addition, Appellant again recommended that a new case manager be assigned.¹⁶ There is no evidence in the record or otherwise that DSS took any action in response to Appellant's email.

⁸ ROA at 67, ln. 7-11.

⁹ ROA at 45, ln. 16-20.

¹⁰ ROA at 45, ln. 19-23.

¹¹ ROA at 46, ln. 11-14.

¹² ROA at 46, ln. 3-5 and 19-20.

¹³ ROA at 46, ln. 21-30.

¹⁴ ROA at 111

¹⁵ ROA at 103

¹⁶ *Id.*

In fact, between the time that Appellant was threatened and the time she resigned, there is no evidence that DSS took any action in response to the threat other than to solicit statements from those who had witnessed it, and make one failed attempt to transfer the case to another caseworker.¹⁷ DSS regional director Nicole Foulks ("Foulks") testified that some sort of plan should have been put in place to address the threat to Appellant's safety, but admitted that she had no knowledge that any such plan was developed and that it was Appellant's supervisor's responsibility to implement a plan to address Appellant's safety.¹⁸ There is no evidence in the record that a safety plan ever was developed.

On March 2, 2018, with DSS having taken no further action in response to the January 31st incident or in response to Appellant's multiple requests for action, Appellant, having no other options, tendered her resignation effective March 16, 2018. Appellant applied for unemployment benefits on March 19, 2018.¹⁹ The South Carolina Department of Employment and Workforce's ("SCDEW" or the "Department") Claims Adjudicator initially determined Appellant to be ineligible for benefits effective March 18, 2018 finding that she left her most recent bona fide employer because she was dissatisfied with her work environment and that her resignation was voluntary and without good cause.²⁰ Appellant timely appealed the Claims Adjudicator's decision to the Appeal Tribunal which held a telephone hearing on June 8, 2018. By decision mailed July 6, 2018, the Appeal Tribunal affirmed the Claims Adjudicator's decision disqualifying Appellant from receiving benefits indefinitely effective March 18, 2018. Appellant timely appealed the Appeal Tribunal's decision to the Appellate Panel, which affirmed the Appeal Tribunal by decision mailed August 29, 2018. This appeal timely followed.

STATEMENT OF ISSUES ON APPEAL

I. Did Appellant have Good Cause to Resign as a Matter of Law?

¹⁷ ROA at 66, ln. 20 – 67, ln. 25 (soliciting statements); ROA at 46, ln. 21-30 (attempted case transfer)

¹⁸ ROA at 81, ln. 1-6 and 86, ln. 18

¹⁹ The Appellate Panel decision dated August 29, 2018 incorrectly states that Appellant applied for benefits on March 9, 2018. See ROA at 5.

²⁰ ROA at 19.

- II. Did the Department err in finding that Appellant was indefinitely disqualified from receiving unemployment benefits upon a finding that she voluntarily quit without good cause connected with the employment?

ARGUMENT

It is undisputed that Appellant was threatened with lethal violence in the course of her job duties and that, as a result, she was justified in fearing for her safety. It is undisputed that Appellant's direct supervisor, her performance coach, the program coordinator²¹, the HR liaison, and the central HR employer relations unit were aware of the threat to Appellant's life. It is undisputed that Appellant discussed the threat and her concerns with her immediate supervisor the week after the threat was made and that, almost two weeks after the threat, Appellant followed up with the HR liaison about the threat and again requested that the case be transferred. It is undisputed that the only action DSS took in response to the threat to Appellant was 1) to collect statements from those who witnessed it and forward that information to the central HR employee relations unit, a process that took more than two months to complete, and 2) a single failed attempt to transfer the client who threatened Appellant to another caseworker. DSS admits that it should, at a minimum, have taken certain steps to protect Appellant once this threat was made and there is no evidence in the record that it did. It is undisputed that Appellant remained responsible to visit the home of the client who had threatened her life, presumably on her own since there is no evidence that DSS took any action to pair her up with another caseworker.²² The Department contends that, faced with a credible threat to her life and her employer's unwillingness or inability to provide even minimal assurances of safety, Appellant's decision to value her life over her job was unreasonable. The Department's position is entirely without merit.

An employee who leaves employment voluntarily and without good cause is disqualified from receiving unemployment benefits. S.C. Code Ann. § 41-35-120(1). "To constitute good cause, the circumstances which lead an employee to leave the job must be such as would cause a reasonable person to leave." 76 Am. Jur. 2d Unemployment Compensation § 102. Good cause to

²¹ Due to vacancies in the office, the program coordinator was also Appellant's direct supervisor. See ROA at 87, ln. 4-6.

²² ROA at 78, ln. 15-25 (access to home required)

leave must, generally, be attributable to or connected with the claimant's employment. *See Stone Mfg. Co. v. South Carolina Employment Sec. Com'n.* 64 S.E.2d 644, 219 S.C. 239 (S.C., 1951).

Here, it is undisputed that the events which caused Appellant to resign were attributable to or connected with her employment at DSS. Therefore, the question presented in this case is whether Appellant's decision to resign in lieu of placing her life in jeopardy was reasonable. The Department found that Appellant's decision to resign was unreasonable and, in doing so, both misapplied the good cause standard contained in S.C. Code Ann. § 41-35-120(1) and relied upon findings which were irrelevant or unsupported by the record. As a result, the Department's decision should be reversed, and this Court should hold that Appellant is entitled to unemployment benefits without disqualification.

Standard of Review

The Administrative Procedures Act ("APA") sets forth the standard of review which applies to decisions of the South Carolina Department of Employment and Workforce ("SCDEW" or the "Department"). *Gibson v. Florence Country Club*, 282 S.C. 384, 318 S.E.2d 365 (1984) (finding that the Employment Security Commission, a predecessor of the Department, was an agency within the meaning of the APA). The APA provides that

The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are: (a) in violation of constitutional or statutory provisions; (b) in excess of the statutory authority of the agency; (c) made upon unlawful procedure; (d) affected by other error of law; (e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

S.C. Code Ann. § 1-23-380(5). "Substantial evidence is not a mere scintilla of evidence, but evidence which, considering the record as a whole, would allow reasonable minds to reach the conclusion the agency reached." *Anderson v. Baptist Med. Ctr.*, 343 S.C. 487, 492, 541 S.E.2d 526, 528 (2001).

I. Appellant had Good Cause to Resign as a Matter of Law.

This case does not involve a mere disagreement over working hours, abrasive behavior by coworkers, or onerous caseloads. Instead, this case involves a threat of lethal violence against Appellant under circumstances where Appellant's fear for her safety was clearly justified. This coupled with the fact that her employer, DSS, admittedly did not take even minimum precautions to ensure Appellant's safety places this case in a different category than most. While there are no reported decisions from South Carolina appellate courts directly on point, the Georgia Court of Appeals recently reaffirmed a longstanding rule that, where an employee is unnecessarily exposed to the actual threat of violence due to circumstances entirely beyond their control, voluntary resignation would be with due cause *as a matter of law*. Scott v. Butler, 759 S.E.2d 545 (Ga. App., 2014) (emphasis added).

While there does not appear to be any reported case from the South Carolina Appellate Courts directly on point, S.C. Code Ann. § 41-35-710 - which is often cited in support of the proposition that both the question of whether an employee left work voluntarily and the question of whether he did so with good cause are questions of fact - does not itself support this conclusion. Instead, numerous courts have recognized that the question of whether an employee had good cause to resign is, to some degree, a question of law. See e.g. Matter of Vinson, 255 S.E.2d 644, (N.C. App., 1979); Scott v. Butler, 759 S.E.2d 545 (Ga. App., 2014); Nason v. Louisiana Dept. of Employment Sec., 475 So.2d 85 (La. App., 1985) (*cert denied*, 478 So.2d 149); In Re Sybell's Claim, 14 A.D.2d 981 (N.Y. App. Div., 1961); Macarella v. Com., Unemployment Compensation Bd. of Review, 484 A.2d 213, (Pa. Commw. Ct., 1984); Smith v. Johnson's Mill, 536 P.2d 755 (Idaho, 1975). As a result, this Court need not defer to the Department's finding that Appellant lacked good cause to resign. See S.C. Code Ann. § 1-23-380(5)(d).

The seemingly non-controversial proposition that threats of physical violence may constitute good cause for resignation finds longstanding support from numerous other courts as well. For example, in 1978 the Superior Court of New Jersey, Appellate Division, recognized that "threats of physical violence directed to an employee from which he may reasonably conclude that his personal safety is endangered thereby inculcating a genuine fear in the employee is an abnormal working condition. As such, it constitutes good cause for that employee to voluntarily leave his

employment." Condo v. Bd. of Review, 158 N.J. Super. 172, 175 (App. Div. 1978). In 1980, the Washington State Court of Appeals held that "[a]n employee cannot reasonably be expected to stay on the job where such threats of physical violence have been made to him." Coleman v. Employment Sec. Dept., 607 P.2d 1231 (Wash. App., 1980). In 1981, the West Virginia Supreme Court found that "[w]here the claimant's refusal to cross picket lines is based on a reasonable fear of violence or bodily harm, his failure to report for work is involuntary and he is not disqualified or ineligible for benefits." Hill v. Board of Review, 276 S.E.2d 805 (W. Va., 1981). The Hill Court found support for its decision in the decisions of the courts of Alabama, the District of Columbia, and Texas, among others. See Ex parte McCleney, 239 So.2d 311 (Ala., 1970); Washington Post Co. v. Dist. Unemp. Comp. Bd., 379 A.2d 694 (D.C., 1977); Texas Co. v. Texas Employment Commission, 261 S.W.2d 178 (Tex. Ct. App., 1953).

Thus, there is longstanding support among numerous courts for two propositions which support Appellant's claim of entitlement to unemployment benefits. First, whether an employee has good cause to resign is, to some degree, a question of law. As a result, this Court need not defer to the Department's findings in this regard. Second, threats of physical violence may constitute good cause to resign. Because it is undisputed in this case that Appellant was threatened with physical violence and that her fear of such violence was legitimate, the Department's decision should be reversed.

II. The Department's Decision is Clearly Erroneous in View of the Reliable, Probative, and Substantial Evidence on the Whole Record.

In its decision denying Appellant unemployment benefits, the Department made five findings. Each of these findings was either irrelevant to the determination of Appellant's eligibility under the circumstances or was not supported by the record.

First, the Department found that the nature of the job and Appellant's duties had not changed.²³ It is not necessary for Appellant to demonstrate a change in the nature of her job or duties in order to show entitlement to benefits. Instead, good cause to resign need only be directly attributable to employment. Stone Mfg. Co. v. South Carolina Employment Sec. Com'n., supra.

²³ ROA at 3.

In addition, this finding does not address the question presented in this case, that is, whether Appellant had good cause to resign when faced with legitimate fear of physical violence coupled with her employer's inaction.

Second, the Department found that Appellant's job was not in jeopardy. This finding is both irrelevant and unsupported by the record. It was not jeopardy to Appellant's job that she was concerned about, rather, it was her life being in jeopardy which caused her to resign. Regardless, it is also clear from the record that Appellant remained responsible for the client who had threatened her. In response to the Hearing Officer's question "was [Appellant] going to be held accountable for not meeting with this client in this particular situation?", DSS regional director answered "yes".²⁴ DSS' position seems clear – that Appellant, by failing to meet with the client who had threatened her life, was failing to perform her job duties. The natural and predictable result to Appellant would likely have been disciplinary action, up to and including termination. The Department seems to take the position that Appellant should have waited for DSS to take an adverse action against her, while continuing to suffer threats to her life, in order to be eligible for unemployment benefits. It would have been plainly unreasonable for Appellant to do so and the Department's finding that Appellant's job was not in jeopardy is not supported by the record.

Third, the Department found that Appellant had no further interaction with the client who had threatened her and that she waited a month to resign after the threat was made. It is fortuitous under the circumstances that Appellant was not again confronted by the client who had threatened her life. However, as mentioned above, it is also clear that Appellant remained responsible for this client's case with no additional support or assurances of safety due DSS' inaction. Further, to say that Appellant "waited a month to resign" is an obtuse mischaracterization of the undisputed facts. It is not as though Appellant did nothing during the month between the threat to her life and her resignation. Appellant ensured that the HR liaison, her immediate supervisor, the program coordinator, and her performance coach were all aware of the threat. Appellant met with her immediate supervisor and expressed her concerns the week following the threat. Appellant then followed up with the HR liaison by e-mail approximately two weeks after the incident relaying her concerns and requesting that the case be reassigned. DSS simply failed to respond as it admits it

²⁴ ROA at 79, ln. 30 – 80, ln. 3.

should have. The Department's position would place Appellant in an untenable Catch-22. If Appellant resigns immediately, then she will be denied benefits because she did not give DSS the opportunity to respond. If Appellant gives DSS the opportunity to respond to the incident, then she has waited too long to resign and will be denied benefits on this basis.

Fourth, the Department held that Appellant did not report her fears up the chain of command in order to seek a quicker resolution. This finding is unsupported by the record. It is undisputed that Appellant's HR Liaison, direct supervisor, performance coach, and program coordinator were all aware of the incident. It is undisputed that Appellant discussed the incident with her direct supervisor the following week and that this person was also the next person in Appellant's chain of command due to vacancies.²⁵ It is also undisputed that, almost two weeks after the threat, Appellant followed up by e-mail with the HR liaison relaying her concerns and asking that the case be reassigned. Further, when faced with a credible threat of lethal violence, it is unreasonable to require Appellant or anyone in her situation to navigate levels of unresponsive bureaucracy while that threat continues. Appellant should not have to "do everything possible to maintain intact the employer-employee relationship, including continuing to expose [her]self to the risk of bodily harm. . .". Condo v. Board of Review, Dept. of Labor and Industry, 385 A.2d 920, (N.J. Super. App. Div., 1978). It would not be reasonable to do so.

Finally, the Department found that DSS had measures in place to support Appellant, but that she did not avail herself of these. There is absolutely no support in the record for this finding. Instead, the record plainly supports the opposite conclusion – that DSS should have taken steps to mitigate the risks to Appellant and had not done so. DSS' regional director admitted that a plan should have been put in place in response to the threat to Appellant. She also admitted that she had no idea whether one was put in place, though it was part of her job to be involved in and notified of all "critical incidents" like the threat to Appellant.²⁶ The record reflects that the only action DSS took in response to the threat to Appellant's life was to collect statements from those who had witnessed it, a process which took more than two months to complete.²⁷ Thus, it is undisputed that DSS put no measures in place to support Appellant.

²⁵ ROA at 87, ln. 4-6.

²⁶ See ROA at 81, ln. 1-6; ROA at 82, ln. 1-4

²⁷ ROA at 67, ln. 7-11.

The findings which the Department has relied upon in finding that Appellant is disqualified from receiving unemployment benefits either are irrelevant or unsupported by the record. As a result, the Department's decision must be reversed.

CONCLUSION

The DSS regional director described employees in Appellant's position as "first responders without a gun".²⁸ Yet, incongruously, when a direct threat was made to appellant's life, DSS failed to take even the minimal steps that its regional director admitted should have been taken like "just some training"²⁹ or "pairing her up"³⁰. The regional director noted that often these situations were a "one-time shot"³¹, despite evidence in the record which showed that this particular client had made threats involving a gun at least twice. This rather cavalier assessment is of no comfort to Appellant, for whom one shot of her client's gun could have been life-ending.

The Department's position is essentially this – that a reasonable person would have remained employed when faced with a credible threat of lethal violence and an employer who was unable, or unwilling, to offer even minimal assurances of her safety. It is as though the Department believes that a reasonable person held at gunpoint and given the choice "your job or your life", would choose to part with the latter. Neither the law nor good conscience demands such a sacrifice. For the reasons herein, Appellant asks that the Department's decision be reversed and that she be found eligible for unemployment benefits without disqualification.

(Signatures to Follow)

²⁸ ROA at 79, ln. 7.

²⁹ ROA at 75, ln. 28.

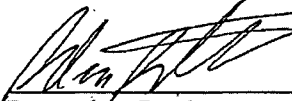
³⁰ ROA at 77, ln. 19-20.

³¹ ROA at 77, ln. 22.

Respectfully Submitted,

November 13, 2018
Columbia, SC

S.C. APPLESEED LEGAL JUSTICE CENTER



By: Adam Protheroe
SC Bar No. 78442
P.O. Box 7187
Columbia, SC 29202
Office – (803) 779-1113 ext. 106
Fax – (803) 779-5951
adam@scjustice.org

DICKEY LAW GROUP, LLC
Joseph D. Dickey, Jr.
SC Bar No. 100064
1817 Hampton Street
Columbia, SC 29201
Tel: (803) 380-5575
Fax: (803) 380-5576
joseph@dickeylawsc.com

Attorneys for Appellant

Appellant:
Amber Geohaghan
159 Lakewood Drive
Orangeburg, SC 29118
(803) 570-1098
E-Mail: ageohagh@yahoo.com

STATEMENT OF ISSUES ON APPEAL

- I. IS THE DECISION OF THE APPELLATE PANEL DISQUALIFYING APPELLANT FROM UNEMPLOYMENT INSURANCE BENEFITS UPON A FINDING SHE VOLUNTARILY QUIT HER EMPLOYMENT WITHOUT GOOD CAUSE SUPPORTED BY SUBSTANTIAL EVIDENCE AND CORRECT AS A MATTER OF LAW?

STATEMENT OF THE CASE

Appellant Amber Geohaghan worked for the South Carolina Department of Social Services (DSS) from March 4, 2013, through March 16, 2018. (R.p.2, p.39). She filed for unemployment insurance benefits with Respondent the South Carolina Department of Employment and Workforce (DEW) on March 19, 2018. (R.p.2). DEW's claims adjudicator issued a determination March 30, 2018, holding Appellant indefinitely disqualified from receiving benefits, effective March 18, 2018, based on a finding she left work voluntarily without good cause. (R.p.19).

Appellant appealed the claims adjudicator's decision to DEW's Appeal Tribunal (the Tribunal) March 29, 2018. (R.p.21). The Tribunal held a hearing June 8, 2018, and affirmed the claims adjudicator's determination Appellant voluntarily quit her employment without good cause. (R.p.110-112). Appellant then appealed the Tribunal's decision to DEW's Appellate Panel (the Panel). (R.pp.113-129). The Panel issued its decision on August 29, 2018, affirming the Tribunal's decision. (R.pp.2-4, pp.154-156). Appellant subsequently appealed the Panel's decision to this Court.

FACTS

Appellant worked as a Senior Child Welfare Specialist with DSS from March 4, 2013, through March 16, 2018. (R.p.39, lines 21-25). Appellant left employment

voluntarily approximately a month and a half after a client made a statement Appellant perceived as threatening. (R.p.40, line 6-20). During the Appeal Tribunal Hearing, Appellant testified on her own behalf. (R.p.38, line 20-p.64, line 10). Cynthia Brown, Administrative Assistant and Human Resources Liaison for DSS, and Nicole Foulks, Regional Director for DSS, testified on behalf of DSS. (R.p.64, line 22-p.74, line 15; p.74, line 18-p.87, line 8).

I. Documentary Evidence

During the initial claims process, DSS provided a response to DEW's request for separation information stating Appellant had resigned her position for personal reasons. (R.p.96). During the hearing before the Tribunal, Appellant provided a copy of an email dated February 12, 2018, Appellant had previously sent to Brown, her human resources liaison. (R.p.103). In this email, Appellant described a meeting she had with a hostile client on January 31, 2018. *Id.* The email also informed the director Appellant had been told by other staff the hostile client made a comment about a gun before being escorted out of the building. *Id.* Appellant had not had any further contact with that client and was requesting a change of case managers for that client. *Id.*

During the hearing, Appellant also proffered an exhibit for which she provided a handwritten explanation. (R.p.104-108). In this handwritten explanation, Appellant listed six other individuals who were present during the January 31, 2018, meeting. (R.p.105). Appellant also stated she had been told not to "follow the client up" after the incident on January 31, 2018. (R.p.105). She further stated her supervisor told her the state office and the agency director would be informed of the incident, written statements from witnesses

would be provided to the human resources liaison, and the supervisor would seek out another case manager for this particular client. *Id.*

II. Appellant's Testimony

Appellant testified she quit her position due to an incident which occurred on January 31, 2018. (R.p.40, line 6-p.41, line 4). She admitted there was continuing work available to her and she would still be employed if she had not resigned. (R.p.63, lines 3-18). She stated she conducted an emergency family meeting at a DSS facility on January 31, 2018, in response to a threat a client made against that client's sister during a phone conversation several days previously. (R.p.41, lines 4-7; p.42, lines 11-23). Appellant stated these sorts of meetings and any encounters with a client can be tense and fraught with difficulty. (R.p.41, lines 12-16). DSS security was informed about the client prior to the meeting and continually monitored the situation throughout the meeting. (R.p.41, lines 17-26). Law enforcement had been informed about this particular individual. (R.p.42, line 30-p.43, line 8). DSS also had several other representatives in the meeting, including Brown and Appellant's direct supervisor. (R.p.43, lines 18-20). During the meeting, the client called Appellant rude names, demanded a new case worker, and walked out of the meeting. (R.p.42, lines 2-6; p.43, line 26). Appellant then left the area. (R.p.42, lines 7-8). While the client was in the hallway with several other members of DSS, including security, and Appellant was not present, the client reportedly stated "You better be glad I don't have my gun." (R.p.44, lines 2-4). The client was then escorted out of the building by security. (R.p.42, lines 9-10; p.43, line 26-p.44, line 4). This statement was later reported to Appellant by other staff. (R.p.103). Although the client and

Appellant were not in the same room at the time the client made the statement, and the client did not mention Appellant in the statement, Appellant testified she took it as a direct threat towards her. (R.p.44, lines 2-16).

Following the client's departure, she and the witnesses to the event were brought into the management offices by Brown and informed the county director and state offices would be notified. (R.p.44, lines 18-29). She was further informed witness statements would be taken from everyone who witnessed the event and DSS would make a decision whether to allow the client back on the premises. *Id.* After speaking with human resources, Appellant spoke with security who informed her the client would not be allowed back on the premises for the time being. (R.p.45, lines 8-15). Appellant then stated she made a request to her direct supervisor to be removed as the client's case manager and her supervisor agreed to try and find a different case manager. (R.p.46, lines 10-20). Following this request, Appellant states another coworker approached Appellant and stated she did not want to take the case. (R.p.46, lines 21-30). Appellant took that single refusal to mean nobody else wanted the case and "that was the end of it." (R.p.46, line 21-p.47, line 3). Appellant was not directed by anyone in DSS to have any further contact with the client and she did not have any further contact with the client. (R.p.48, lines 17-22; R.p.54, lines 14-17). Appellant admitted her supervisor was aware she had had no contact with the client since the incident and she had not been penalized for that lack of contact. (R.p.54, lines 19-22). Appellant then stated she ultimately quit her job because of the general trend of gun violence in the nation and a story she found in The State Newspaper online regarding the 2008 execution of an inmate who had been

convicted for an incident of gun violence in 1996. (R.p.54, line 27-p.57, line 5). Appellant also stated she was aware she would be dealing with difficult situations including issues of violence when she began work for DSS in 2013. (R.p.57, lines 13-27). Appellant admitted she did not contact anyone from the state office to address her concerns even though she "probably should have reached out to the state office to see what the process was or what the time frame was...." (R.p.60, line 15-p.61, line 7). There were no further incidents with the client; however, Appellant submitted her resignation March 2, 2018, stating she was still "on the edge and fearful..." about the January 31, 2018, meeting. (R.p.58, line 26-p.59, line 5).

III. Brown's Testimony

Brown testified Appellant submitted a letter of resignation on February 23, 2018, which stated she felt her resignation would be more beneficial for her long-term career goals and objectives. (R.p.65, lines 16-23). Brown was not present for the emergency family meeting of January 31, 2018; however, her office was located nearby. (R.p.65, line 24-p.66, line 7). Brown arrived after the client referenced a gun and witnessed security and the performance coach escort the client from the premises. (R.p.66, lines 12-18). Brown directed the witnesses from the event to write statements of what happened during the incident and return them to her. (R.p.66, lines 20-24). Brown then forwarded them to the critical response unit within DSS and DSS sent the client a no trespassing notice. (R.p.66, line 26-p.67, line 23). DSS did not allow the client back into the building during this process. (R.p.67, line 29-p.68, line 1). Additionally, based on Brown's

experience as a supervisor, case workers are not required to conduct monthly visits if there is a threat of harm. (R.p.73, lines 10-20).

IV. Foulks's Testimony

Foulks testified that, as interim county director for DSS, she was part of Appellant's chain of command at the time of the incident. (R.p.75, lines 17-20). Appellant did not contact Foulks with her specific concerns prior to her resignation. (R.p.75, lines 13-16). Foulks also noted these sorts of difficult and potentially dangerous situations are dealt with by case workers on a regular basis and that DSS had multiple strategies they could have used to address Appellant's concerns had Appellant sought them out. (R.p.75, line 21-p.79, line 10). Foulks stated the sort of incident Appellant was involved in is "an unfortunate normal part of what we experience with our families" and that "we really are...first responders without a gun." (R.p.77, lines 10-11; p.79, lines 6-7). Foulks also confirmed the standing no trespass order which DSS put in place against the client. (R.p.79, lines 16-19).

V. Panel Decision

In its decision, the Panel found:

The record establishes [Appellant] voluntarily severed the employer/employee relationship by submitting a letter of resignation. The nature of the job and the Claimant's duties had not changed, and her job was not in jeopardy. [Appellant] was upset after receiving a threat; however, she had no further interaction with the client and she waited a month to resign. Although she maintained the Employer was not responding to her concerns, she did not report her fears up the chain of command in order to seek a quicker resolution. The Employer had measures to put in place to support [Appellant] and ensure her safety, but she did not avail herself of those additional resources. [Appellant] has not presented specific credible evidence of circumstances directly attributable

to the employment which would cause a reasonable person to become totally unemployed rather than continue working. Therefore, we find [Appellant] voluntarily left work without good cause attributable to the employment.

(R.p.3).

ARGUMENT

I. Standard of Review

DEW is an agency governed by the Administrative Procedures Act (APA). *See Gibson v. Florence Country Club*, 282 S.C. 384, 386, 318 S.E.2d 365, 367 (1984) (finding DEW's predecessor, the Employment Security Commission, subject to the APA). Under the APA, a reviewing court:

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

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

S.C. Code Ann. § 1-23-380(5) (Supp. 2017).

With regard to factual issues, this Court's review is limited to determining whether the Panel's decision was "clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record." *Id.*

"Substantial evidence" is something less than the weight of the evidence; it is evidence which, considering the record as a whole, would allow reasonable minds to reach the conclusion that the administrative agency reached in order to justify its action. The substantial evidence rule does not allow judicial fact-finding, or the substitution of judicial judgment for agency judgment.

Todd's Ice Cream, Inc. v. S.C. Emp't. Sec. Comm'n, 281 S.C. 254, 258, 315 S.E.2d 373, 375 (Ct. App. 1984); *see also Friends of Earth v. Pub. Serv. Comm'n of S.C.*, 387 S.C. 360, 366, 692 S.E.2d 910, 913 (2010) ("Substantial evidence is . . . evidence which, considering the record as a whole, would allow reasonable minds to reach the same conclusion as the agency."). Further, "[t]he findings of the agency are presumed correct and will be set aside only if unsupported by substantial evidence." *Kearse v. State Health & Human Serv. Fin. Comm'n*, 318 S.C. 198, 200, 456 S.E.2d 892, 893 (1995). The possibility of drawing two inconsistent conclusions from the evidence does not mean the agency's conclusion is unsupported by substantial evidence. *Waters v. S.C. Land Res. Conservation Comm'n*, 321 S.C. 219, 226, 467 S.E.2d 913, 917 (1996). Finally, the Appellant bears the burden "to prove convincingly that the agency's decision is unsupported by the evidence." *Id.*

II. The Panel's decision disqualifying Appellant from receiving unemployment compensation because she voluntarily left work without good cause attributable to the employment is supported by substantial evidence and correct as a matter of law.

There is substantial evidence in the record to find Appellant voluntarily left employment with DSS without good cause. An insured worker is eligible to receive benefits only if DEW finds she "has separated, through no fault of [her] own, from [her]

most recent bona fide employer." S.C. Code Ann. § 41-35-110(5) (Supp. 2017). Further, an insured worker is ineligible for UI benefits if she "left [her employment] voluntarily, without good cause." S.C. Code Ann. § 41-35-120(1) (Supp. 2017); see *Ex parte S.C. Emp't Sec. Comm'n*, 332 S.C. 286, 288, 504 S.E.2d 345, 346 (Ct. App. 1998) ("An employee who voluntarily resigns from employment without good cause is ineligible for unemployment benefits."). The South Carolina Supreme Court has held that "good cause" means cause "attributable to or connected with" the employment. *Stone Mfg. Co. v. S.C. Emp't Sec. Comm'n*, 219 S.C. 239, 257, 64 S.E.2d 644, 647 (1951). Moreover, an employee who alleges that she terminated her employment voluntarily *for good cause* has the burden of proof on that issue. 81A C.J.S § 501 *Unemployment Compensation*. "More particularly, a claimant who has terminated his or her employment voluntarily must prove that the reason for such termination was of a necessitous and compelling nature," meaning that "she must show that the forces behind such voluntary termination are real, substantial, and reasonable, and which would compel a reasonable person under similar circumstances to act in the same manner." *Id.* "Good cause means circumstances that would cause a reasonable person in a similar situation to leave employment rather than continue working...." 76 Am. Jur. 2d *Unemployment Compensation* § 105. Additionally, "the quitting must be for such a cause as would reasonably motivate, in a similar situation, the average able-bodied and qualified worker to give up his or her employment." *Id.*

The Panel found: (1) Appellant voluntarily left her position, (2) Appellant's job and job duties had not changed, (3) Appellant was in no danger of being discharged, (4)

Appellant had no further interaction with the client following the incident on January 31, 2018, (5) Appellant waited a month before resigning, (6) Appellant failed to report her concerns up her chain of command prior to resigning, (7) DSS had other measures to put in place to address Appellant's concerns but Appellant failed to sufficiently seek them out, and (8) Appellant failed to show a reasonable person would have become totally unemployed rather than continue working. (R.p.3). The Panel therefore concluded she voluntarily left employment without good cause. *Id.* Substantial evidence clearly supports their findings and their conclusion is proper as a matter of law.

It is undisputed Appellant left her job voluntarily. (R.p.40, lines 12-17; p.63, lines 12-14). There were no changes to the terms or conditions of Appellant's employment and she was not in imminent danger of being discharged. (R.p.63, lines 3-18). In fact, Appellant specifically testified "If I would not have resigned, I still would have been employed. I wasn't terminated. I didn't have any issues with work at that time."¹ (R.p.63, lines 16-18). It is also undisputed the sole motivating factor for her departure was the January 31, 2018, incident with the hostile client. (R.p.40, lines 18-20). It is further undisputed Appellant's date of separation was March 16, 2018. (R.p.39, lines 22-25). Appellant admits interacting with difficult people and dealing with difficult issues up to and including violence had been part of her job since she started working for DSS in 2013. (R.p.41, lines 12-16; p.57, lines 13-27). Appellant also indicates there had been

¹ Appellant has asserted the Panel's finding that her job was not in jeopardy is unsupported by the record. (App. Br. 9). Given she has clearly and unambiguously admitted she would still have been employed had she not resigned, that assertion is clearly spurious.

previous incidents which had been reported to and handled by the state human resources office. (R.p.60, line 26-p.61, line 3). Based on Appellant's own testimony, she had been assured by security personnel the client would not be allowed back in the building. (R.p.45, lines 8-15). No one from DSS directed Appellant to have any further contact with the client and Appellant's direct supervisor specifically told her not to "follow the client up." (p.48, lines 17-20; R.p.105). Appellant had not faced any disciplinary consequences for failing to maintain contact with her client and, based on Brown's testimony, DSS would not have expected her to continue making monthly visits with the client due to the threat of violence. (R.p.73, lines 10-20). Appellant further admits she did not exhaust all reasonable remedies within DSS before resigning.² (R.p.59, line 16-p.61, line 13). "To be entitled to unemployment compensation benefits for voluntarily quitting a job for good cause, the claimant must have explored all viable options before making the decision to quit." 76 Am. Jur. 2d *Unemployment Compensation* § 104 (2018). Based on the security precautions put in place and the passage of six weeks without incident, Appellant had no reasonable fear for her own safety. The client was being excluded from the building and Appellant had been directed not to follow up with that client. Appellant knew there were other options she could have pursued to preserve her position but chose to resign instead. A reasonable case worker, having dealt with difficult clients and issues of violence for approximately five years, would not have quit her job based on a single

² Appellant argues the Panel's finding she did not report her fears up the chain of command is unsupported by the record. (App. Br. 10). However, Appellant admitted during her testimony she was aware of a contact at the state office, she should have reached out to the state office, and she did not do so. (R.p.60, line 15-p.61, line 13).

instance of threatening language. Further, Appellant failed to explore all viable options before making the decision to quit. For the foregoing reasons, the Panel's conclusion that Appellant's voluntary departure from her position was without good cause is correct as a matter of law. As such, the Panel's decision should be affirmed.

III. Appellant's case is easily distinguishable from the cases cited in her brief.

In the *Scott* case, Scott's former boyfriend who had a history of violent acts directed at Scott showed up at Scott's workplace, followed her home, and confronted her on her doorstep. *Scott v. Butler*, 759 S.E.2d 545 (Ga. App., 2014). Scott left home and went to a battered women's shelter, taking a two-week absence from work. *Id.* While Scott was in the battered women's shelter, her mother was murdered by her stepfather and her former boyfriend confronted Scott at the funeral. *Id.* Scott returned from her leave of absence but ultimately decided she needed to leave her job and move far away to avoid the fate that befell her mother. *Id.* The Court found that "to deny Scott benefits under the circumstances presented would, in effect, require her to work in a dangerous environment wherein she and numerous others would be **unnecessarily exposed** to the actual threat of violence due to circumstances that are entirely beyond their control."³ *Id.* (emphasis added).

³ Notably, if the *Scott* case had been brought in South Carolina, it would have fallen squarely under the provisions of S.C. Code Ann. § 41-35-125 which provides for eligibility for victims of domestic abuse and removes that specific situation from the good cause analysis. This code section does not apply in the instant case. Georgia has, subsequent to the *Scott* decision, adopted Ga. Code Ann. § 34-8-194(1)(B)(ii) similarly removing this specific sort of case from the general good cause analysis.

In Appellant's case, DSS took the necessary steps to ensure her immediate safety by providing security and extra personnel in the emergency family meeting itself and, later, restricting the client's access to the building and directing Appellant not to follow up with that client. (R.p.41, lines 8-21; p.45, line 8-15; p.105). Dealing with members of the public who are in the position of having their children taken away or going to jail involves some fundamental element of risk. DSS had taken reasonable steps to minimize that risk and had more options available had Appellant sought them out, but, ultimately, it was part of Appellant's job to deal with hostile people in emotionally charged situations. For this reason, this Court should affirm the Panel's decision finding Appellant disqualified from receiving benefits.

IV. Appellant misrepresents the record by stating "DSS...did not take even minimum precautions to ensure Appellant's safety..." (App. Br. 7).

Appellant indicates and implies throughout her brief that DSS's efforts to ensure her safety were insufficient to protect her from the threat of violence uttered on January 31, 2018. However, Appellant's assertion DSS took no action to protect Appellant following the aforementioned threat is manifestly without merit. Appellant makes this assertion in at least two separate locations in her brief and it is simply untrue based on any rational interpretation of the record. (App. Br. 7; App. Br. 10). As Appellant previously admitted in her own brief, additional personnel and security were assigned to the meeting itself, the client was physically removed from the building following the threat, the county director was notified, statements were collected, DSS's central human resources employer relations unit was notified, and a contact person was appointed. (App.

Br. 2). The collected statements were forwarded to the state office and a no trespass notice was issued to the client. (R.p.66, line 26-p.67, line 23). Further, Appellant's own testimony clearly states security was aware of the situation and actively excluding the client from the building following the incident. (R.p.45, lines 8-15). Additionally, Appellant was told by her direct supervisor not to "follow the client up" and received no disciplinary consequences even though she had absolutely no contact with the client following the threat for the entire month of February and half of March leading up to her resignation. (R.p.105; R.p.54, lines 14-23). Appellant's assertions DSS "did not take even minimum precautions to ensure Appellant's safety..." and "[t]he record reflects that the only action DSS took in response to the threat to Appellant's life was to collect statements from those who had witnessed it..." are patently false and the Court should not be misled into relying on such statements.

V. Appellant mischaracterizes the Panel's findings by stating "the Department found that DSS had measures in place to support Appellant, but that she did not avail herself of these." (App. Br. 10).

The Panel actually found "[DSS] had measures to put in place to support the Claimant and ensure her safety, but she did not avail herself of these additional resources." (R.p.3) (emphasis added). Foulks' testimony is replete with examples of measures which could have been put in place by DSS had Appellant sought them out.⁵ (R.p.75, line 26-p.79, line 2). However, Appellant chose not to pursue the matter beyond

⁵ For example, Foulks mentions additional training, one-on-one time with a performance coach to talk about de-escalation, pairing her up with a peer, reassignment of the case, seeking a court order to have Appellant escorted to the client's home by law enforcement, and finally termination of parental rights.

the local level prior to resigning and admits she should have contacted the state office to inquire about process or investigation time frame. (R.p.61, lines 4-10). Additionally, while Foulks was in Appellant's direct chain of command, she was not her direct supervisor and was not responsible for implementing a plan of action regarding the client. Appellant's argument that Foulks's lack of specific knowledge as to whether a plan was put in place constitutes some sort of affirmative proof no plan existed is purely specious and should not be persuasive to this Court. (App. Br. 10). The Panel's finding that DSS had measures it could have put in place had Appellant contacted someone other than her direct supervisor and local human resources liaison is clearly supported by the record.

CONCLUSION

Substantial evidence supports the Panel's findings and, based on those findings, their conclusion that Appellant voluntarily quit her position without good cause is correct as a matter of law. Despite Appellant's baseless assertions to the contrary, the record is clear, she was in no imminent danger, as evidenced by her month-and-a-half delay in resigning her position, and she failed to take the necessary steps a reasonable person in her position would have taken to address her concerns prior to resigning. Based on all the foregoing, DEW respectfully submits this Court should affirm the Panel's decision.

[Signature on Following Page]

Respectfully Submitted,



Benjamin T. Cook (SC Bar # 102216)

Todd Timmons (SC Bar # 100249)

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**

December 3, 2018

STATE OF SOUTH CAROLINA

IN THE ADMINISTRATIVE LAW COURT

CASE NO.: 18-ALJ-22-0351-AP

Amber Geohaghan

Appellant

vs.

REPLY OF APPELLANT

South Carolina Department of Social Services
and the South Carolina Department of
Employment and Workforce

Respondents

For Appellant:

SOUTH CAROLINA APPLESEED
LEGAL JUSTICE CENTER

Adam Protheroe

SC Bar No. 78442

P.O. Box 7187

Columbia, SC 29202

Office – (803) 779-1113 ext. 106

Fax – (803) 779-5951

adam@scjustice.org

DICKEY LAW GROUP, LLC

Joseph D. Dickey, Jr.

1817 Hampton Street

Columbia, SC 29201

Tel: (803) 380-5575

Fax: (803) 380-5576

joseph@dickeylawsc.com

For Respondent:

Office of General Counsel

S.C.D.E.W.

P.O. Box 8597

Columbia, SC 29202

Office of General Counsel

S.C. Department of Social Services

P.O. Box 1520

Columbia, SC 29202-1520

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SC ADMIN LAW COURT

REPLY OF APPELLANT
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ARGUMENT

I. Respondent's Argument that DSS Would not have Expected Appellant to Meet with the Client who Threatened her is not Supported by the Record.

Three times in its brief, Respondent quotes language from a letter Appellant wrote to the Appeal Tribunal where she says that she was told by her direct supervisor not to follow "the client up".¹ Respondent takes this statement to mean that Appellant was directed not to have further contact with the client who threatened her. Respondent seeks to bolster its argument with a statement made by DSS' HR liaison Cynthia Brown who indicated that a caseworker would not be expected to conduct monthly visits with a client where there was a threat of harm.² However, these fragments offer scant support for Respondent's assertion.

The language that Respondent cites from Appellant's letter to the Appeal Tribunal is, by itself, ambiguous at best. Respondent represents that Appellant's supervisor directed her not to "follow the client up" when, in fact, in her letter Appellant placed quotations only around the phrase "the client up".³ This quotation alone does not support Respondent's conclusion. Further, the remainder of that sentence from Appellant's letter states that Appellant's supervisor also told her that the client was "all bark and no bite"⁴, suggesting that Appellant's supervisor was attempting to allay Appellant's concerns about continuing to work with the client.

Respondent's reliance on Ms. Brown's statements are misplaced for two reasons. First, Ms. Brown was an administrative assistant and HR liaison, not appellant's supervisor.⁵ Thus, Ms. Brown's opinion as to whether Appellant would be expected to continue meeting with the client who threatened her are irrelevant. Second, Ms. Brown's opinion is contradicted by Nicole Foulks, the DSS Regional Director and a person in Appellant's chain of command, who testified that Appellant was going to be held accountable for not meeting with the client that threatened her.⁶ Ms. Foulks testimony also contradicts Respondent's strained reading of what Appellant's

¹ ROA at 105. Br. of Resp., pp. 2, 11, and 15.

² ROA at 73, ln. 10-20

³ ROA at 105.

⁴ *Id.*

⁵ ROA at 64, ln. 23-25

⁶ ROA at 79, ln. 27 - 80, ln. 6.

supervisor, a subordinate of Ms. Foulks, meant when she said Appellant was not to follow "the client up". As a result, the record is clear that Appellant remained responsible for a case, including home visits, more than a month after the client had threatened her with lethal violence.

II. Respondent's Assertion that Appellant "Admits she did not Exhaust all Reasonable Remedies within DSS before Resigning" is not Supported by the Record.

Respondent makes several references to an exchange between Appellant and the Hearing Officer where the Hearing Officer asks Appellant why she did not report the threat to her life beyond her supervisor and the HR liaison.⁷ In that exchange, Appellant states the reason she did not report the incident further was

Because I had faith in my HR director in the county and I felt like since they were transitioning [to a new county director] and I knew that some individuals gave statements, that maybe that they were trying to come up with a decision. Or maybe that they had contacted HR in the state office and maybe she was going to come down like she did before when there was an issue.

So maybe I still wanted to give them time. I didn't know what the process was. I **probably should have reached out to the state office to see what the process was or what the time frame was, but I felt like maybe it was just like a CCS investigation. Maybe it-- maybe it was 45 days, even if it wasn't proper to make an assumption.**⁸

Respondent asserts that this language constitutes an admission by Appellant that she did not exhaust all reasonable remedies within DSS before resigning.⁹ However, that is simply not what Appellant said. In this exchange, Appellant is explaining why she continued to wait on her immediate supervisor and the HR liaison to take action rather than report the incident to their supervisors. Appellant notes her faith in the HR director and the fact that DSS was transitioning to a new county director as reasons for her patience under trying circumstances and, most importantly, the fact that she didn't know what the process was for handling a complaint of this type. Thus, when Appellant states that she should probably have reached out to the state office "to see what the process was or what the timeframe was" she is clearly referring to her

⁷ Br. of Resp., pp. 5, 11, and 16; ROA at 59, ln. 6 – 61, ln. 13

⁸ ROA at 60, ln. 26 – 61, ln. 10 (emphasis added).

⁹ Br. of Resp., pp. 5, 11, and 16.

uncertainty about the process or timeframe for handling her complaint and not making a general admission that she failed to exhaust all reasonable remedies within DSS.

III. Respondent Misstates the Standard of Review Applicable to this Appeal.

This Appeal presents two questions. First, did Appellant have good cause to resign as a matter of law? Second, did the Department err in finding that Appellant was indefinitely disqualified from receiving unemployment benefits upon a finding that she voluntarily quit without good cause connected with the employment? To the extent that there are any disputed questions of fact which are material to the decision in this case, then Respondent is correct that this Court may reverse the Appellate Panel's findings only to the extent that they are "clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record". S.C. Code Ann. § 1-23-580(e). However, whether Appellant had good cause to resign is, as numerous courts have recognized, a question of law.¹⁰ As a result, this Court need not defer to the Department's finding that Appellant lacked good cause to resign and Appellant does not bear so heavy a burden as Respondent suggests.

CONCLUSION

Respondent argues that Appellant mischaracterizes the Appellate Panel's findings by stating that "the Department found that DSS had measures in place to support Appellant, but that she did not avail herself of these."¹¹ Respondent correctly notes that the Appellate Panel found DSS "had measures to put in place" to support appellant.¹² The typo itself is of little import and hardly a mischaracterization of the record, though the undersigned humbly acknowledges the error. However, it does serve to highlight the gravity of Appellant's plight and the reasonableness of her decision to resign. Despite knowing that a threat had been made on Appellant's life, the record is clear that DSS took no meaningful action to ensure her safety going forward while purportedly having measures it could have employed to that end. Appellant is grateful that DSS removed the client who threatened her from the building. However, while any meaningful effort by DSS to address this threat ended at that point, neither the threat nor Appellant's reasonable fear for her

¹⁰ See Br. of App., p. 7.

¹¹ Br. of Resp., p. 15.

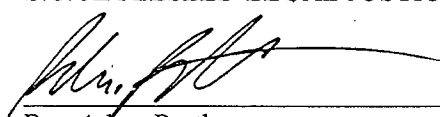
¹² ROA at 3

safety did. As a result, Appellant asks that the Department's decision be reversed and that she be found eligible for unemployment benefits without disqualification.

Respectfully Submitted,

December 13, 2018
Columbia, SC

S.C. APPLESEED LEGAL JUSTICE CENTER


By: Adam Protheroe
SC Bar No. 78442
P.O. Box 7187
Columbia, SC 29202
Office – (803) 779-1113 ext. 106
Fax – (803) 779-5951
adam@scjustice.org

DICKEY LAW GROUP, LLC
Joseph D. Dickey, Jr.
SC Bar No. 100064
1817 Hampton Street
Columbia, SC 29201
Tel: (803) 380-5575
Fax: (803) 380-5576
joseph@dickeylawsc.com

Attorneys for Appellant

Appellant:
Amber Geohaghan
159 Lakewood Drive
Orangeburg, SC 29118
(803) 570-1098
E-Mail: ageohagh@yahoo.com

STATE OF SOUTH CAROLINA

Amber Geohaghan

Appellant

vs.

South Carolina Department of Social Services
and the South Carolina Department of
Employment and Workforce

Respondents

IN THE ADMINISTRATIVE LAW COURT

CASE NO.: 18-ALJ-22-0351-AP

MOTION FOR REHEARING

**TO: RESPONDENT SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES
AND BENJAMIN T. COOK, ATTORNEY FOR RESPONDENT SOUTH
CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE.**

Appellant hereby moves, pursuant to SCALC Rule 40, for rehearing or reconsideration of this Court's Order dated March 7, 2019 which Appellant's counsel received on March 11, 2019. This motion is made upon the following grounds:

**I. THE COURT FAILED TO RULE ON APPELLANT'S ARGUMENT THAT SHE
HAD GOOD CAUSE TO RESIGN AS A MATTER OF LAW AND APPLIED THE
INCORRECT STANDARD OF REVIEW.**

Appellant presented two issues to this Court on appeal. First, Appellant argued that she had good cause to resign her employment as a matter of law because she was unnecessarily exposed to the actual threat of violence due to circumstances entirely beyond her control. *See e.g. Scott v. Butler*, 759 S.E.2d 545 (Ga. App. 2014). Br. of Appellant, p. 7. Second, Appellant argued that SCDEW's decision that she resigned voluntarily and without good cause was clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record. Br. of Appellant, p. 8.

In its March 7, 2019 Order, this Court addressed only one issue on appeal: "Whether there is substantial evidence in the Record supporting the Panel's finding that Appellant voluntarily left

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MOTION FOR REHEARING
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employment without good cause attributable to the employment.” March 7, 2019 Order, p. 4. In doing so, the Court failed to address Appellant’s first argument and applied the incorrect standard of review to the central question in this case – whether Appellant had good cause to resign.

SCDEW’s findings of fact are subject to review in this Court under a substantial evidence standard. S.C. Code Ann. § 1-23-380(5)(e); Friends of the Earth v. Pub. Serv. Comm’n of South Carolina, 387 S.C. 360, 692 S.E.2d 910 (S.C., 2010). Under that standard, this Court cannot substitute its judgment for that of SCDEW on questions of fact. Grant v. S.C. Coastal Council, 319 S.C. 348, 353, 461 S.E.2d 388, 391 (1995); *see also* S.C. Code Ann. §1-23-380(5). However, sitting in its appellate capacity, the ALC reviews questions of law *de novo*. *See e.g. Palmetto Co. v. McMahan*, 395 S.C. 1, 716 S.E.2d 329 (Ct. App. 2011).

By applying the substantial evidence standard to the question of whether Appellant had good cause to resign, the Court granted SCDEW deference that it was not entitled to on a question of law. Instead, the Court should have applied a *de novo* standard of review on the question of good cause. Further, threats of violence and a reasonable fear of bodily harm have repeatedly been held to constitute good cause to resign as a matter of law. *See* Br. of Appellant, p. 7-8. Therefore, Appellant requests that this Court rehear this matter or reconsider its March 7, 2019 Order and (1) find that she had good cause to resign as a matter of law or, in the alternative, (2) apply a *de novo* standard of review and find that Appellant had good cause to resign.

II. THE COURT IMPROPERLY SUBSTITUTED ITS JUDGMENT FOR THAT OF SCDEW ON QUESTIONS OF FACT.

This Court held that “[e]mployer’s policy does not require its case workers to conduct monthly visits with clients if they feel threatened.” March 7, 2019 Order, p. 6. Neither the Appellate Panel nor the Appellate Tribunal made such a finding. R. pp. 1, 109. Whether Appellant was required to conduct monthly visits with the client who threatened her was a disputed question of fact and the testimony presented was in conflict. For example, Employer’s Regional Director Nicole Foulks testified to Appellant’s and Employer’s ongoing responsibility to the client who threatened Appellant. R. p. 78, ln. 15 – p. 79, ln. 10. Yet, Employer’s Administrative Assistant and HR Liaison, Cynthia Brown, testified that she would not expect her staff to conduct monthly visits if there was a threat of harm. R. p. 73, ln. 10-20. Appellant testified that she believed she

was still responsible for the client's case and would be held accountable for it. R. p. 48, ln. 24-30. This Court's findings are inconsistent with those below.

This Court also held that "[i]t was relayed to Appellant by other staff that the client stated, 'You better be glad I don't have my gun.' The Client reportedly was not in Appellant's presence, and did not refer to Appellant by name, when making the statement." March 7, 2019 Order, p. 6. These findings of fact are inconsistent with those of the Appellate Panel which found that "[d]uring a family meeting in the office on January 31, 2018, one of [Appellant's] clients shouted profanity at [Appellant], said she wanted a different case worker, and told [Appellant] she should be glad the client did not have a gun." R. p. 2. Similarly, the Appellate Tribunal found that, in that January 31, 2018 meeting, the client "used profanity and stated [Appellant] 'better be glad I don't have my gun'." R. p. 110. This Court's findings of fact are inconsistent with those of the Appellate Panel and the Appellate Tribunal.

The ALC "may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact." Grant v. S.C. Coastal Council, 319 S.C. 348, 353, 461 S.E.2d 388, 391 (1995); S.C. Code Ann. §1-23-380(5); *see also* S.C. Code Ann. § 41-35-750 ("the findings of [SCDEW] regarding facts, if supported by evidence . . . , must be conclusive and the jurisdiction of the [ALC] must be confined to questions of law"). Accordingly, the ALC, sitting in its appellate capacity, may not make its own factual findings. Stubbs v. S.C. Dep't of Emp't & Workforce, 407 S.C. 288, 755 S.E.2d 114 (S.C. App., 2014).

The findings of fact in this Court's March 7, 2019 Order cited above are inconsistent with SCDEW's findings of fact and constitute substitutions of this Court's judgment for that of SCDEW. Therefore, Appellant asks that this Court rehear this matter or reconsider its Order.

CONCLUSION

For the foregoing reasons, Appellant asks that this Honorable Court rehear this matter or reconsider its March 7, 2019 Order and grant the following relief:

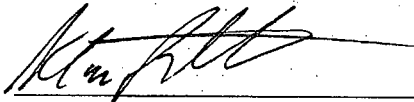
- A. Find that Appellant had good cause to resign as a matter of law or, in the alternative, apply a *de novo* standard of review and find that Appellant had good cause to resign.

- B. Strike the finding on Page 6 that “[e]mployer’s policy does not require its case workers to conduct monthly visits with clients if they feel threatened.”
- C. Amend the finding on Page 6 that “[i]t was relayed to Appellant by other staff that the client stated, ‘You better be glad I don’t have my gun.’ The Client reportedly was not in Appellant’s presence, and did not refer to Appellant by name, when making the statement” so that it conforms to the findings of the Appellate Tribunal.

Respectfully Submitted,

March 20, 2019
Columbia, SC

S.C. APPLESEED LEGAL JUSTICE CENTER


By: Adam Protheroe
S.C. Bar No. 78442
P.O. Box 7187
Columbia, SC 29202
Office – (803) 779-1113 ext. 106
Fax – (803) 779-5951
adam@scjustice.org

DICKEY LAW GROUP, LLC
Joseph D. Dickey, Jr.
S.C. Bar No. 100064
1817 Hampton Street
Columbia, SC 29201
Tel: (803) 380-5575
Fax: (803) 380-5576
joseph@dickeylawsc.com

Attorneys for Appellant

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Amber Geohaghan,

Appellant,

v.

South Carolina Department of
Social Services and South Carolina
Department of Employment and
Workforce,

Respondents.

) Docket No: 18-ALJ-22-0351-AP

**RESPONSE IN OPPOSITION
TO APPELLANT'S MOTION FOR
REHEARING**

Appellant raises two issues in her Motion, and Respondent the Department of Employment and Workforce (DEW) has addressed each issue below. DEW respectfully requests this Court deny Appellant's Motion.

**I. THE COURT APPLIED THE CORRECT STANDARD TO THE
FACTUAL DETERMINATION OF WHETHER APPELLANT HAD
GOOD CAUSE TO QUIT HER POSITION AND THE REMAINING
POINTS OF LAW RAISED BY APPELLANT LACKED SUFFICIENT
MERIT TO REQUIRE A RESPONSE BY THE COURT.**

In the State of South Carolina, the question of whether Appellant had good cause to quit her position is statutorily a question of fact. S.C. Code Ann. 41-35-120 ("An insured worker is ineligible for benefits for: (1) Leaving work voluntarily. If the department **finds** he left voluntarily, without good cause, his most recent work...") (emphasis added); *see also* S.C. Code Ann. 1-23-350 ("A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if **set forth in statutory language**, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.) (emphasis added). Ultimately, the Appellate Panel (Panel), as finder of fact

for the Department, is responsible for weighing the evidence and determining whether good cause exists in each unique set of circumstances. Therefore, the Court applied the correct substantial evidence standard to the factual determination of whether Appellant lacked good cause to quit her position.

Furthermore, although Appellant raised a point of law related to the factual finding that Appellant lacked good cause to quit her job, Appellant's argument lacked sufficient merit to require a response by the Court. *See* SCALC Rule 40 ("The administrative law judge...need not address a point which is manifestly without merit."). Appellant cites no binding precedent to support her argument but relies heavily on the language found in *Scott v. Butler*, a Georgia case. That case is not binding on this Court and would not be decided based on a good cause analysis if brought today in either Georgia or South Carolina. Nor would Appellant be found to have had good cause to quit her position even were Appellant's case analyzed under the standard as set forth in *Scott*. No reasonable person could come to the conclusion Appellant was "unnecessarily exposed to the actual threat of violence" based on the Record on Appeal. Appellant worked in a secure building, had no contact with the client after receiving a secondhand report about a threatening statement made by that client, and continued to work for a month and a half without incident before finally quitting because she saw an upsetting news article online. The issue raised by Appellant is manifestly without merit and the Court had no obligation to address it. Moreover, this Court had no obligation to address the issue even insofar as stating the point was "manifestly without merit." *See Gatewood v. SC Dept. of Corrections*, 416 S.C. 304 (Ct. App. 2016) ("[T]here is no indication in the ALC rules that an opinion must

specifically state that an appellant's point is 'manifestly without merit' in order to avoid addressing the point."'). Therefore, the Court did not err by failing to rule on Appellant's argument and it should deny Appellant's Motion.

II. THE COURT DID NOT IMPROPERLY SUBSTITUTE ITS JUDGMENT FOR THAT OF THE PANEL ON QUESTIONS OF FACT.

The Court, in its March 7, 2019, Order, does not make independent findings of fact. The Court's factual narrative merely serves to sum up the information present in the Record on Appeal. The Court concludes its Order by citing the Panel's decision and stating that the facts as stated therein are supported by substantial evidence. Order at 7. Any discrepancies between the narrative explanation of the case and the Panel's findings are immaterial to the Court's conclusion.

Moreover, even if the Court relied upon different facts from those relied upon by the Panel to affirm the Panel's decision, it was well within its rights to do so. The Supreme Court of South Carolina has addressed this point of law in detail:

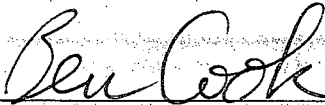
A respondent...may raise on appeal any additional reasons the appellate court should affirm the lower court's ruling, regardless of whether those reasons have been presented to or ruled on by the lower court....The basis for respondent's additional sustaining grounds must appear in the record on appeal....The appellate court may review respondent's additional reasons and, if convinced it is proper and fair to do so, rely on them or any other reason appearing in the record to affirm the lower court's judgment.

I'On, L.L.C. v. Town of Mt. Pleasant, 338 S.C. 406, 419 (2000).¹ The Court did not improperly substitute its judgment for the judgment of the Panel and, therefore, Appellant's Motion should be denied.

III. CONCLUSION

The Court properly applied the substantial evidence standard to the Panel's decision and was not obligated to address the manifestly meritless point of law raised by Appellant. Moreover, the Court did not improperly substitute its judgment for the judgment of the Panel and would have been justified in relying on any material found within the Record to affirm the Panel's decision. For the foregoing reasons, this Court should deny Appellant's Motion for Rehearing.

Respectfully Submitted,



Benjamin T. Cook (SC Bar # 102216)

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*

April 1, 2019

¹ Although *I'On* addresses SCACR Rule 220(c), that rule is virtually identical to the relevant portion of SCALC Rule 40. "The administrative law judge may affirm any ruling, order or judgment upon any ground(s) appearing in the Record...." SCALC Rule 40. "The appellate court may affirm any ruling, order, decision or judgment upon any ground(s) appearing in the Record on Appeal." SCACR Rule 220(c).

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Shirley C. Robinson, Administrative Law Judge

Case No. 18-ALJ-22-0351-AP

Amber Geohaghan

Appellant

RECEIVED
JUN 18 2019
SC Court of Appeals

v.

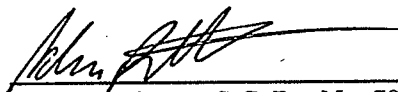
South Carolina Department of Employment and Workforce and
South Carolina Department of Social Services,

Respondents

NOTICE OF APPEAL

Appellant hereby appeals the orders of the Honorable Shirley C. Robinson dated March 7, 2019 affirming the decision of the Appellate Panel and May 16, 2019 denying Appellant's Motion for Rehearing. Appellant received written notice of entry of the latter on May 20, 2019.

June 18, 2019


Adam Brotheroe, S.C. Bar No. 78442
SC Appleseed Legal Justice Center
P.O. Box 7187
Columbia, SC 29202
(803) 779-1113
Attorneys for Appellant

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Amber Geohaghan,
Appellant,

vs.

South Carolina Department of
Employment and Workforce and South
Carolina Department of Social Services
Respondent(s),

) Docket No. 18-ALJ-22-0351-AP
)
)

RECORD ON APPEAL

APPEAL FROM SOUTH CAROLINA
DEPARTMENT OF EMPLOYMENT
AND WORKFORCE APPELLATE
PANEL

Adam Protheroe
PO Box 7187
Columbia SC 29202
Appellant Attorney

Benjamin Cook
Office of General Counsel-SCDEW
PO Box 8597
Columbia, SC 29202
803-737-0395
legal@dew.sc.gov
Attorney for Respondent DEW

South Carolina Department of Social Services
PO Box 1520
Columbia SC 29202
Employer

THE SOUTH CAROLINA DEPARTMENT OF
EMPLOYMENT AND WORKFORCE
Columbia, South Carolina

STATE OF SOUTH CAROLINA)
) CERTIFICATION
COUNTY OF RICHLAND)

The South Carolina Department of Employment and Workforce, by its Legal Department, hereby certifies that the attached hereto is a true and correct copy of the Record on Appeal in the matter of Geohaghan v. SCDEW & SCDSS together with a true and correct copy of the original decision of the Appellate Panel therein.

THE SOUTH CAROLINA DEPARTMENT OF
EMPLOYMENT AND WORKFORCE

Kristi Chesley
Kristi Chesley, Administrative Legal Assistant

Columbia, South Carolina

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South Carolina
Department of Employment and Workforce



2270586

08/29/2018

JOSEPH DICKEY
1817 HAMPTON ST
COLUMBIA SC 29201

NOTICE OF MAILING OF APPELLATE PANEL DECISION

Attached is a copy of the final decision of SCDEW in this case. Any further appeal is to the South Carolina Administrative Law Court. To obtain judicial review of this decision, you must comply with the requirements of S.C. Code Ann. § 41-35-750 and the Rules of Procedure of the Administrative Law Court. The Court may require a filing fee.

The law requires that a Petition for Judicial Review must be filed with the Court and served on all parties and SCDEW within thirty (30) days from the mailing date of SCDEW's final decision (see the mailing date above).

The address of the Administrative Law Court is:

**S.C. Administrative Law Court
Edgar A. Brown Building
1205 Pendleton St., Ste. 224
Columbia SC 29201**

Service of the Petition on SCDEW must be addressed and mailed to:

**Office of General Counsel
S.C. Department of Employment and Workforce
Post Office Box 8597
Columbia SC 29202**

SCDEW cannot advise a party on any legal matter. For legal advice or assistance in filing an appeal to the Administrative Law Court, you should consult an attorney licensed to practice law in South Carolina.

South Carolina
Department of Employment and Workforce



2270586

Office of Appellate Panel

AMBER GEOHAGHAN)

[REDACTED])

Claimant SSN: [REDACTED]

Claimant ID: [REDACTED]

**APPELLATE PANEL
DECISION**

STATE DEPARTMENT OF SOCIAL)
SERVICE)
PO BOX 1520)
COLUMBIA SC 29202-1520)

Appellant: AMBER GEOHAGHAN

Appeal Number: 18-HA-001158

Appellant: Claimant

The Claimant filed for unemployment benefits on March 9, 2018. The claims adjudicator's determination mailed March 30, 2018, held the Claimant indefinitely disqualified from benefits effective March 18, 2018, upon finding she left work voluntarily without good cause. The Claimant appealed to the Appeal Tribunal. After an evidentiary hearing, the Tribunal affirmed the determination. The Claimant appealed the Appeal Tribunal decision on July 17, 2018 to the Appellate Panel.

The Appellate Panel issued this decision upon review of the record on appeal. We affirm the Appeal Tribunal decision. The Claimant is indefinitely disqualified from benefits effective March 18, 2018, upon finding she voluntarily left work without good cause attributable to the employment.

BACKGROUND

The Claimant worked from March 4, 2013, to March 16, 2018, most recently as a senior child welfare specialist. She resigned her position due to concerns about her personal safety and her dissatisfaction with the way the Employer was responding after she was threatened. During a family meeting in the office on January 31, 2018, one of the Claimant's clients shouted profanity at the Claimant, said she wanted a different case worker, and told the Claimant she should be glad the client did not have a gun. The human relations liaison (HR liaison) began an investigation into

South Carolina
Department of Employment and Workforce

the incident at that time. The Claimant was concerned and fearful because the client had made a gun threat against a family member the previous week. She continued to work, but wrote an email to the HR liaison on February 12, 2018, stating, "Based on the incident that transpired and the request of [the client] wanting a new case manager, this option may be in the best interest of [the client] and the case's future." The Claimant maintains she did not receive a response to her email, and the Claimant's supervisor told her the client was "all bark and no bite." She asserts no one else would take the case, and she was still responsible for monthly meetings with the client. She acknowledges, however, she had no further interaction with the client in question. The Claimant's internet research confirmed her fears, and she submitted her resignation on March 16, 2018. She acknowledges she did not inquire about the status of the HR liaison's investigation, and she did not attempt to resolve the issue by enlisting the aid of the interim county director or the central human resources department. The Claimant was not disciplined for her lack of interaction with the client, and her job was not in jeopardy at the time she submitted her resignation.

The interim county director, who is now the regional director, explains the nature of the work of the agency requires employees to interact with clients who sometimes threaten violence. She states if the Claimant had addressed the issue up the chain of command, the Claimant could have been coached about deescalating future incidents, she could have been paired with another employee to interact with the client, or the case might have been reassigned.

FINDINGS

S.C. Code Ann. § 41-35-120(1) requires an indefinite disqualification from benefits when the Department finds the Claimant left work voluntarily without good cause. The disqualification continues until the claimant returns to work and earns eight times the weekly benefit amount of the claim in covered employment.

"Good cause" refers to a material, substantial change in the conditions of employment, or other circumstances directly attributable to the employment, which would cause a reasonable person to become totally unemployed rather than continue working.

The record establishes the Claimant voluntarily severed the employer/employee relationship by submitting a letter of resignation. The nature of the job and the Claimant's duties had not changed, and her job was not in jeopardy. The Claimant was upset after receiving a threat; however, she had no further interaction with the client and she waited a month to resign. Although she maintained the Employer was not responding to her concerns, she did not report her fears up the chain of command in order to seek a quicker resolution. The Employer had measures to put in place to support the Claimant and ensure her safety, but she did not avail herself of these additional resources. The Claimant has not presented specific credible evidence of circumstances directly attributable to the employment which would cause a reasonable person to become totally unemployed rather than continue working. Therefore, we find the Claimant voluntarily left work without good cause attributable to the employment.

In her appeal to the Appellate Panel, the Claimant requested to submit additional evidence pertaining to her separation. As a board of review, the Appellate Panel generally is confined to

South Carolina
Department of Employment and Workforce

the record developed by the Appeal Tribunal and does not consider additional information which was not previously presented in the evidentiary hearing before the Tribunal.

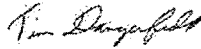
DECISION

The Appeal Tribunal decision mailed July 17, 2018, is affirmed. The Claimant is indefinitely disqualified from benefits effective May 20, 2018, upon finding she voluntarily left work without good cause attributable to the employment.

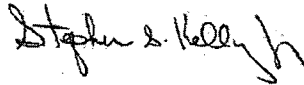
**SOUTH CAROLINA DEPARTMENT OF
EMPLOYMENT AND WORKFORCE
APPELLATE PANEL**



E.B. AYERS, Concur



TIM DANGERFIELD



STEPHEN S. KELLY, JR.

Date Mailed: 08/29/2018



South Carolina
Department of Employment and Workforce



1519751

AMBER GEOHAGHAN

Claim ID: 594580
Claimant ID: [REDACTED]
SSN: [REDACTED]
SC Works Center: Orangeburg
Effective Date: 03/18/2018
Date Filed: 03/19/2018
Date Prepared: 03/20/2018

Initial Determination of Status as an Insured Worker

*BENEFITS YOU MAY BE ELIGIBLE FOR

WEEKLY BENEFIT AMOUNT \$326.00
MAXIMUM TOTAL BENEFITS \$6,520.00
BENEFIT YEAR ENDS 03/16/2019

SEE ATTACHED FOR CLAIMANT INFORMATION

EMPLOYMENT RECORD		STANDARD BASE PERIOD QUARTERLY EARNINGS			
EMPLOYER	ACCOUNT NO.	*QTR / YEAR	*QTR / YEAR	*QTR / YEAR	*QTR / YEAR
STATE DEPARTMENT OF SOCIAL SER		4/2016	1/2017	2/2017	3/2017
		\$9,633.98	\$9,778.73	\$9,752.08	\$0.00
		STANDARD BASE QUARTER TOTAL			
		\$9,633.98	\$9,778.73	\$9,752.08	\$0.00

NOTE: The weekly benefit amount on this form reflects your GROSS PAYMENT EACH WEEK BEFORE ANY DEDUCTIONS are made. Possible deductions to this amount include, but are not limited to, tax withholding, pension, child support, offset of overpayment, and part-time earnings. ALSO, YOUR FINAL PAYMENT MAY BE LESS THAN THE FULL WEEKLY BENEFIT AMOUNT BASED ON THE BALANCE REMAINING IN YOUR ACCOUNT.

*QTR.

1. JAN, FEB, MAR 3. JULY, AUG, SEPT
2. APR, MAY, JUNE 4. OCT, NOV, DEC



South Carolina
Department of Employment and Workforce



1519751

INFORMATION FOR CLAIMANT

This is a monetary determination of your claim for benefits based on wages paid during your Base Period. This determination shows your Base Period Employment Record. It lists your covered employer(s) that paid you wages, their account number, and the wages paid to you by quarter and year during the base period of your claim. The total amount of wages paid to you by quarter in the base period is shown beside Base Quarter Total. This determination covers only the monetary portion of your claim. Another determination will be issued that states if you are eligible to receive benefits. It will be based on the reason for separation from your most recent bona fide employer.

Under Benefits You May Be Eligible For, your Weekly Benefit Amount, Maximum Benefit Amount, and the date your Benefit Year Ends are shown.

BASE PERIOD: The first four of the last five completed calendar quarters prior to the effective date of your initial claim. If you earned wages in covered employment not shown on this form, contact the claims representative by calling 1-866-831-1724.

If the monetary determination was invalid using base period wages, this determination may show wages and employment from an Alternate Base Period.

ALTERNATE BASE PERIOD: The first four most recently completed calendar quarters prior to the effective date of your initial claim. If you earned wages in covered employment not shown on the face of this form, contact the claims representative by calling 1-866-831-1724.

HIGH QUARTER: The quarter in your Base Period during which wages paid to you for insured were highest.

WEEKLY BENEFIT AMOUNT: The amount of benefits you may receive weekly, if unemployed and otherwise eligible, shall be one-half of the average weekly wage in the high quarter of your base period but shall not be less than \$42.00 nor greater than the maximum weekly benefit amount as determined by the Department or before June 30 of each year for benefit years on or after July 1 of such current calendar year, and prior to July 1 of the succeeding calendar year as provided in Section 41 - 35 - 40 of the Law.

MAXIMUM POTENTIAL BENEFITS: The greatest amount of compensation that you may receive during your benefit year.

BENEFIT YEAR: The one (1) year period following the effective date at your initial Claim. To establish a Benefit Year in accordance with the provisions of the Law, you must meet the following wage requirements:

1. You were paid at least \$1,092.00 for issued work during the high quarter of your alternate base period;
2. You were paid at least \$4,455.00 for issued work during your base period and
3. The total of your base period wages for issued work equal or exceeded one and one-half times the total of your high quarter wages.

AVERAGE WEEKLY WAGE: Shall be determined by dividing the high quarter wage earnings by 13 weeks.

REDETERMINATION RIGHTS: You have the right to request a correction if you do not agree that this determination is correct. Your request for redetermination may be made by letter to the office where you filed and it should be made without delay. No change can be made on this determination after one year from the date of this notice.

IF YOU NEED TO UPDATE YOUR ADDRESS OR TELEPHONE NUMBER, PLEASE VISIT SCUIHUB.DEW.SC.GOV.

EXAMPLE OF COMPUTATION OF BENEFITS

Maximum Potential Benefits:			
Your maximum total benefit amount for this benefit year is the lesser of			
Higher Quarter Wages	\$	1092.00	1. Twenty (20) times you Weekly Benefit Amount, or
Base Period Wages	\$	4455.00	2. One-third (1/3) of your total Base Period Wages as shown on this
Average Weekly Wage	\$1092.00 divided by 13 =	\$ 84.00	determination.
Weekly Benefit Amount	\$84.00 divided by 2 =	\$ 42.00	(1) 20 X \$42.00 = \$840.00 (2) 1/3 of \$4455.00 = \$1485.00
Maximum Benefits would be \$ since that amount is less than \$1485.00			



South Carolina
Department of Employment and Workforce



1519752

STATE DEPARTMENT OF SOCIAL SERVICE
PO BOX 1520
COLUMBIA SC 29202-1520

EXPLANATION OF DETERMINATION

Please note this notice of determination is in a different format from the notices which the South Carolina Department of Employment and Workforce uses to notify employers who are subject to the Law and who are liable to pay contributions on a quarterly basis under Section 41-31-10 of the South Carolina Code.

The attached determination form is designed to notify employers, who have elected to make payments to the Department in lieu of contributions as provided in Section 41-31-630 that a valid claim has been established for an individual who had service in the employ of such employer.

The amount of payment in connection with this claim will be determined in accordance with the provisions of Section 41-31-660, which is quoted in part, below:

"Amount of Payment - Each employer that is liable for payments in lieu of contributions shall pay to the Department for the fund the amount of regular benefits plus the amount of one-half of extended benefits paid that are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one employer and one or more of such employers are liable for payments in lieu of contributions, the amount payable to the fund by each employer that is liable for such payments shall be determined in accordance with the provisions of subparagraphs (1) or (2).

(1) If the benefits paid to an individual are based both on base period wages paid by one or more employers that are liable for contributions and on base period wages paid by one or more employers that are liable for payments in lieu of contributions, the amount payable by each employer that is liable for payments in lieu of contributions shall bear the same ratio to the sum of the amounts payable by such employers as the total base period wages paid to the individual by each employer that is liable for payments in lieu of contributions bear to the total base period wages paid to the individual by all such employers.

(2) If benefits paid to an individual are based on wages paid by two or more employers that are liable for payments in lieu of contributions, the amount of benefits payable by each such employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base period wages paid to the individual by such employer bear to the total base period wages paid to the individual by all of his base period employers."

In accordance with Section 41-31-630 (3), the employer must reimburse this Department for the full payment of any bill rendered under this section not later than thirty days after such bill is mailed to the employer's last known address.

If additional information or explanation is needed, the employer should write to the address shown below.

VALIDATION DEPARTMENT
SOUTH CAROLINA DEPARTMENT OF
EMPLOYMENT AND WORKFORCE
POST OFFICE BOX 1477
COLUMBIA, SOUTH CAROLINA 29202

South Carolina
Department of Employment and Workforce

INITIAL DETERMINATION OF STATUS AS AN UNINSURED WORKER

NOTICE TO EMPLOYER WHICH HAS ELECTED TO MAKE PAYMENTS IN LIEU OF CONTRIBUTIONS FOR AN AMOUNT EQUAL TO THE FULL AMOUNT OF REGULAR BENEFITS PLUS APPROPRIATE EXTENDED BENEFITS PAID TO AN ELIGIBLE CLAIMANT THAT IS ATTRIBUTABLE TO SERVICE IN THE EMPLOY OF SUCH EMPLOYER.

The individual whose name is shown in item 3 has filed an initial claim for unemployment benefits and we have issued a determination of his/her status as an insured worker. As provided in Section 41-35-40 of the South Carolina Code, this determination is based on the total wages paid to the claimant by all employers for insured employment during the base period of one year as indicated in item 7.

Benefits will be paid only if the claimant files weekly claims and continues to meet eligibility requirements of the Law. You will receive a bill for the amount due within thirty days after the close of the calendar quarter in which benefits are paid.

1. DATE 03/20/2018	2. WORKFORCE CENTER 380	STATE DEPARTMENT OF SOCIAL SERVICE PO BOX 1520 COLUMBIA, SC 29202-1520
3. CLAIMANT'S NAME AMBER GEOHAGHAN		
4. SOCIAL SECURITY NUMBER [REDACTED]		
5. EFFECTIVE DATE 03/18/2018	6. BENEFIT YEAR ENDS 03/16/2019	Employer Account Number: 000126904
7. BASE PERIOD FROM: 10/01/2016 TO: 09/30/2017		☐ Last Separation Was From Another Employer

Claimant's Name: AMBER GEOHAGHAN

SSN: 247-79-1806

Claimant ID: 10090991

WEEKLY BENEFIT AMOUNT	MAXIMUM POTENTIAL BENEFITS	YOUR WAGES USED	POTENTIAL AMOUNT OF BENEFITS ATTRIBUTABLE TO YOU
\$326.00	\$6,520.00	\$29,164.79	\$6,520.00

From: Benefit Department
SC Department of Employment and Workforce
PO Box 1477
Columbia, SC 29202



South Carolina
Department of Employment and Workforce



1517007

Claimant Name: AMBER GEOHAGHAN

Employer Name: STATE DEPARTMENT OF
SOCIAL SERVICE

Claimant Party ID: [REDACTED]

Issue ID: 2040159

Fact Finding Questions

Responses

I certify, understand, and acknowledge	Yes	
Is this the correct separation reason?	Yes	
What date was the day you began work?	03/04/2013	
What date was the last day you actually worked?	03/16/2018	
What date did you separate from your job?	03/16/2018	
Was there a final incident that caused you to quit?	Yes	
What date was the final incident?	01/31/2018	
What was the final incident?	arranged meeting with client and family at the agency	
Why did you feel the need to quit because of the final incident?	working jobsite safety became a issue	
Did you meet with the employer to find a better solution than quitting your job?	Yes	
Name:	the appropriate individual was notified. I was asked to give a response	

South Carolina
Department of Employment and Workforce

Job Title:	HR Liason	
------------	-----------	--

What date was the meeting?	01/31/2018	
----------------------------	------------	--

What was the outcome of the meeting?	Agency is aware of the issue. I was asked to give a response for the incident that occurred along with other individuals. I was told that the responses were going to be sent to stake office. This transpired after the client made a threat regarding a GUN. I expressed myself to more than one individual including via email and I continued to be subjected to dealing with this issue by completing my job duties which requires to make monthly contacts and attend court hearing and correspond w/ others.	
--------------------------------------	---	--

What working conditions caused you to quit?	Other	
---	-------	--

Did you give a resignation notice to the employer?	Yes	
--	-----	--

What date did you give notice to the employer?	03/02/2018	
--	------------	--

What date did you say your last day of work would be?	03/16/2018	
---	------------	--

Name:	Cynthia Brown	
-------	---------------	--

Job Title:	HR Liason	
------------	-----------	--

How did you provide the notice?	In writing	
---------------------------------	------------	--

South Carolina
Department of Employment and Workforce

Did you provide a reason for quitting in your notice?	Yes	
What reason did you give the employer for quitting?	To: Nicole Foulks Please accept this letter as my formal resignation from my role as Senior Child Welfare Specialist. My last day with Orangeburg County Department of Social Services will be March 16, 2018. My decision to resign was finalized after long and careful consideration of many factors. This change will be beneficial to my long-term career goals and objectives. Throughout my remaining time with the agency, I will continue to work diligently on case files and to discuss important case	
What date was the day you began work?	03/04/2013	
What date was the last day you actually worked?	03/16/2018	
What date did you separate from your job?	03/16/2018	
Was there a final incident that caused you to quit?	Yes	
What date was the final incident?	01/31/2018	
What was the final incident?	arranged meeting with client and family at the agency.	
Why did you feel the need to quit because of the final incident?	working jobsite safety became a issue	

South Carolina
Department of Employment and Workforce

Did you meet with the employer to find a better solution than quitting your job?	Yes	
--	-----	--

Name:	the appropriate individual was notified. I was asked to give a response	
-------	---	--

Job Title:	HR Liason	
------------	-----------	--

What date was the meeting?	01/31/2018	
----------------------------	------------	--

What was the outcome of the meeting?	Agency is aware of the issue. I was asked to give a response for the incident that occurred along with other individuals. I was told that the responses were going to be sent to stake office. This transpired after the client made a threat regarding a GUN. I expressed myself to more than one individual including via email and I continued to be subjected to dealing with this issue by completing my job duties which requires to make monthly contacts and attend court hearing and correspond w/ others	
--------------------------------------	--	--

What working conditions caused you to quit?	Other	
---	-------	--

Did the employer make a significant change in the conditions of work?	No	
---	----	--

Were the changes related to your job duties?	No	
--	----	--

South Carolina
Department of Employment and Workforce

What was the final incident that led to you quitting your job?	Arranged meeting with client and the incident that took place. Responses were taken from all individuals who were present.	
--	--	--

What date did the final incident occur?	01/31/2018	
---	------------	--

By submitting this form, you confirm these are your own answers to the best of your knowledge.

South Carolina
Department of Employment and Workforce

RECEIVED

MAR 28 2018

DEPT. OF UI



1519753

REQUEST TO EMPLOYER FOR SEPARATION INFORMATION - RESPONSE PAGE

03/20/2018

Claimant Name: AMBER GEOHAGHAN

Claimant SSN: [REDACTED]

Employer Account Number: [REDACTED]

Please give full details concerning the separation to ensure that a fair determination may be made.

1. Reason for Separation(Explain Fully):

Resignation - Personal2. Dates of Employment: From 3-4-2013 to 3-16-2018 (Last day worked)

3. Enter the total amount of earnings which you paid the claimant during:

a. The current quarter \$ 9,570.98b. The last completed calendar quarter \$ 8,027.90

4. Are you paying, or WILL YOU PAY, this claimant a pension or retirement pay?

☐ YES ☒ NO

If YES, what amount? \$ _____ PER _____

a. Did claimant contribute to pension plan?

☒ YES ☐ NOIf YES, what percent? 9.0 %5. Date: 3-28-18

Signed:

Title:

Return To:

South Carolina Department of Employment and Workforce
P.O. Box 1477

Columbia, SC 29202

(803) 737-0499

Fax To:

RECEIVED

MAR 22 2018

HUMAN RESOURCES MANAGEMENT



South Carolina
Department of Employment and Workforce



1537205

March 22, 2018

SSN: [REDACTED]
Claimant ID: [REDACTED]
Claim ID: 594580

STATE DEPARTMENT OF SOCIAL SERVICE
PO BOX 1520
COLUMBIA SC 29202-1520

ATTENTION: FAILURE TO RESPOND TIMELY OR ADEQUATELY TO DEW'S REQUEST FOR INFORMATION MAY NEGATIVELY IMPACT YOUR UNEMPLOYMENT TAXES.

Request for Information from the Employer Forms Instructions

A claim for unemployment insurance was filed by an individual who has identified you as a previous employer.

You are receiving this written request for separation information because we were not able to send this electronically. Complete and accurate separation information is critical in making sound decisions on claims for unemployment insurance, which helps to keep tax rates as low as possible.

Specific questionnaires regarding the most common reasons for separation are enclosed. They are:

Lack of Work – Work is not available (layoff, furlough, reduction in force, etc.).

Discharge/Fired – Employer initiated separation.

Voluntary Quit – Claimant initiated separation.

Still Working – Still employed but working reduced hours.

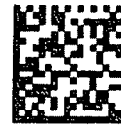
General/Other – Separated for a reason other than one listed above.

If this individual was not employed by you, please indicate on form.

Please complete and return the form within 10 calendar days to ensure that a timely and proper decision can be issued on this claim. If you have questions or need assistance, please call 1-866-831-1724.



South Carolina
Department of Employment and Workforce



1537205

Please return to:

SC DEW

PO BOX 995

COLUMBIA SC 29202

Fax: 803-737-0621

Claimant's Name: AMBER GEOHAGHAN

SS#: [REDACTED]

Name Worked Under:

Date Mailed: 03/22/2018

Employer's Account #: [REDACTED]

Return with in 10 days
of the above date to:

Employer's Name & Address:

Fax Number: 803-737-0621

STATE DEPARTMENT OF SOCIAL SERVICE

BYE: 03/16/2019

PO BOX 1520

COLUMBIA SC 29202-1520

CLAIMANT'S Reason for Separation: UNKNOWN

SEPARATION INFORMATION: Please check the explanation below that applies and answer the questions that are related to that section.

☐ **LACK OF WORK :** (NO ADDITIONAL WRITTEN EXPLANATION IS NECESSARY)

☐ **DISCHARGE:**

When was the claimant discharged? _____

What was the reason for discharge? _____

Does your company have a policy regarding this reason for discharge? ☐ Yes ☐ No

If Yes, What is your company policy? _____



South Carolina
Department of Employment and Workforce



1537205

Had the claimant been warned? ☐ Yes ☐ No

If Yes, provide dates, reasons for warnings, who gave the warning, and how the warnings were communicated:

Please attach copies of any written warnings.

Date of the final incident: _____

What was the final incident that cause the discharge? _____

☐ **VOLUNTARY QUIT/OTHER REASON:**

Did the claimant quit in lieu of termination? ☐ Yes ☐ No

If Yes, please complete the discharge portion of this form.

If No, why did the claimant quit? _____

Explain the employer's understanding of the reason the claimant left: _____



South Carolina
Department of Employment and Workforce



1537205

☐ **STILL WORKING**

What were the hours agreed upon when the claimant was hired to work and why were the hours reduced?

Has there been a reduction in the claimant hours worked? ☐ Yes ☐ No

If Yes, what are the hours the claimant is currently working?

Is the claimant accepting all work offered? ☐ Yes ☐ No

Information below required for all separations:

Dates of employment: From: _____ To: _____

During all terms of employment, have you paid this claimant as much as 2,608.00? ☐ Yes ☐ No

If No, how much have you paid this claimant in all terms of employment? \$ _____

Are you paying, or WILL YOU PAY, this claimant a pension or retirement pay? ☐ Yes ☐ No

If Yes, What amount? \$ _____ PER _____

Did the claimant contribute to pension plan? ☐ Yes ☐ No If Yes, what percent? _____ %

Employer Name: STATE DEPARTMENT OF SOCIAL SERVICE Account Number: 000126904

Employer Signature: ** _____ Title: _____

Telephone Number: _____ Date: _____

**** FORM MUST BE SIGNED IN ORDER FOR INFORMATION TO BE CONSIDERED**



South Carolina
Department of Employment and Workforce



1567446

Original

AMBER GEOHAGHAN

Mailing Date: 03/30/2018
Effective Date: 03/18/2018
Type: QT05
Category: Working Conditions
Benefit Year Ends: 03/16/2019
RE: STATE

DEPARTMENT OF
SOCIAL SERVICE

Claimant ID:
SSN:

DECISION

You are held ineligible for benefits from 03/18/2018 .

DETERMINATION REASON

You left your most recent bona fide employer because you were dissatisfied with the work environment. There had been no significant change in the working conditions or surroundings which you had accepted at the time you were hired. You left voluntarily and without good cause under the South Carolina code section 41-35-120.

CONCLUSION

You have not met the eligibility requirements of the law, benefits are denied from 03/18/2018.

UI Claims Adjudicator

IMPORTANT: This determination will be the final decision of the Department unless you file an appeal setting forth in detail the grounds for appeal by 04/09/2018. Your appeal may be filed via the MyBenefits Portal, by mail addressed to the "Appeal Tribunal, Post Office Box 995, Columbia, SC 29202," or by fax to 803-737-0287. For additional information on filing an appeal, contact the Appeals Department at 803-737-2520 or visit our website at www.dew.sc.gov/individuals/manage-your-benefits/appeals.

SEE FURTHER EXPLANATIONS OF THE LAW ON PAGE TWO (2) OF THIS FORM

South Carolina
Department of Employment and Workforce

EXPLANATION OF DETERMINATION

South Carolina Employment and Workforce Law provides varying penalties for a claim that does not meet the requirements of the law.

The term "bona fide employer" means the employer with whom the claimant last earned at least eight (8) times the weekly benefit amount.

SECTION 41-35-110 provides that a claimant is eligible for benefits for any week only if the week is claimed according to the regulations, and the claimant has registered and continued to report to an employment office for work as required. Additionally, a claimant must be physically able to work at his usual occupation which prior training and experience show him to be qualified. Also, a claimant must be available for work, which means being ready, able, and willing to accept suitable work, and that personal circumstances would not prevent him from accepting such work.

No weeks of unemployment benefits will be paid for weeks for which the claimant is held to be unavailable. The claimant should call 1-866-831-1724 if the condition which caused the unavailability changes.

SECTION 41-35-120(1) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant left work without good cause connected with the employment. The disqualification shall begin on the effective date of the claim and shall continue until the claimant returns to work and earns at least eight times the weekly benefit of the claim.

SECTION 41-35-120(2)(a) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant was discharged for misconduct connected with the most recent work. The disqualification shall begin on the effective date of the claim and shall continue for twenty weeks, with a corresponding reduction of the claimant's benefits to be calculated by multiplying the weekly benefit amount by twenty. Misconduct includes deliberate violations or disregard of standards of behavior the employer has the right to expect, or carelessness or negligence of such degree or recurrence as to show an intentional and substantial disregard of the employer's interest or the claimant's duties and obligations to the employer.

SECTION 41-35-120(2)(b) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant was discharged for cause, other than misconduct, connected with the most recent work. The disqualification shall begin on the effective date of the claim and shall continue for not less than five nor more than nineteen weeks, with a corresponding reduction of the claimant's benefits to be calculated by multiplying the weekly benefit amount by the number of weeks of the disqualification.

SECTION 41-35-120(3) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant was discharged for illegal drug use. The disqualification shall begin on the effective date of the claim and shall continue until the claimant returns to work and earns at least eight times the weekly benefit amount of the claim.

SECTION 41-35-120(4) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant was discharged for gross misconduct. The disqualification shall begin on the effective date of the claim and shall continue until the claimant returns to work and earns at least eight times the weekly benefit amount of the claim.

SECTION 41-35-120(5) provides that a claimant shall be disqualified from benefits if the Department finds the claimant failed without cause to either apply for suitable work when directed by the Department or to accept available suitable work. The disqualification shall begin on the effective the week the failure occurs and shall continue until the claimant returns to work and earns at least eight times the weekly benefit amount of the claim.

SECTION 41-35-120(8) provides that a claimant shall be disqualified from benefits if the Department finds that the claimant retired voluntarily from the most recent work. The disqualification shall begin on the effective date of the claim and shall continue until the claimant returns to work and earns at least eight times the weekly benefit amount of the claim.

If you are still unemployed at the end of a period of disqualification or believe you have met the requalification requirements imposed, you may reopen your claim by reporting to the local unemployment office on the earliest possible date following the end of the disqualification or after meeting the earnings requirement.

FOR ADDITIONAL INFORMATION OR QUESTIONS PLEASE CONTACT US AT 1-866-831-1724.

Appeal Filed Summary

Claimant Name GEOHAGHAN, AMBER

Claimant ID [REDACTED]

Claimants masked SSN [REDACTED]

Employer Name STATE DEPARTMENT OF SOCIAL
SERVICE

Employer Account # [REDACTED]

Issue ID 2040159

Issue Description Quit - Working Conditions

Date of Determination being appealed 03/29/2018 12:00 AM

Reason the appellant provided for the appeal The incident that I am referring to is of a client made a threat of a GUN which took place and was witnessed by upper management in the county office in addition to the agency's security officer. Individuals All individuals who witnessed this incident were instructed by the countys HR Liaison to write summaries/responses about what transpired during that altercation. We were informed that the county director would be notified and all responses would be sent to state office

Appellant Claimant

Date and Time Stamp when appeal was filed 03/29/2018 09:18 PM



South Carolina
Department of Employment and Workforce



1800790

AMBER GEOHAGHAN





South Carolina
Department of Employment and Workforce
Appeal Tribunal
P.O. Box 995
Columbia SC 29202



1800790

NOTICE OF HEARING BEFORE APPEAL TRIBUNAL (TELEPHONE CONFERENCE)

Mail Date: 05/24/2018

Claimant Name: AMBER GEOHAGHAN
Address: [REDACTED]

Social Security Number: [REDACTED]
Claimant ID: [REDACTED]
Appeal Number: 18-LA-005927
Phone: [REDACTED]

Employer name: STATE DEPARTMENT OF SOCIAL SERVICE Phone: 803-898-8079
Address: PO BOX 1520
COLUMBIA SC 29202-1520

An administrative hearing will be held **TELEPHONE CONFERENCE** on: 06/08/2018 at 09:30 AM, Eastern Standard Time, BEFORE: BRYNN DEHAY, Administrative Hearing Officer, for the SC Department of Employment and Workforce. The parties will be called by the hearing officer at the telephone numbers shown on this form. **IF THE TELEPHONE NUMBER IS INCORRECT OR NO TELEPHONE NUMBER IS SHOWN, YOU MUST CALL THIS TOLL-FREE NUMBER 866-269-5680 IMMEDIATELY TO INFORM US OF YOUR TELEPHONE NUMBER SO THAT YOU CAN PARTICIPATE IN THE HEARING.**

If you have not been called within 10 minutes after the scheduled time of the hearing, you must call 803-737-2520. Either another hearing is still in progress, or we are unable to contact you. Failure to call or participate in the hearing may result in your interests being considered abandoned.

The issue(s) for the hearing are:

- Voluntary Quit
- Discharge

SCHEDULE CONFLICTS: Hearing postponements are not ordinarily granted. However, if you have a justifiable conflict, notify the Department as soon as possible before your hearing. If you do not, a later request to reopen your hearing may be denied. Contact an appeals representative at 803-737-2520, AT ONCE, if you cannot be present at the time scheduled and wish to request a postponement of the hearing.

PURPOSE OF THE HEARING: The hearing is a fact-finding process that uses a question-and-answer method. Each side may present testimony, witnesses, and documents relevant to its case. The hearing officer will conduct a fair hearing, determine what is relevant, and make sure the record is complete. After the hearing, the officer will prepare a written decision based on the evidence. That decision will be mailed to you.

SPECIAL NOTE: The Appeal Tribunal may reverse, affirm, or modify the decision on appeal. **Be advised that if a disqualification is at issue, then the appeal may result in an increase or decrease of the disqualification.**



South Carolina
Department of Employment and Workforce
Appeal Tribunal
P.O. Box 995
Columbia SC 29202



1800790

WHAT HAPPENS AT A HEARING: This notice lists what issues the hearing will cover. The hearing is recorded and all proceedings are taken under oath. After explaining the law and procedures, the hearing officer will ask questions of each side and its witnesses in turn. After all testimony is taken from one side the same procedure is repeated for the other side. Wait your turn, as you may not interrupt while another person is testifying. The hearing officer will tell you when it's your turn to ask questions. Ask relevant questions that have not already been asked and answered. If you don't have any questions, let the hearing officer know.

EVIDENCE: Written evidence or documents such as letters timecards, or doctors' statements may help your case. Photos, maps, or charts may also help explain what happened. Be ready to tell who prepared the evidence and how it helps your case. Send legible copies of the documents to the hearing officer and the other side before the hearing. Do this even if you believe the Department or the other side already has them. **EVIDENCE MUST BE SUBMITTED TO THE APPEAL TRIBUNAL AND PROVIDED TO THE OPPOSING PARTY AT LEAST 24 HOURS PRIOR TO THE HEARING.** If you don't, the documents may not be considered as evidence. Include only evidence that relates directly to issues listed on the hearing notice.

Any evidence that you want to be considered in this hearing must be sent immediately to the Appeal Tribunal at the address shown on the top of this notice, or faxed to our number 803-737-0287, or uploaded through the claimant or employer self-service portal.

WITNESSES: You may present witnesses to support your case. Choose witnesses who actually saw or heard what happened. Those witnesses must be present at the time and location of the hearing.

DO I NEED A LAWYER? The unemployment appeal process is designed for claimants and employers who don't have attorneys. However, an attorney may represent you at your own expense. If you do choose to retain a lawyer, fees charged to represent claimants are limited to the greater of \$200 or a claimant's maximum weekly benefit amount for each proceeding.

SUBPOENAS: A subpoena is a legal document issued by the Department that orders an essential witness to testify or produce certain documents for the hearing. You may apply for a subpoena of witnesses and/or documents by downloading a form APP-107 under the Appeal Hearings heading at www.dew.sc.gov/individuals/tools/forms. The form must be completed, signed and sent to the Appeal Tribunal. It may be sent by mail to "Appeal Tribunal, P.O. Box 995, Columbia SC, 29202," by fax to 803-737-0287, or through the claimant or employer self-service portal. **SUBPOENA APPLICATIONS MUST BE RECEIVED SIX (6) BUSINESS DAYS PRIOR TO THE HEARING DATE OR THE REQUEST MAY NOT BE CONSIDERED.**

INTERPRETERS: The Appeal Tribunal will provide qualified language interpreter or interpreter for the deaf when requested. If you or any of your witnesses need an interpreter and you have not previously requested one, contact the Tribunal immediately.



South Carolina
Department of Employment and Workforce

Appeal Tribunal
P.O. Box 995
Columbia SC 29202



1800790

WITHDRAWING AN APPEAL: Only the party who filed the appeal may withdraw it. If you wish to withdraw your appeal, please contact a Department representative at 803-737-2520 or mail your notice of withdrawal to "Appeal Tribunal P.O. Box 995, Columbia SC 29202".

TIME ZONES: If you call from a time zone other than Eastern Standard Time, be sure to properly calculate the time difference.

OVERPAYMENT OF BENEFITS: An adverse decision may result in an overpayment of benefits. In the event you are overpaid benefits, you will be required to repay those benefits to the Department.

DECISION: The Appeal Tribunal's written decision will resolve each issue, but it may not review in detail all testimony or documents given at the hearing. If you disagree with the decision, you may file a further appeal. The decision will explain how to file an appeal.

FILING FOR BENEFITS DURING APPEAL: A CLAIMANT MUST CONTINUE TO FILE WEEKLY CLAIMS FOR BENEFITS DURING THE APPEAL PROCESS, IF STILL UNEMPLOYED. Claim Weeks that are not timely filed cannot be paid, even if the claimant wins the appeal and is later held eligible. **CONTACT THE DEPARTMENT AT ONCE AT 1-866-831-1724** if there are any problems or questions when filing weekly claims.

THIS NOTICE SUPERSEDES ANY PREVIOUS HEARING NOTICE ON THIS ISSUE YOU MAY HAVE RECEIVED. IF THE DATE ON THIS NOTICE IS LATER THAN THE DATE ON ANY OTHER NOTICE, YOU SHOULD ASSUME THAT THE PREVIOUS HEARING HAS BEEN POSTPONED AND FOLLOW THE INSTRUCTIONS ON THIS NOTICE.

Selected Sections of the South Carolina Unemployment Law

VOLUNTARY QUIT: Section 41-35-120(1) provides that a claimant found to have left work voluntarily without good cause is indefinitely disqualified from receiving benefits until s/he returns to work and earn at least eight (8) times the weekly benefit amount. Good cause is a reason that is connected to employment and would justify a reasonable person leaving employment.

DISCHARGE FOR MISCONDUCT: Section 41-35-120(2)(a) provides that a claimant found to have been discharged for misconduct is disqualified for twenty (20) weeks. "Misconduct" includes conduct showing willful disregard of an employer's interests, such as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee. No finding of misconduct may be made for discharge resulting from an extreme hardship, emergency, sickness, or other extraordinary circumstance.

DISCHARGE FOR CAUSE: Section 41-35-120(2)(b) provides that a claimant found to have been discharged for cause (i.e., fault), other than misconduct, is partially disqualified from benefits from five (5) to nineteen (19) weeks, according to the seriousness of the cause for discharge.



South Carolina
Department of Employment and Workforce

Appeal Tribunal
P.O. Box 995
Columbia SC 29202



1800790

GROSS MISCONDUCT: Section 41-35-120(4) provides if a claimant is discharged for gross misconduct claimant is indefinitely disqualified from receiving benefits until s/he returns to work and earn at least eight (8) times the weekly benefit amount.

UNEMPLOYMENT DUE TO DOMESTIC ABUSE OR COMPELLING FAMILY CIRCUMSTANCES: Section 41-35-125 provides that a claimant may be found to be eligible for unemployment benefits if the separation from employment is attributable to domestic abuse or other compelling family circumstances. Compelling family circumstances may involve illness or disability of the claimant or an immediate family member and a required relocation for the claimant's spouse. The burden is on the claimant to show these circumstances exist. Where required by statute, the claimant must produce documentary evidence supporting the claim.

AVAILABILITY: Section 41-35-110 provides that a claimant is eligible for benefits for any week only if the week is claimed according to the regulations and the claimant has registered and maintained contact with the Department as required. Additionally, a claimant must be physically "able to work" at his/her usual occupation which prior training and experience shows him to be qualified. Also, a claimant must be "available for work," which means being ready, able and willing to accept suitable work, and that personal circumstances would not prevent him/her from accepting such work.

Unemployment benefits will not be paid for weeks in which the claimant is held to be unavailable. If the conditions which cause the unavailability change, the claimant may contact the Department to reopen his claim. The burden is on the claimant to show availability for work and reasonable effort to obtain work.

ONLINEWORK SEARCH REQUIREMENT: To be eligible for your weekly claim, you must perform at least two (2) job searches each week through the South Carolina Works Online Services (SCWOS) system. If you do not complete this requirement, you may not receive payment. The Department may waive this requirement to perform at least two (2) weekly job searches through SCWOS only for good cause. Good cause includes, but is not limited to, verifiable electronic access and/or language barriers, and is determined by the Department on a case-by-case basis and only after a claim has not been paid. See S.C. Code Ann. Regs. 47-104.

JOB OFFER AND REFERRAL: Section 41-35-120(5) provides that any claimant who has failed (1) without good cause to either apply for available suitable work, when so directed by the Department, or (2) to accept available suitable work when offered by the Department or an employer, shall be ineligible until the claimant furnishes satisfactory evidence of having been re-employed and having earned at least eight (8) times the weekly benefit amount. The burden is on the claimant to show availability for work and reasonable effort to obtain work. See S.C. Code Ann. Regs. 47-23.

SOUTH CAROLINA
DEPARTMENT OF EMPLOYMENT & WORKFORCE

Columbia, South Carolina

Transcript of Testimony
Before

Brynn N. DeHay, Administrative Hearing Officer

Amber Geohaghan) **CLAIMANT**
[REDACTED])
[REDACTED])
Claimant SSN: [REDACTED])

State Department of Social Service) **LIABLE EMPLOYER**
P.O. Box 1520)
Columbia, South Carolina 29202)

PLACE OF HEARING: SC Department of Employment & Workforce
Central Office Annex
631 Hampton Street
Columbia, SC 29201

DATE OF HEARING: June 8, 2018

APPEARANCES:

For Claimant: Amber Geohaghan
For Employer: Cynthia Brown
Nicole Foulks

TESTIFYING WITNESSES

CLAIMANT:

Amber Geohaghan

EMPLOYER WITNESSES:

Cynthia Brown, Human Resources Liaison
Nicole Foulks, Regional Director for Orangeburg

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CYNTHIA BROWN

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NICOLE FOULKS

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EXHIBITS ENTERED

<u>Exhibit</u>	<u>Description</u>	<u>Page</u>
Agency Exhibit 1	Claims Adjudicator's Determination	14
Claimant Exhibit 1	Email of February 12, 2018	28

1 Before Brynn N. DeHay, Administrative Hearing Officer

2 HEARING OFFICER'S PREAMBLE

3 ALL WITNESSES SWORN

4

5 [Recording started]

6 [Telephone ringing]

7 UNIDENTIFIED FEMALE: Hello?

8 HEARING OFFICER: Hi, is Amber Goo-- um, Geohaghan available?

9 AMBER GEOHAGHAN: Hi, this is Amber.

10 HEARING OFFICER: Hi, ma'am. Am I pronouncing your last name
11 correctly?

12 AMBER GEOHAGHAN: It's Gohagan [phonetic].

13 HEARING OFFICER: Gohagan [phonetic], okay. Hi, Ms. Geohaghan, are
14 you ready to proceed regarding your hearing scheduled
15 for this morning?

16 AMBER GEOHAGHAN: Sure. Yes, ma'am.

17 HEARING OFFICER: Okay. Also, please for the record, Ms. Geohaghan, if
18 the number on the notice is incorrect please do call and
19 update your contact number prior to the start time of
20 the hearing, okay?

21 AMBER GEOHAGHAN: Okay.

22 HEARING OFFICER: So again because I did happen to get this message and
23 was running-- and my other hearing ran-- went a bit
24 behind, but otherwise if we don't have the number
25 prior to the call time you may be seen to have
26 abandoned your appeal. So just keep that in mind. Also
27 too, I would recommend you go online to your SC

1 CSS portal and update your phone number there as
2 well. Okay?

3 AMBER GEOHAGHAN: Okay. Thank you for that.

4 HEARING OFFICER: Thank you. Do you have any additional witnesses or
5 counsel with you today?

6 AMBER GEOHAGHAN: No, ma'am.

7 HEARING OFFICER: All right. Thank you, Ms. Geohaghan. If you'll hang
8 on the line while I contact the employer.

9 AMBER GEOHAGHAN: Thank you.

10 [Telephone dial tone. Selection made. Telephone rings]

11 UNIDENTIFIED FEMALE2: Nicole.

12 HEARING OFFICER: Hi, is Cynthia Brown available?

13 UNIDENTIFIED FEMALE2: This isn't her number.

14 HEARING OFFICER: Okay. Or is this Nicole Foulks?

15 NICOLE FOULKS: Yes. This is Nicole Foulks.

16 HEARING OFFICER: Okay. All right. I think they've got it just a little swi--.
17 Okay. But, my name is Brynn DeHay. I'm calling
18 about the South Caro-- from the South Carolina
19 Department of Employment and Workforce about the
20 hearing scheduled for today.

21 NICOLE FOULKS: Yes, ma'am.

22 HEARING OFFICER: All right. And so, Ms. Foulks, are you going to be one
23 of the witnesses?

24 NICOLE FOULKS: I can. Yes.

25 HEARING OFFICER: Okay. And is the other witness going to be Ms.
26 Brown?

1 NICOLE FOULKS: If she-- I think she was looking for you to call her as
2 well.

3 HEARING OFFICER: I believe so. It looks like they updated that
4 accordingly. So I'll-- I will try her number next.

5 NICOLE FOULKS: Okay. Great.

6 HEARING OFFICER: Okay. And Ms. Foulks, what's your job title?

7 NICOLE FOULKS: I am the regional director for Orangeburg. DSS.

8 HEARING OFFICER: Thank you. All right. If you'll hang on the line for me
9 while I try. I'm going to conference you in with Ms.
10 Geohaghan and then we'll get Ms. Brown on the
11 phone, okay?

12 NICOLE FOULKS: Okay. Thank you.

13 HEARING OFFICER: All right. Ms. Geohaghan, are you there?

14 AMBER GEOHAGHAN: Hi, I am.

15 HEARING OFFICER: Okay. And, Ms. Foulks, are you there?

16 NICOLE FOULKS: I am.

17 HEARING OFFICER: Great. Thank you. Everybody sit tight. I'm going to try
18 and get Ms. Brown on the line as well. I'm going to be
19 leaving you all on hold. Please be aware that you all
20 can hear each other while I have you on hold. Please
21 do not discuss the case in my absence. Thank you.

22 NICOLE FOULKS: Thank you.

23 [Telephone dial tone. Selection made. Telephone rings]

24 UNIDENTIFIED FEMALE: Good morning, Orangeburg DSS. Cynthia Brown
25 speaking. How can I help you?

26 HEARING OFFICER: Hi, Ms. Brown. This is Brynn DeHay calling from the
27 South Carolina Department of Employment and
28 Workforce about the hearing scheduled for today

1 regarding Ms. Amber Geohaghan and her application
2 for unemployment benefits.

3 CYNTHIA BROWN: Yes, ma'am.

4 HEARING OFFICER: I've a note here that you're going to be one of the
5 witnesses, is that correct, ma'am?

6 CYNTHIA BROWN: Yes, ma'am.

7 HEARING OFFICER: Great. Thank you. And there was also an indica-- and I
8 also have Ms. Foulks on the other line. Is it just going
9 to be the two of you today?

10 CYNTHIA BROWN: Yes, ma'am.

11 HEARING OFFICER: Great. If you'll hang on the line for me while I
12 conference you in with everybody.

13 CYNTHIA BROWN: Okay.

14 HEARING OFFICER: Okay. Ms. Brown, are you there?

15 CYNTHIA BROWN: Yes, ma'am.

16 HEARING OFFICER: Okay. And Ms. Foulks?

17 NICOLE FOULKS: Yes.

18 HEARING OFFICER: And Ms. Geohaghan?

19 AMBER GEOHAGHAN: Yes.

20 HEARING OFFICER: Okay. Great. Thank you all very much for your
21 participation in the hearing today. My name is Brynn
22 DeHay. I'm going to be conducting the hearing. I do
23 apologize we're running a little bit late, but we're
24 going to go ahead and get started in just a moment.

25 I am going to be asking everybody a series of
26 questions. Please, if I ask you a yes or no question, do
27 say yes or no for me. Not uh-huh, uh-uh, yeah, yeh,
28 'kay, ya or anything along those lines. Just yes or no.

1 Additionally, please be respectful of each other and of
2 me. If someone else is talking, please don't interrupt,
3 don't shout out, don't say no that's not what happened.
4 Simply wait for me to come to you for your testimony
5 and tell me about any disagreements at that time. If
6 you'd have a legal objection, you may voice that at any
7 point but it does need to be a legal objection and not
8 just a factual disagreement.

9 Okay. And on behalf of the employer uh, Ms. Brown
10 and Ms. Foulks, which of you is going to be the
11 primary spokesperson?

12 NICOLE FOULKS: This needs to be Ms. Brown, please.

13 HEARING OFFICER: Okay.

14 NICOLE FOULKS: She's the HR liaison in the office.

15 HEARING OFFICER: Okay. Thank you. And, Ms. Brown, is that your job
16 title? HR Liaison?

17 CYNTHIA BROWN: Yes, ma'am.

18 HEARING OFFICER: Okay. Liaison. All right. Ms. Brown, you'll be the
19 primary spokesperson. That means you will be the
20 party that has to voice any objections, proffer any
21 exhibits, and [Clears throat] pardon me. Proffer any
22 exhibits, as well as ask questions, if you have any, of
23 your witnesses and the opposing party.

24 All right. And it-- Ms. Brown, it was just going to be
25 you and Ms. Foulks, correct? No additional witnesses?

26 CYNTHIA BROWN: No, ma'am.

27 HEARING OFFICER: Okay. And you didn't have any witnesses either,
28 correct, Ms. Geohaghan?

29 AMBER GEOHAGHAN: No, ma'am.

1 HEARING OFFICER: Okay. Great. Thank you all very much for your
2 participation. As I said, if we do get disconnected for
3 any reason, I will immediately call you back.
4 However, we do have multiple lines open, so if I am
5 taking testimony from another party and it-- I may not
6 immediately realize that you have fallen off the call.
7 So if it's been longer than a couple of minutes do go
8 ahead and call in to the Appeal Tribunal number at
9 803-737-2520 and alert someone there as to what has
10 happened. So, give me a few minutes to call you back
11 first, but if it takes much longer than that, do call in so
12 we do have record that you attempted to rejoin the call.
13 All right. I think that's about it. We'll go ahead and get
14 started and get on the record.
15 We are now on the record. This is a hearing on appeal
16 number 18-LA-005927 in the case of the claimant
17 Amber Geohaghan and the employer The State
18 Department of Social Services.
19 The claimant appealed the determination mailed
20 March 30th, 2018 whereby the claimant was held
21 indefinitely disqualified from receiving benefits
22 effective March 18th, 2018 upon a finding she
23 voluntarily quit employment without good cause.
24 The issues in this hearing are whether the claimant
25 voluntarily quit with or without good cause, was
26 discharged for cause or misconduct within the meaning
27 of the law.
28 This hearing is being recorded today in accordance
29 with state law.
30 This hearing is being conducted on June 8th, 2018 in
31 Columbia, South Carolina via teleconference before
32 Brynn N. DeHay, an Administrative Hearing Officer

1 with the South Carolina Department of Employment
2 and Workforce. The claimant, Ms. Amber Geohaghan
3 is present today.

4 Ms. Geohaghan, will anyone else be participating on
5 your behalf in the hearing today?

6 AMBER GEOHAGHAN: No, ma'am.

7 HEARING OFFICER: Thank you. With no additional witnesses and is not
8 represented by counsel in this matter.

9 The employer, The State Department of Social
10 Services, is also present today represented by two
11 witnesses: Ms. Cynthia Brown, the Human Resources
12 liaison, and Ms. Nicole Foulks, the regional director
13 for Orangeburg. We have established that Ms. Brown
14 will be acting as the employer's primary spokesperson
15 today.

16 Ms. Brown, will anyone else other than the parties I
17 have mentioned be participating on behalf of the
18 employer in the hearing today?

19 CYNTHIA BROWN: No ma'am.

20 HEARING OFFICER: Thank you. And the employer is not represented by
21 counsel in this matter.

22 All testimony must be taken under oath or affirmation,
23 so at this time I am going to go ahead and swear in all
24 the testifying parties.

25 Do you solemnly swear or affirm that the testimony
26 you are about to give is the truth, the whole truth, and
27 nothing but the truth, so help you God?

28 Ms. Geohaghan?

29 AMBER GEOHAGHAN: I do.

1 HEARING OFFICER: Ms. Brown?

2 CYNTHIA BROWN: I do.

3 HEARING OFFICER: Ms. Foulks?

4 NICOLE FOULKS: I do.

5 HEARING OFFICER: Please let the record reflect that all the witnesses have
6 answered in the affirmative and thus been duly sworn
7 in.

8 I'm initially going to ask questions of each party. Each
9 party will then have an opportunity to ask questions of
10 their own witnesses, as well as to cross-examine the
11 opposing party's witnesses. You will also have an
12 opportunity to provide any additional relevant
13 information you believe needs to be brought to the
14 attention of the Appeal Tribunal today.

15 Oh. Everybody hold on for just one second. Give me
16 one moment. I'm sorry.

17 Okay. I do apologize for that brief pause. I just was
18 making sure-- the recording looked like it may have
19 stopped but it is fine. It's going on. All right.

20 Ms. Geohaghan, will you confirm we did not discuss
21 the case while we were briefly off the record?

22 AMBER GEOHAGHAN: Yes, we did not discuss the case.

23 HEARING OFFICER: Thank you. Ms. Brown, will you also confirm that?

24 CYNTHIA BROWN: We did not discuss the case.

25 HEARING OFFICER: Thank you. All right. Yes. As I was saying, I'm
26 initially going to ask questions of each party. Each
27 party will have an opportunity to ask questions of their
28 own witnesses, as well as cross-examine the opposing
29 party's witnesses. You'll also have an opportunity to

1 provide any additional relevant information you
2 believe needs to be brought to the attention of the
3 appeal tribunal today.

4 If you have submitted documents or evidence you wish
5 to have considered, it is your responsibility to bring
6 those items to my attention when they become relevant
7 to your testimony. They will not be automatically
8 entered into the record, so you must present those
9 items to be entered.

10 Notification of a decision will be mailed to each party
11 at their address of record just as soon as possible.

12 Ms. Geohaghan, we have your decision going to [REDACTED]
13 [REDACTED]
14 Is that correct?

15 AMBER GEOHAGHAN: Yes, that's correct.

16 HEARING OFFICER: Thank you. And we have your contact phone number--
17 we do not have a contact phone number listed for you.
18 Would you like to state one for the record?

19 AMBER GEOHAGHAN: Yes, I would. For the record, my contact number is
20 803-596-4062.

21 HEARING OFFICER: Thank you, ma'am. I will note that this is going to be
22 added to the appeal file, but it is only going to be
23 added to the appeal file. We will not--it's not going to
24 change or update y-- the number we have on file for
25 the agency as a whole, so please do go online to your
26 CSS self-service portal and update your phone number
27 there. That way if we ha-- need to contact you for
28 other reasons we will be able to do so. Because it is not
29 going to change anything within the system. So just
30 keep that in mind, okay?

31 AMBER GEOHAGHAN: Thank you.

1 HEARING OFFICER: Thank you. And we have the decision for the
2 employer, Ms. Brown, going to P. O. Box 1520,
3 Columbia, South Carolina 29202. Is that correct?

4 CYNTHIA BROWN: Yes, ma'am.

5 HEARING OFFICER: Thank you. And we have the contact phone number
6 listed as, 803-898-8079. Is that correct?

7 CYNTHIA BROWN: That's the main number, yes.

8 HEARING OFFICER: Thank you. All right. Thank you all again for your
9 participation in the hearing today. As this issue was
10 originally adjudicated as a voluntary quit, I'll begin
11 taking testimony with the d-- Claimant today.

12 Are there any questions about the issues or procedures
13 before we go any further?

14 Ms. Geohaghan, any questions?

15 AMBER GEOHAGHAN: No.

16 HEARING OFFICER: And Ms. Brown, any questions?

17 CYNTHIA BROWN: Not at this time.

18 HEARING OFFICER: Thank you. Ms. Geohaghan, can you please state and
19 spell your name for the record please?

20 AMBER GEOHAGHAN: Amber Geohaghan. G-E-O-H-A-G-H-A-N.

21 HEARING OFFICER: Okay. Thank you, Ms. Geohaghan. And Ms.
22 Geohaghan, what I have here is a one-page
23 determination that was mailed to you on March 30th,
24 2018 holding you indefinitely ineligible effective
25 March 18th, 2018. Ms. Geohaghan, is this the
26 determination you are appealing today?

27 AMBER GEOHAGHAN: Yes, it is.

28 HEARING OFFICER: It's the only determination you are appealing today?

1 AMBER GEOHAGHAN: Yes.

2 HEARING OFFICER: Thank you. At this time, I would like to enter into the
3 record as Agency Exhibit 1 this one-page
4 determination.

5 I'd also like to include as part of Agency Exhibit 1 a
6 fact-finding conducted with the Claimant, which is
7 five pages, as well as the employer's response to the
8 Agency's request for information which is-- and also
9 our-- this request for the information which is the log
10 book. It is seven pages in total. I'd like to enter these
11 13 pages into the record as Agency 1.

12 Any objection to me doing so, Ms. Brown?

13 CYNTHIA BROWN: No, ma'am.

14 HEARING OFFICER: And, Ms. Geohaghan?

15 AMBER GEOHAGHAN: No, ma'am.

16 HEARING OFFICER: Thank you.

17 **AGENCY EXHIBIT NUMBER 1**

18 **IS HEREBY ENTERED**

19 All right. Okay. Ms. Geohaghan, what was your last
20 position or job title with the employer?

21 AMBER GEOHAGHAN: Senior Child Welfare Specialist.

22 HEARING OFFICER: And would you agree with your dates of employment
23 with the employer as being March 4th, 2013 through
24 March 16th, 2018?

25 AMBER GEOHAGHAN: Yes.

26 HEARING OFFICER: And how did you become separated from
27 employment? Did you voluntarily quit or were you
28 discharged?

1 AMBER GEOHAGHAN: I consider it as a forced discharged. I resigned.

2 HEARING OFFICER: Okay. Were you the one that told your employer you
3 were con-- you were no longer willing to work for
4 them?

5 AMBER GEOHAGHAN: No, ma'am.

6 HEARING OFFICER: Okay. Did someone ever tell you, you were fired?

7 AMBER GEOHAGHAN: No, ma'am.

8 HEARING OFFICER: Okay. So how is it a forced discharge if no one ever
9 actually fired you?

10 AMBER GEOHAGHAN: I was forced to be separated from the agency based on
11 an incident that took place in January.

12 HEARING OFFICER: Okay. So let me stop you there. Did you make the
13 decision to separate yourself from the age-- from the
14 agency as a result of this incident?

15 AMBER GEOHAGHAN: Yes, I did.

16 HEARING OFFICER: Okay. So you quit your job because of this incident?

17 AMBER GEOHAGHAN: Yes.

18 HEARING OFFICER: Okay. All right. Thank you. Okay. So-- and was this
19 incident the sole reason for quitting your job?

20 AMBER GEOHAGHAN: Yes, it was.

21 HEARING OFFICER: All right. Thank you. All right, so tell me about this
22 incident. What-- you said it was in January?

23 AMBER GEOHAGHAN: Yes, ma'am.

24 HEARING OFFICER: Okay. Tell me about the incident, what happened, and
25 the aftermath. Just sort of walk me through all that
26 please.

1 AMBER GEOHAGHAN: Three, okay. I provided page three as well on the
2 information that I provided via fax, but on this
3 incident--. On January 31st, 2018 I conducted a family
4 meeting with a client of mine. During this family
5 meeting, there was tension. Agency security had to be
6 involved in the incident and I was verbally assaulted
7 and I was threatened.

8 And during this time, I wasn't the only individual that
9 was a part of the family meeting. A guardian ad litem
10 was involved and other members of the management
11 team witnessed this incident as well.

12 HEARING OFFICER: Okay. So there was a family meeting and, as a general
13 rule, can these family meetings be tense or fraught
14 with difficulty?

15 AMBER GEOHAGHAN: As a f-- yeah, as a rule, yeah. That can happen with
16 any encounter, yes.

17 HEARING OFFICER: Okay. Was security involved with this meeting prior to
18 it starting or after it began?

19 AMBER GEOHAGHAN: Security knew about the individual coming in and
20 throughout the duration of the meeting security
21 interjected as he was walking by monitoring.

22 HEARING OFFICER: Okay. So he was sort of out there, sort of monitoring to
23 make sure things didn't go too far up. So--

24 AMBER GEOHAGHAN: Yes. Yeah. He's familiar with the client.

25 HEARING OFFICER: Okay.

26 AMBER GEOHAGHAN: From our previous meetings.

27 HEARING OFFICER: All right. So tell me about what actually happened in
28 the meeting. You said you were verbally assault-- just
29 describe it as much detail as you can.

1 AMBER GEOHAGHAN: Okay. Well, the purpose of the meeting was to
2 establish visitation with the child at question. When
3 security got involved, you know, the client basically
4 just called me a bitch; she said I was stupid. She
5 wanted a new case worker and there was a lot of
6 tension inside.

7 So, as I removed myself away, she continued just to
8 scream loudly as other members were in the hallway
9 and she made a comment and a threat about a gun
10 during this meeting and I was fearful because
11 previously in a previous meet, I documented in our
12 account system that based on a conversation that I had
13 with her I had to kind of talk her down over the phone
14 because she made threats about going to her sister's
15 house with her gun which she calls 'boo stick' to
16 remove her child. So that happened that weekend and
17 the following week, that's what prompted us to have
18 that emergency family meeting because there were
19 some concerns about, you know, that as well.

20 HEARING OFFICER: Okay. So she-- when was the phone conversation
21 where she threatened to show up at her sister's house
22 with a gun?

23 AMBER GEOHAGHAN: January-- Friday, January 26th.

24 HEARING OFFICER: Okay. So-- And did she make any threats to you during
25 this conversation or just about her actions with her
26 child?

27 AMBER GEOHAGHAN: Just about her actions with her child and her sister.

28 HEARING OFFICER: Okay. And you said you were able to talk her down
29 and sort of smooth other-- over the situation?

30 AMBER GEOHAGHAN: Yes. But also, you know, briefing with law
31 enforcement as well because I was actually the on-call

1 supervisor that week so, you know, she agreed to not
2 go to her sister's home and, you know, in response she
3 wanted an emergency family meeting so that was the
4 agreement and that was the reason why we had that
5 emergency family meeting.

6 ~~HEARING OFFICER:~~ ~~Okay. And you said you also briefed law enforcement~~
7 ~~about this?~~

8 AMBER GEOHAGHAN: Yeah. Yeah. Yes.

9 HEARING OFFICER: All right. And then--. Okay. So then the family
10 meeting was on the 31st and you said she used
11 profanity, said she wanted a new caseworker, called
12 you stupid. Did anything else happen during that
13 meeting?

14 AMBER GEOHAGHAN: No. While she was in the hallway-- once she made the
15 comment about a gun, you know, like I said other
16 workers who have worked with her in the past--. I kind
17 of just removed myself from the situation once I heard
18 that comment. Performance coach, HR Liaison was
19 involved. My direct supervisor and security and they
20 kind of walked her out of the building.

21 HEARING OFFICER: Okay.

22 AMBER GEOHAGHAN: And after she got out the building--

23 HEARING OFFICER: What-- I'm sorry. Sorry. Sorry. You said sh-- so she
24 made another comment about the gun in the family
25 meeting?

26 AMBER GEOHAGHAN: No. After she walked out of the meeting, she did in the
27 hallway and that's when she was escorted, you know,
28 she had to be escorted out of the building by more than
29 one individual.

30 HEARING OFFICER: Okay. So after the meeting, she comes out into the
31 hallway and then she makes the comment about a gun?

1 AMBER GEOHAGHAN: Yes.

2 HEARING OFFICER: Okay. What did she actually say at that point in the
3 hallway?

4 AMBER GEOHAGHAN: You better be glad I don't have my gun.

5 ~~HEARING OFFICER: Okay. Was that to you or someone else?~~

6 AMBER GEOHAGHAN: I took it towards me. Because I was the person that,
7 you know, she was having the correspondence with at
8 that time. You know, because she felt like I was the
9 reason why, you know, we were going through this
10 and that she wanted her child at foster care versus with
11 her-- with her sibling.

12 So yes, I took it towards me and my performance
13 coach actually directed me-- once she heard that
14 comment, that I remove myself, you know, from just
15 out of eye contact with the client and I removed myself
16 in the unit.

17 HEARING OFFICER: Okay. So then what happened next?

18 AMBER GEOHAGHAN: What happened next, after she got out of the building,
19 you know, I kind of got myself together then I saw my
20 supervisor and we were called up, kind of the front
21 where management offices are, and we were instructed
22 by the HR liaison that she would be notifying the
23 county director and that everyone who witnessed it
24 was to write a statement and provide it to her. And that
25 they were going to make a decision as to whether to
26 allow the client back on the premises or not. And in
27 addition that state office would be notified because
28 anytime a client makes a comment about a gun, they
29 have to notify the director and state office.

30 HEARING OFFICER: Okay. So, and the HR liaison you mentioned, was that
31 Ms. Brown or somebody else?

1 AMBER GEOHAGHAN: That is Ms. Brown.

2 HEARING OFFICER: Okay. So, all right. So then what happened next?

3 AMBER GEOHAGHAN: Well, after that, you know, I spoke with my supervisor
4 and I spoke with another worker and, you know, they
5 kind of said that I handled it well and that, you know,
6 that that's how she is and that they were going to see I
7 guess what would happen about the decision.

8 I actually spoke with security as well. I'm not sure if
9 he gave a statement, but he said that, you know, he
10 didn't know if he was going to be involved in the
11 process of putting input in as to whether she needed to
12 come back on the premises or not, but, you know, he
13 just told me that, you know, as of now she would not
14 be allowed to come on because it was so much
15 commotion.

16 So after that day on-- I was off a few days. I provided
17 a statement and I know the following week when I was
18 working with my direct supervisor, you know, I told
19 her that-- and I said, I'm not sure if it's in the best
20 interest of the case if I continue to work with her. If
21 she wants a new case worker, you know, I've dealt
22 with multiple families and I don't feel safe working
23 with her. You know, last week when I was on call she
24 made a comment about going to her sister's house with
25 a gun. Her sister says that she carries a gun, you know,
26 it's known.

27 We haven't had the access to even go in her house to
28 even, you know, ask if we could see if the gun was
29 registered to her or, you know, if she has the gun
30 properly I guess kept safe because the client actually
31 transitioned to a new home. So those all were factors
32 and I was afraid.

1 But, you know, my supervisor and other individuals
2 who work there, they've had prior, you know,
3 involvement with her in the past and I was just told
4 that, you know, she's all bark, no bite, and that I
5 should not take it serious.

6 ~~HEARING OFFICER:~~ ~~Okay. And what was your supervisor's name that you~~
7 ~~said this to?~~

8 AMBER GEOHAGHAN: Ms. Gwendolyn Breeland.

9 HEARING OFFICER: Okay. And then what happened next?

10 AMBER GEOHAGHAN: Well, what happened next, I voiced to Ms. Breeland
11 that, you know, I told her that, hey I'll take another
12 case. I'll take two more cases. I know we all have high
13 caseloads, but I don't feel comfortable working with
14 her and if the agency was in the process of making a
15 decision whether to let her come back on the premises,
16 I did not feel comfortable going back to her home
17 based on, you know, her mental state and other things
18 that we had in question. So I did not feel comfortable.
19 So at that time, she said okay, she'd see if she can
20 change the thing.

21 She asked the former case w-- another case worker if
22 she would take the case and the case worker came to
23 me and said, well, you know, Gwen-- who she refers to
24 her as Gwen-- asked me would I take the case. And
25 she called her the crazy lady because everybody else
26 has witnessed her before in the office with getting
27 outraged and security has to, you know, interject as
28 well. So, she said, you know, that lady threatened you
29 with a gun, I don't think I want the case. And then, you
30 know, that was the end of it. That was the end of it.

31 And I took it as if nobody else wanted the case. You
32 know, based on my position I do handle I guess high

1 profile cases or whatever the case is, but based on that
2 client, nobody wanted the case so the case remained in
3 my name.

4 HEARING OFFICER: Okay. Did you go to anyone else with your concerns
5 about having the case remain attached to you? Like
6 Ms.--- did you go to m--- to Human Resources or any of
7 the--

8 AMBER GEOHAGHAN: Yes, I did. I did. Telling-- because of the chain of
9 command, my supervisor already knew, my
10 performance coach knew, other people were there.

11 And Ms. Cynthia Brown on the line, she actually is our
12 HR person, so that's the highest-- so when I said to
13 her, you know, we were just instructed that the county
14 director would be notified, state office would be
15 notified and they would get back to us. But, you know,
16 based on me telling my direct supervisor, I expected at
17 least, you know, she was asking around in the office so
18 I thought that the case would be taken out of my name.
19 Not just because I didn't want to do the work, but
20 because for my safety, the safety of the client, you
21 know, and the best interest of the child.

22 HEARING OFFICER: Okay. So, but they couldn't find anybody willing to
23 take the case?

24 AMBER GEOHAGHAN: No. No, ma'am. Not with this client. No, ma'am.

25 HEARING OFFICER: Okay. So that was sort of in process, but no one had
26 actually taken it from you yet?

27 AMBER GEOHAGHAN: No, no one took it. No one took it.

28 HEARING OFFICER: Okay. So then what happened next?

29 AMBER GEOHAGHAN: I nev-- I didn't recede any-- I didn't receive any
30 feedback. You know, nothing happened next. I didn't
31 receive any feedback. I didn't feel comfortable. I asked

1 some other individuals if they-- they'd provided a
2 statement to HR or if they found out about the decision
3 whether they were going to let the client come back or
4 not and nobody else heard anything. So I wasn't sure
5 if-- because we were in a transition of transitioning on
6 our county director or if, you know, there was a issue
7 at state office, but nobody ever responded back to me
8 within that time frame.

9 And I-- and the reason why I wanted to be changed
10 because not only that, numbers are serious and I didn't
11 feel comfortable reaching this client so, you know, this
12 client was not going to be able to seen and if she was,
13 the agency probably needed to make some kind of "
14 arrangement to let her come to the office, but they
15 didn't want her to come to the office because they
16 probably was fearful just like I am.

17 HEARING OFFICER: Okay. So did anyone ever tell you that you had to
18 interact with this client any further after this incident
19 occurred?

20 AMBER GEOHAGHAN: No, ma'am.

21 HEARING OFFICER: Okay.

22 AMBER GEOHAGHAN: No, ma'am. No, ma'am.

23 HEARING OFFICER: Okay.

24 AMBER GEOHAGHAN: I did not get that and based on me not receiving any
25 feedback, you know, I follow up my job duties
26 regularly as they go from month to month. Unless I am
27 instructed by my superior to not interact with this
28 family or my assignment has been changed, it still is
29 on my list and, you know, I'm still being held
30 accountable for it.

1 HEARING OFFICER: Okay. Did you ever go-- you-- did you ever go to Ms.
2 Brown and or Human Resources and say I am not
3 comfortable having her still my list and being
4 responsible for her. I know we're trying to find
5 someone else to work with her, but in the interim is
6 there something else we can do? Did you ever go to
7 Human Resources and express that?

8 AMBER GEOHAGHAN: No. I just expressed that in my email that I sent to Ms.
9 Brown on February the 12th. So I did after the incident.
10 The incident was on the 31st and I did send an email on
11 the 12th.

12 HEARING OFFICER: Okay. So what was the email you sent on the 12th?

13 AMBER GEOHAGHAN: Should I read it or-- it's-- should I just say the third
14 page--

15 HEARING OFFICER: You can--

16 AMBER GEOHAGHAN: That was back--

17 HEARING OFFICER: You can reference it like that, but you would need to
18 go ahead and proffer that as an exhibit if you wanted
19 to.

20 AMBER GEOHAGHAN: Okay.

21 HEARING OFFICER: I do see that you--

22 AMBER GEOHAGHAN: Yeah, I would like to enter exhibit, page 3 as exhibit.

23 HEARING OFFICER: Okay. And did you send a copy of this to the employer
24 for the hearing today?

25 AMBER GEOHAGHAN: The employer has it. Yes, ma'am. The employer has
26 this document.

27 HEARING OFFICER: Okay. But, even if the employer already has the-- all of
28 the documents, you were supposed to send them a
29 copy. Were-- did you see that on the hearing notice?

1 AMBER GEOHAGHAN: I did. And the reason why I did not send it to the
2 employer is actually the day before yesterday on
3 Wednesday, I called the Department of Social Services
4 state office and I spoke with the agency's HR person,
5 Ms. Denise Ellmore, and I told her that I was
6 instructed by unemployment to provide the agency
7 with the paperwork and I asked her who I needed to
8 provide it to. And then she asked me what was going
9 on and I told her and she said that the person on the
10 phone interview would be my HR liaison or the county
11 director. And she said that the documents that they
12 would have was my resignation letter and anything
13 else that would be in my file.
14 She said, now you don't have to provide them with it,
15 but they will have documents as well. And I know, you
16 know, she works for the agency but I've had a good
17 report with her in the past.
18 So I did call Denise Ellmore and Sharika Johnson.
19 Sharika Johnson actually returned my phone call. So I
20 spoke with HR in state office, but I did not speak with
21 Ms. Cynthia Brown in the county office this week.
22 HEARING OFFICER: Okay. Just so you're aware for future reference that is
23 our requirement from the employment and workforce
24 that both parties send each other any and all documents
25 that they wish to have considered--
26 AMBER GEOHAGHAN: Okay.
27 HEARING OFFICER: In the hearing. So just so you're aware of that.
28 AMBER GEOHAGHAN: Okay.
29 HEARING OFFICER: But, in the interim-- okay. Ms. Brown, the claimant
30 has referenced an email that she sent to you on

1 February 12th about this incident. Are you familiar
 2 with that email?

3 CYNTHIA BROWN: Yes, ma'am, I am.

4 HEARING OFFICER: Okay. Do you have it close to you?

5 CYNTHIA BROWN: Yes, ma'am, I do.

6 HEARING OFFICER: Okay. Ms. Geohaghan, don't-- you don't have to read
 7 it in its entirety, but can you just sum up what the
 8 email says and if there's anything in particular that you
 9 wish to bring to my attention, do so at this time, okay?

10 AMBER GEOHAGHAN: Okay. I think what's important to me is when I stated,
 11 based on the information that I feel that during my
 12 conversation on January 26th with the client, that, you
 13 know, she was referring to the gun. And it was
 14 knowledgeable that she does have a firearm so at that
 15 time over the phone I did feel that there was some
 16 seriousness and we didn't have a family meeting, so--.

17 That, right there, when I put that in the CAPS database
 18 system, I wasn't just putting that in there because of,
 19 you know, I was supposed to based on my supervisor,
 20 I was putting that in there because of my worker
 21 safety. If something happened to me or to alarm
 22 anybody else in the agency that comes behind me.
 23 Because they need to know the kind of client that
 24 they're dealing with. And I did that because I felt like
 25 there was going to be a delay, you know, with me
 26 getting a response with the client making a comment
 27 about a gun in here and everybody else hearing that
 28 was very fearful for me.

29 And I think what's most important is, you know, when
 30 I said based on the incident that Pauline-- that the
 31 client at question have a new caseworker. And I think

1 that that's important because even though I was
2 fearful, I enjoy working there and I want the best for
3 my clients. But I was so fearful that, you know, I
4 wanted her to have another client and I cared about the
5 future of her case, so-- you know.

6 HEARING OFFICER: Okay.

7 AMBER GEOHAGHAN: And I was just verbally assaulted and I naturally was
8 afraid. You know, not just-- based on her comment,
9 but based on knowing her mental health history, you
10 know, just based on interacting with her and based on
11 some questions that our legal department had
12 whenever we went to court. You know, even they had
13 some questions about some things. So, this email was a
14 cry out from me in addition to what my superiors
15 witnessed in that hallway, that was video recorded the
16 day of the family meeting.

17 HEARING OFFICER: Okay. All right. Any objection to the entrance of this
18 email as Claimant's Exhibit 1, Ms. Brown?

19 CYNTHIA BROWN: Yes.

20 HEARING OFFICER: Okay. What is your-- what are the grounds for your
21 objection in the entrance of this email, Ms. Brown?

22 CYNTHIA BROWN: The objection that I do have is the outline of events
23 that did occur. Ms.-- I was aware that Ms. Geohaghan
24 was--

25 HEARING OFFICER: Okay. Ma'am?

26 CYNTHIA BROWN: In this conference--

27 HEARING OFFICER: Ma'am? Ma'am? Ma'am? Ma'am? We can get in to
28 anything that you-- any disputes you have, but the
29 email that's--

30 CYNTHIA BROWN: Oh, okay.

1 HEARING OFFICER: --been described. Is that something that was sent to
2 you on February 12th?

3 CYNTHIA BROWN: Oh, yes, ma'am. I did receive the email.

4 HEARING OFFICER: Okay. Whether or not you agree with it's a different
5 thing. But, so do you--

6 CYNTHIA BROWN: Yes.

7 HEARING OFFICER: --have any legal grounds for excluding that email from
8 consideration by the appeal tribunal?

9 CYNTHIA BROWN: Repeat that?

10 HEARING OFFICER: Do you have any legal grounds for your objection to
11 excluding this email from being considered by the
12 appeal tribunal?

13 CYNTHIA BROWN: No, ma'am.

14 HEARING OFFICER: Okay. So as the cl-- I'll note that the employer has
15 objected to the entrance of this document as
16 Claimant's Exhibit 1; however, as no legal grounds
17 have been articulated I'm going to overrule the
18 objection. The employer has indicated that it was an
19 email that was sent to them. Over the claimant-- over
20 the-- pardon, employer's objection, this one-page will
21 be entered in as Claimant's 1, it is as previously
22 described.

23 **CLAIMANT EXHIBIT NUMBER 1**

24 **IS HEREBY ENTERED**

25 Okay. All right. So continue for me. Okay. Continue
26 for me, Ms. Geohaghan. So, you sent this email on
27 February 12th, and then--

28 AMBER GEOHAGHAN: Correct.

1 HEARING OFFICER: What happened between then and when you quit?
2 Anything?

3 AMBER GEOHAGHAN: Nothing happened. Nothing happened.

4 HEARING OFFICER: Okay.

5 ~~AMBER GEOHAGHAN:~~ ~~You know, I continued to do my work. I continued to~~
6 ~~work my case like nothing happened. I guess after, you~~
7 ~~know, other individuals stated that they didn't want the~~
8 ~~case and they didn't feel comfortable with it, nothing~~
9 ~~happened.~~

10 I did receive another report that I had to go out on and
11 the allegations was that a child was using a gun and I
12 must admit, I was fearful to go on that one as well.
13 You know, I really was. I really was.

14 HEARING OFFICER: Okay. So, did you interact with this client at any point
15 after the incident on January 31st?

16 AMBER GEOHAGHAN: No, ma'am. No, ma'am, I did not interact with the
17 client.

18 HEARING OFFICER: Okay.

19 AMBER GEOHAGHAN: No telephone conversations, none of that. And I did
20 make my supervisor aware of that and I did not get
21 penalized, you know, for that. But I did not get any
22 feedback.

23 Or, I didn't get penalized yet for that I would say.

24 HEARING OFFICER: So--

25 AMBER GEOHAGHAN: But I did tell them that I didn't feel comfortable and
26 that I hadn't as of that date.

27 HEARING OFFICER: So what actually prompted you to quit your job rather
28 than just continue on as you had been? What
29 happened?

1 AMBER GEOHAGHAN: Well, just in the nation all of the gun violence that was
2 going on and, you know, I was kind of looking up in
3 the state online and let's see-- Could I submit
4 something as evidence?

5 HEARING OFFICER: Okay. What, precisely?

6 AMBER GEOHAGHAN: One, two, three, four, five, six. Can I submit pages
7 three through six?

8 HEARING OFFICER: Well, we've al-- three is already in.

9 AMBER GEOHAGHAN: Three is in. Four?

10 HEARING OFFICER: Okay. Three was the email. So you're-- what-- tell me
11 what this is that you want to enter.

12 AMBER GEOHAGHAN: Four is the page after the email.

13 HEARING OFFICER: Yes. And tell--

14 AMBER GEOHAGHAN: And that's the chronicle.

15 HEARING OFFICER: Yes. Tell me what this is and how this is at all
16 relevant.

17 AMBER GEOHAGHAN: This is relevant to me prompting, you know, quitting
18 because this incident that happened in Aiken, South
19 Carolina. Aiken is in our region. I've been to their
20 office. We work in that area. Aiken, South Carolina is
21 a part that we [UNCLEAR]. And for some reason I
22 was just looking online, because I was so bothered
23 about it, you know, I wanted to know if there was
24 some kind of advocacy for child welfare workers in the
25 state. And then I saw that in 1996, three workers were
26 killed at Aiken County DSS.

27 I've been to trainings there. You know, they come
28 here. And my concern was even though we have a
29 wonderful director, who is on the phone, for our
30 region-- my concern was that my cry out to the agency

1 and the region was not heard and I don't want this,
2 what happened in Aiken County years ago, which was
3 horrible and horrific-- I don't want that to happen
4 anywhere else and--

5 HEARING OFFICER: Okay.

6 AMBER GEOHAGHAN: Definitely not in my office.

7 HEARING OFFICER: All right. So, ma'am. This is just a news article from
8 2008 about a death row inmate set to be executed,
9 correct?

10 AMBER GEOHAGHAN: Yes, ma'am. And it has--

11 HEARING OFFICER: Okay. I don't--

12 AMBER GEOHAGHAN: The incident--

13 HEARING OFFICER: I don't find this relevant to you and your separation,
14 ma'am. I'll understa-- I'll note that you've said that
15 you saw this and were concerned about your safety
16 because of the incident in 1996--

17 AMBER GEOHAGHAN: Yes.

18 HEARING OFFICER: But however, it is not relevant. I don't find it relevant
19 to you and your separation.

20 AMBER GEOHAGHAN: Okay. It has something about DSS murdered in there
21 where three childcare workers were killed at Aiken
22 County and Aiken County is a part of our region.

23 HEARING OFFICER: Be that as it may, as that happened quite a few years
24 before you even were employed with the department--

25 AMBER GEOHAGHAN: Yes.

26 HEARING OFFICER: Again, I don't find it relevant.

27 AMBER GEOHAGHAN: Okay.

1 HEARING OFFICER: So, I'll note the claimant has proffered this letter about
2 the death-- or this news article about the death row
3 inmate set to be executed and the previous deaths of
4 the DSS workers; however, I am excluding it. I do not
5 find it relevant.

6 AMBER GEOHAGHAN: Okay.

7 HEARING OFFICER: Okay. So you just became-- so you just sort of became
8 concerned in general about the nature of your job. Is
9 that what I'm understanding you to--?

10 AMBER GEOHAGHAN: Yes. I was fearful.

11 HEARING OFFICER: Okay.

12 AMBER GEOHAGHAN: I was fearful.

13 HEARING OFFICER: Were you-- when you started work with DSS, were
14 you aware that these were difficult situations that
15 people were having to deal with that-- and perhaps
16 there were-- there had been instances of violence or
17 things like that? Were you aware of that when you
18 took your job?

19 AMBER GEOHAGHAN: As far as interacting with the clients or--?

20 HEARING OFFICER: Just generally. Like, that these, you know, you were
21 going to be interacting with people that were going
22 through a difficult time and that there were on
23 occasion these issues with violence or things like that.
24 Were you aware of that?

25 AMBER GEOHAGHAN: Oh, yes, ma'am. And I've experienced it. I've been
26 there for five years. I was aware of that in 2013,
27 especially after I, you know, experienced things. Yes.

28 HEARING OFFICER: Okay. So this was not new or surprising, like this
29 incident and the other calls you've mentioned, correct?

1 AMBER GEOHAGHAN: This particular incident with guns in the agency, it was
2 new to me. Yes, ma'am.

3 HEARING OFFICER: Okay. Was there actually a gun in the agency?

4 AMBER GEOHAGHAN: No. With the threat of a gun.

5 HEARING OFFICER: Okay.

6 AMBER GEOHAGHAN: No, there was not a gun found on the premises. No,
7 ma'am.

8 HEARING OFFICER: Okay. So the threat of the gun, but didn't-- but after
9 incident, you did not interact with that client anymore,
10 correct?

11 AMBER GEOHAGHAN: No, ma'am, no. It was a new month and I did not
12 interact.

13 HEARING OFFICER: Okay. So, okay. So you said you went online and
14 became increasingly concerned about gun violence
15 generally? Okay. And then what happened next? What
16 prompted you to quit your job?

17 AMBER GEOHAGHAN: As time went by, after my direct supervisor, you know,
18 kind of just made me feel like I needed to brush it off.
19 That the client was all bark and no bite, you know, I
20 just felt like for my safety and since that time had went
21 by and I had not received any feedback from anybody,
22 that was the reason why. For my safety.

23 HEARING OFFICER: Okay.

24 AMBER GEOHAGHAN: And knowing that I could possibly have to interact
25 with this person in the community.

26 HEARING OFFICER: Okay. Did-- when did you actually submit your
27 resignation?

28 AMBER GEOHAGHAN: I submitted my resignation on-- I believe it was March
29 the 2nd. I don't have it in front of me.

1 HEARING OFFICER: Did anything in particular happen in the lead up to
2 March the 2nd? Were there any other threats, issues,
3 incidents that occurred?

4 AMBER GEOHAGHAN: No. No other-- no other incidents. Just still on the edge
5 and fearful about this.

6 HEARING OFFICER: Okay. Prior to submitting your resignation, did you go
7 to anyone? Since you didn't feel your supervisor was
8 responsive, did you go to anyone else about your
9 concerns? Human Resources, anybody like that and
10 say, you know, this is-- it's been over a month, this
11 person is still on my assigned list of clients. I am not
12 comfortable being the case worker assigned to this. I
13 really feel we need to have her reassigned. Did you go
14 to anyone and tell them that or anything along those
15 lines?

16 AMBER GEOHAGHAN: No. Just the email notification to HR. I didn't go above
17 HR.

18 HEARING OFFICER: Okay. And there is a state level of HR though, correct?
19 As well?

20 AMBER GEOHAGHAN: Yes, ma'am.

21 HEARING OFFICER: Can you go to them if you don't feel your local HR
22 representative is being duly responsive?

23 AMBER GEOHAGHAN: Yes.

24 HEARING OFFICER: Okay. And are there are also-- could you also go above
25 your supervisor's head to her supervisor if you needed
26 to and felt she wasn't being duly responsive?

27 AMBER GEOHAGHAN: Yes, ma'am.

28 HEARING OFFICER: And who would that be?

29 AMBER GEOHAGHAN: DSS supervisor at that time. We were transitioning
30 during that date into a new director.

1 HEARING OFFICER: Okay.

2 AMBER GEOHAGHAN: So at that time, I had not gotten that director. So,
3 whenever I go above my supervisor, I usually just go
4 to HR.

5 HEARING OFFICER: Okay. But, so-- but you all were transitioning to a new
6 director for the agency as a whole?

7 AMBER GEOHAGHAN: Just our county office--

8 HEARING OFFICER: Just the county office.

9 AMBER GEOHAGHAN: And I think during that time, nobody was in the office
10 during that week, but we were transitioning that day
11 that I turned it in. Like the first or the second our new
12 director was starting.

13 HEARING OFFICER: Okay.

14 AMBER GEOHAGHAN: Was supposed to be starting, that we were told.

15 HEARING OFFICER: If you all were in a time of transitioning the
16 Orangeburg district did-- could you have gone to the
17 state office and were there people there, such as, you
18 know, levels of management like, you know, th--

19 AMBER GEOHAGHAN: Like Ms. Ellmore, yes. That I reached out to yesterday,
20 yes.

21 HEARING OFFICER: Okay. Yes. Okay. Did you do any of that before you
22 resigned?

23 AMBER GEOHAGHAN: No, I did not send her an email on this. Just HR in the
24 county.

25 HEARING OFFICER: Okay. Is there-- was there a reason why not?

26 AMBER GEOHAGHAN: Because I had faith in my HR director in the county
27 and I felt like since they were transitioning and I knew
28 that some individuals gave statements, that maybe that
29 they were trying to come up with a decision. Or maybe

1 that they had contacted HR in the state office and
2 maybe she was going to come down like she did
3 before when there was an issue.

4 So maybe I still wanted to give them time. I didn't
5 know what the process was. I probably should have
6 reached out to the state office to see what the process
7 was or what the time frame was, but I felt like maybe it
8 was just like a CCS investigation. Maybe it-- maybe it
9 was 45 days, even if it wasn't proper to make an
10 assumption.

11 But, you know, I just wanted that feedback in hopes
12 that maybe they would make a decision that I could
13 stay.

14 HEARING OFFICER: So you thought that they were working on it, but it was
15 still probably in process?

16 AMBER GEOHAGHAN: I never heard any feedback. I wanted to believe that,
17 but once my supervisor said, you know, all bark, no
18 bite, I kind of just knew that, you know, there was
19 nothing and I, you know, usually Ms. Brown sends an
20 email back saying that she received it or that they
21 would follow up with it, so I just wasn't sure.

22 HEARING OFFICER: Okay. So why didn't you try and reach out to someone
23 and see what was going on before you resigned?

24 AMBER GEOHAGHAN: Because I felt like, what if I did and what if I made
25 that cry out about the gun and once my superior saw
26 that, you know, they're my superiors and I felt like if it
27 wasn't serious enough to them then, you know, maybe
28 I just needed to remove for my safety because of all of
29 the gun violence that was going on.

30 You know, I felt like that incident that was recorded
31 and that security saw and everybody else saw, I felt

1 like that was enough. And then I was told that they
2 were going to make a decision and I was just waiting
3 on the decision.

4 HEARING OFFICER: Okay. So, again, so you thought it was being worked
5 on, correct? You said you weren't sure, but you sort of
6 thought it was, correct?

7 AMBER GEOHAGHAN: Yeah. Yeah, because--

8 HEARING OFFICER: So--

9 AMBER GEOHAGHAN: So many people had to give statements.

10 HEARING OFFICER: Okay.

11 AMBER GEOHAGHAN: Yeah, that's why I felt like it was.

12 HEARING OFFICER: Okay. So--

13 AMBER GEOHAGHAN: I wanted it to be.

14 HEARING OFFICER: So why didn't you check on that before you just made
15 the decision to dis-- to quit? For-- so for example, why
16 didn't you say, you know, this has been ongoing for a
17 month now. I wanted to check back on the status. I'm
18 still really uncomfortable about this situation. I wanted
19 to see if a decision has been made regarding letting
20 this person back on to the premises, as well as getting
21 her assigned a new case worker, if that's the route we
22 need to take. Why didn't you check in on that before
23 you resigned?

24 AMBER GEOHAGHAN: Because I felt that they weren't going to change it
25 because of my position and because of what I was
26 required to do. You know, I felt that they weren't
27 going to change it. You know, once I notified them, I
28 always got feedback in the past. I didn't get any
29 feedback. I had already been told to brush it off, we

1 have more cases. So I knew that, you know, it wasn't
2 going to be secondly and nobody else wanted it.

3 HEARING OFFICER: Had there been any recent changes to the terms or
4 conditions of your employment hours, rate of pay,
5 duties, anything like that?

6 AMBER GEOHAGHAN: No changes.

7 HEARING OFFICER: Okay.

8 AMBER GEOHAGHAN: As far as when I was employed, no changes.

9 HEARING OFFICER: Was there continuing work available for you when you
10 resigned?

11 AMBER GEOHAGHAN: No.

12 HEARING OFFICER: It-- So what I'm asking is, if you had not resigned,
13 would you still have had a job?

14 AMBER GEOHAGHAN: Yes.

15 HEARING OFFICER: Okay.

16 AMBER GEOHAGHAN: If I would not have resigned, I still would have been
17 employed. I wasn't terminated. I didn't have any
18 issues with work at that time.

19 HEARING OFFICER: Okay.

20 AMBER GEOHAGHAN: Besides that.

21 HEARING OFFICER: All right. Other than these issue-- than your concerns
22 about your safety and these issues with gun violence,
23 did you have any other concerns about your
24 employment?

25 AMBER GEOHAGHAN: No, not as it pertains to this exact issue. None.

26 HEARING OFFICER: Okay. All right. So you turned in your resignation on
27 March the 2nd. Who did you turn that in to?

1 AMBER GEOHAGHAN: Ms. Cynthia Brown.

2 HEARING OFFICER: Okay. And then, did an-- were there any further
3 discussions or anything that happened after you turned
4 in your resignation?

5 AMBER GEOHAGHAN: No. None. None whatsoever, I mean.

6 HEARING OFFICER: Okay.

7 AMBER GEOHAGHAN: No.

8 HEARING OFFICER: Okay. Is there anything else you want to tell me about
9 the circumstances that led to your resignation?

10 AMBER GEOHAGHAN: No, ma'am.

11 HEARING OFFICER: All right. Thank you. Thank you, Ms. Geohaghan.
12 Ms. Brown, any questions for Ms. Geohaghan?

13 CYNTHIA BROWN: Not at this time.

14 HEARING OFFICER: Okay. Thank you.
15 Ms. Brown, would you like for me to start with your
16 testimony, or Ms. Foulks?

17 CYNTHIA BROWN: It doesn't matter which one.

18 HEARING OFFICER: Okay. We'll start with you.

19 CYNTHIA BROWN: Okay.

20 HEARING OFFICER: Ms. Brown, can you please state and spell your first
21 and last name for the record please?

22 CYNTHIA BROWN: It is Cynthia, C-Y-N-T-H-I-A, Brown, B-R-O-W-N.

23 HEARING OFFICER: Thank you, Ms. Brown. And your position with the
24 business?

25 CYNTHIA BROWN: Administrative Assistant, HR Liaison.

1 HEARING OFFICER: Okay. And can you-- and what was the claimant's last
2 position or job title?

3 CYNTHIA BROWN: Senior Child Welfare Specialist.

4 HEARING OFFICER: And can you briefly describe the nature of the
5 employer's business?

6 CYNTHIA BROWN: We're the department of social services, so we provide
7 public aide assistance for families that are in need and
8 we also have the division of human services as well,
9 that works with clients in regards to abuse and neglect.

10 HEARING OFFICER: Okay. Would you agree with the claimant's dates of
11 employment as being March 4th, 2013 through March
12 16th, 2018?

13 CYNTHIA BROWN: Yes, ma'am. That's correct.

14 HEARING OFFICER: How did she become separated from employment? Did
15 she voluntarily quit or was she discharged?

16 CYNTHIA BROWN: She submitted a letter of resignation on February the
17 23rd.

18 HEARING OFFICER: Okay. February 23rd. And do you know why she
19 resigned?

20 CYNTHIA BROWN: Well, according to her letter that-- she stated that after
21 careful consideration of many factors she felt it would
22 be beneficial for her long-term career goals and
23 objectives.

24 HEARING OFFICER: Okay. Had there been an incident with a client on
25 January 31st, 2018?

26 CYNTHIA BROWN: Yes, ma'am, it was.

27 HEARING OFFICER: Okay. Was-- were you present for that meeting and the
28 subsequent issues?

1 CYNTHIA BROWN: I was not present for the meeting; however, the
2 location of the meeting was near my office.

3 HEARING OFFICER: Okay. Can you tell me what you observed about that
4 meeting on the day in question?

5 CYNTHIA BROWN: What I heard was, I overheard loud talking and
6 profanity language being used, so I did get up from my
7 office and I walked towards the training room. And by
8 the time I got to the training room the security officer
9 was already in there. I did observe Ms. Geohaghan
10 sitting down, being quiet, and I did look at a client who
11 was being very irate and using profane language.

12 HEARING OFFICER: Okay. Did you hear anything about a gun in this
13 conversation?

14 CYNTHIA BROWN: During that time, the gun statement from my
15 understanding had already been made.

16 HEARING OFFICER: Okay. All right. And then what happened next?

17 CYNTHIA BROWN: The performance coach and the security officer
18 escorted the client from the premises.

19 HEARING OFFICER: Okay. And then what happened next?

20 CYNTHIA BROWN: And all of the parties that was involved or had
21 knowledge or walked past, I've asked all parties to
22 please write a statement of their synopsis of what
23 happened and please get that to me as soon as possible,
24 that I may report it to the appropriate personnel.

25 HEARING OFFICER: Okay. So then and what happened next?

26 CYNTHIA BROWN: I rele-- after receiving all statements, of course for
27 some it did take a little longer than others and I've
28 contacted our central HR employer relations unit. They
29 provided me a contact individual to submit that
30 information to as it was reported that a client made

1 reference to a threat to an employee and I reached out
2 to that individual. And then I was provided another
3 individual's name.

4 HEARING OFFICER: Mm-hmm. Okay. And then what-- so when did you
5 actually get everybody's statement? When did that all
6 come together?

7 CYNTHIA BROWN: The last bit of information that I received was actually
8 not until the beginning of April. And so once I got all
9 of the documentation, because everything had to be
10 submitted at one time and then that's when I forward it
11 to critical response.

12 I met with the program coordinator. She did briefly tell
13 me, you know, about the incident and I told her that I
14 also needed her written statement as well and just let
15 her know. So, she said that she was going to, you
16 know, meet with the employee and they was going to
17 handle it from that point.

18 HEARING OFFICER: Okay. While this investigation was being done, was
19 this client that had made these statements about the
20 gun and acted in this way, was she going to be allowed
21 back on to the premises?

22 CYNTHIA BROWN: No, ma'am. The client was eventually sent a notice of
23 no trespassing after the address was provided to me.

24 HEARING OFFICER: Okay. When did that happen?

25 CYNTHIA BROWN: And the address was not provided to me until April.

26 HEARING OFFICER: Okay. But, it-- so. But, between January and April is
27 kind of a long time, right?

28 CYNTHIA BROWN: Yes, ma'am, it is.

29 HEARING OFFICER: So, in the interim was that client going to be allowed
30 on the premises?

1 CYNTHIA BROWN: No, ma'am.

2 HEARING OFFICER: Okay. Was this client ever assigned another case
3 worker other than Ms. Geohaghan prior to her
4 resignation?

5 CYNTHIA BROWN: N-- I'm not aware of that.

6 HEARING OFFICER: Okay. Did Ms. Geohaghan express to you that she was
7 concerned and felt that another case worker should be
8 assigned to this situation?

9 CYNTHIA BROWN: She did send me an email in regards to her statement
10 of the incident on February the 12th and in that email
11 she stated that she was no longer comfortable working
12 with the client.

13 HEARING OFFICER: Okay. So if something like this has happened and a
14 case worker feels their safety is in jeopardy and does
15 not want to work with a client because of that what
16 happens in those situations?

17 CYNTHIA BROWN: Repeat that question for me one more time.

18 HEARING OFFICER: Right. So if someone has been threatened--

19 CYNTHIA BROWN: Mm-hmm.

20 HEARING OFFICER: And as a result if the case worker no longer feels
21 comfortable working with a client, what happens in
22 those situations?

23 Once the case worker's expressed concern that they
24 don't feel comfortable working with that client
25 anymore. Is there a protocol or a process that goes on
26 at that time?

27 CYNTHIA BROWN: From my understanding, there's a process and that
28 issue is decided between the direct supervisor and the
29 program coordinator or and management. You know,
30 in regards to case worker reassignment.

1 HEARING OFFICER: Okay. If a situation like this has gone on and a case
2 worker is not reassigned from a client that they feel is
3 a threat to them and their safety, what can they do
4 about that?

5 CYNTHIA BROWN: Well, the employee can submit a agency complaint and
6 go through the agency complaint process.

7 HEARING OFFICER: What-- and how-- tell me how does that work and
8 what is that?

9 CYNTHIA BROWN: The agency complaint process, the-- in our guide we
10 ask that employees go through the chain of command.
11 They go to their direct supervisor. If they feel the
12 direct supervisor is not approachable, then they go to
13 that direct supervisor's supervisor. So, in this event, it
14 would be the program coordinator, but, however, her
15 direct supervisor at that time would have been the
16 program coordinator and then above the program
17 coordinator it would be our regional administrator
18 because the regional administrator was also serving as
19 our interim county director.

20 HEARING OFFICER: Okay. Do you know if Ms. Geohaghan had gone to
21 either of these people with her concerns about getting
22 reassigned?

23 CYNTHIA BROWN: I honestly cannot say that. I do know that she has had
24 conversations with Ms. Breeland, but I am not certain
25 if she went beyond Ms. Breeland because nothing else
26 regarding that matter was disclosed to me.

27 HEARING OFFICER: So, if she felt Ms. Breeland and the program
28 coordinator/county director were not sufficiently
29 responsive, was there someone else she could go to?

30 CYNTHIA BROWN: Yes, ma'am. She could either at that point have the
31 option of coming to me to notify me or if they don't

1 feel comfortable discussing it with me, then they can
2 go directly to our central HR employee relations
3 manager and or director.

4 HEARING OFFICER: Okay. Did-- if Ms. Geohaghan had come to you and
5 said and let's call it in late February, prior to putting in
6 her resignation, and said, you know, it's been several
7 weeks since we had this incident. I still don't feel
8 comfortable being the assigned case worker for this
9 client; however, my supervisor's not been able to find
10 anyone to take on the case. But I don't feel
11 comfortable having this client assigned to me. Would
12 you have assisted her with those concerns?

13 CYNTHIA BROWN: Yes, ma'am, I would have.

14 HEARING OFFICER: Okay. What would you have done?

15 CYNTHIA BROWN: What I would have done-- since she had already
16 reached out to those that she directly supported to, then
17 at that point it's my responsibility to receive guidance
18 from our central employer relations department.

19 HEARING OFFICER: Okay.

20 CYNTHIA BROWN: To assist the employee.

21 HEARING OFFICER: So you would have involved state HR and they
22 would-- and worked with her based on their
23 recommendations?

24 CYNTHIA BROWN: Yes, ma'am.

25 HEARING OFFICER: Were there any other incidents or issues with this
26 particular client that happened after the January 31st
27 meeting and outburst that you're aware of?

28 CYNTHIA BROWN: Nothing that I am aware of.

29 HEARING OFFICER: To your knowledge, was Ms. Geohaghan ever
30 instructed to meet with this client after that meeting?

1 CYNTHIA BROWN: Not that I am aware.

2 HEARING OFFICER: Okay. Would that be normal protocol for her to still
3 be-- meet with someone after an incident like this or
4 not?

5 CYNTHIA BROWN: Not that I am aware of.

6 HEARING OFFICER: Had there been any recent changes to the terms or
7 conditions of her employment? Hours, rate of pay,
8 duties, anything like that?

9 CYNTHIA BROWN: No, ma'am.

10 HEARING OFFICER: Okay. Once she submitted her resignation, did you all
11 have any further discussion about why she was
12 quitting or anything like that?

13 CYNTHIA BROWN: I did not have any further discussion with her.

14 HEARING OFFICER: Did-- and did she work out a period of notice?

15 CYNTHIA BROWN: Say that one more time.

16 HEARING OFFICER: Did she work out a period of notice after she submitted
17 her resignation?

18 CYNTHIA BROWN: Yes, ma'am.

19 HEARING OFFICER: Did you follow all proper protocols and procedures
20 with regard to the investigation and to this incident?

21 CYNTHIA BROWN: I'm sorry. Could you please repeat that?

22 HEARING OFFICER: Did you follow all proper protocols with regard to this
23 particular incident?

24 CYNTHIA BROWN: Regarding?

25 HEARING OFFICER: Regarding gathering statements and everything like
26 that for the incident with this client and Ms.
27 Geohaghan.

1 CYNTHIA BROWN: Yes, ma'am.

2 HEARING OFFICER: All right. Anything else you want to tell me or clarify
3 at this time?

4 CYNTHIA BROWN: No, ma'am, not at this time.

5 ~~HEARING OFFICER: All right. Okay. Thank you, Ms. Brown.~~

6 Ms. Geohaghan, do you have any questions for Ms.
7 Brown?

8 AMBER GEOHAGHAN: Yes, ma'am, I do.

9 HEARING OFFICER: Okay. Go ahead.

10 AMBER GEOHAGHAN: Okay. Ms. Brown, if I am correct did you refer to this
11 incident as a critical response incident?

12 CYNTHIA BROWN: Yes, ma'am. It's considered a personal threat, critical
13 response incident.

14 AMBER GEOHAGHAN: Okay. And being that this was a critical incident in
15 regards to a client making a reference to a threat of
16 employee, is there a timeframe that you are required to
17 receive, I guess, statements from employers or the
18 employees that witnessed it? Was there a time frame
19 given?

20 CYNTHIA BROWN: There's a time frame for me to report it.

21 AMBER GEOHAGHAN: Okay. But at this time does the agency have a time
22 frame as far as the critical incident and how long it
23 should take a witness to report this to you, the HR
24 liaison?

25 CYNTHIA BROWN: They're not provided a specific time frame as far as
26 the witnesses to write their statement, but as an agency
27 you are provided a time frame as far as when you are
28 to make it aware.

1 AMBER GEOHAGHAN: Okay. And I'm not sure if you're really familiar with
2 the human services as far as caseloads, but just
3 basically yourself as a supervisor, if you have someone
4 instructed to do tasks and they carry on month to
5 month, is it fair to say that you expect that person that
6 you're supervising to I guess execute that task unless
7 you come to them directly as their supervisor and tell
8 them not to?

9 CYNTHIA BROWN: Repeat that.

10 AMBER GEOHAGHAN: Okay. As yourself-- as being a supervisor, if a worker
11 under you is given a task and the task rolls over to the
12 next month, like we are-- we were required to make
13 monthly face to face visits, as a supervisor if you do
14 not instruct that worker to not meet with that client
15 anymore, is it fair to say that that worker is expected to
16 meet with that client until being instructed to do
17 otherwise?

18 CYNTHIA BROWN: If my direct staff is required to conduct monthly visits,
19 that's my expectation. However, if there's a threat of
20 harm, then no.

21 AMBER GEOHAGHAN: Okay. Okay. Okay. And did you-- was it fair enough to
22 say that since the incident took place on January 31st
23 that it was 45 or more days until you received all
24 statements from all witnessing parties?

25 From January 31st, I think you said you received that
26 last statement in April. That's actually after my
27 resignation date and my last day with the agency. So
28 did it take 45 or more days for all witnesses to provide
29 you with accurate statements?

30 CYNTHIA BROWN: It took about that long for me to get all the information
31 I needed.

1 AMBER GEOHAGHAN: Okay. Okay. Are you familiar with the time frame on a
2 CPS investigation? That it's 45 days and after 45 days
3 we are mandated to let our client know the decision
4 that the agency has made. Are you familiar with that?

5 CYNTHIA BROWN: Not very.

6 AMBER GEOHAGHAN: Okay. That will be all the questions that I have for Ms.
7 Brown at this-- at the moment.

8 HEARING OFFICER: All right. Thank you, Ms. Geohaghan.
9 Thank you, Ms. Brown. Ms. Brown, anything else you
10 want to add?

11 CYNTHIA BROWN: No, ma'am.

12 HEARING OFFICER: Okay. Thank you.
13 All right. And Ms. Brown, did you have any questions
14 for Ms. Geohaghan?

15 CYNTHIA BROWN: No, ma'am, I don't.

16 HEARING OFFICER: Okay. Ms. Foulks, can you state and spell your name
17 for the record please?

18 NICOLE FOULKS: Nicole, N-I-C-O-L-E, Foulks, F-O-U-L-K-S.

19 HEARING OFFICER: Thank you, Ms. Foulks. And, Ms. Foulks, what's your
20 position with the employer?

21 NICOLE FOULKS: The regional director.

22 HEARING OFFICER: And, Ms. Foulks, did you witness any of these
23 interactions or events that happened on January 31st?

24 NICOLE FOULKS: No, I did not.

25 HEARING OFFICER: Were you involved at all in the situation, either talking
26 to either Ms. Geohaghan or anyone else about this
27 situation?

1 NICOLE FOULKS: At some point, yes. I was made aware of the fact that
2 the situation occurred.

3 HEARING OFFICER: Okay. What was your position at the time this incident
4 occurred?

5 NICOLE FOULKS: It would have been the interim county director.

6 HEARING OFFICER: Okay. Did Ms. Geohaghan ever come to you with any
7 concerns about this incident or that she felt unsafe?
8 Anything like that?

9 NICOLE FOULKS: Ms. Geohaghan and I had talked. I can't recall if it was
10 exactly about this incident. We had talked before about
11 some concerns that she had with supervision. I can't
12 recall if it was about this specific situation.

13 HEARING OFFICER: Okay. Did she ever express to you, that you recall, that
14 she felt uncomfortable still being assigned this case?

15 NICOLE FOULKS: No, I do not. I remember another case, but I do not
16 recall this one.

17 HEARING OFFICER: Okay. If she had expressed that to you, were you
18 someone in her chain of command that could assist her
19 with that concern?

20 NICOLE FOULKS: Yes.

21 HEARING OFFICER: Okay. If she had come to you and said, this incident
22 happened back in January. This case is still assigned to
23 me. I haven't interacted with the client, but I'm still
24 uncomfortable because she's still attached to me, what
25 would you have done at that time?

26 NICOLE FOULKS: Well, I mean, considering the nature of the work that
27 we do, there are multiple things we could have tried
28 and the first one would have been just some training.
29 Some one on one time with the actual performance
30 coach to talk about de-escalation.

1 Unfortunately, you know, with the clientele that we
2 interact with there is oftentimes where clients are not
3 happy with our involvement. And so we are learned, or
4 skilled, or coached through how to interact with our
5 client and talk various ways to do that in a verbal way
6 and some in precaution behavioral ways. So I'd have
7 her spend some time with her chain of command.
8 Either supervisor or the coordinator, or the
9 performance coach.

10 HEARING OFFICER: Is that going to--

11 NICOLE FOULKS: It's not hard-- not too--

12 HEARING OFFICER: Is that going to help once someone has threatened
13 violence against a case worker?

14 NICOLE FOULKS: At the point that I'm involved? I mean, I was not
15 involved in the actual situation itself, so after the point
16 that something has to occur, after the situation, yes.
17 We would talk about techniques. If she's not
18 comfortable, we would pair up peers to attend the
19 session with her for future involvement. The
20 supervisor-- and those are all in the situation if we
21 aren't able to reassign the case.

22 HEARING OFFICER: An--

23 NICOLE FOULKS: If we get to the point where we feel the case does need
24 to be reassigned, and the actual parent or client was not
25 in a one-time situational blow-up or out of control,
26 then we would do those variety of things. Either teach
27 our staff, equip our staff with how to interact, pair
28 them up with a peer, a supervisor or a coach, in the
29 actual physical activity, or actually remove the case.
30 So it could be a variety of situations and without being
31 really involved in the-- how this progressed, I don't
32 know which would have been appropriate here.

1 But any of those could have occurred.

2 HEARING OFFICER:

3 Okay. If, but if Ms. Geohaghan and said, she's
4 mentioned the fact that she is armed on several
5 occasions, she's made personal threats of violence
6 against me, I am not comfortable being her case
7 worker. What would you have-- where would-- you
8 said you would have started with the de-escalation and
then done what exactly?

9 NICOLE FOULKS:

10 We would have talked through how this happens often.
11 I mean, this really is an unfortunate normal part of
12 what we experience with our families. So we would
13 have-- I would have processed fully with her what that
14 looks like. And be-- was really sure that it wasn't an
15 opportunity to equip her knowing that there would be a
16 future situation of this sort with the work that we do.
17 And if we process beyond that and she wasn't
18 comfortable, and we were not able to assign a new
19 case manager, then we would have moved forward
20 with some of the other alternatives. With pairing her
up.

21 Oftentimes, we have these type situations with our
22 parents and it's a one-time shot. It's a one-time upset,
23 overwhelmed, really upset about our involvement with
24 the [UNCLEAR] and it doesn't occur again.
25 Sometimes it's the nature of the way a family is and
26 it's the reason that they are where they are. So we
27 engage in a different level of treatment planning and
28 interaction.

29 So we-- it just depends on where we actually would
30 have been with the history of the family and where we
31 currently were at that time.

1 HEARING OFFICER: But, based on the limited amount of testimony I've
2 gotten about this, she's threatened violence at least
3 twice. How is that a one-time blow up?

4 NICOLE FOULKS: Well, I was just giving-- you were asking what could
5 we have done.

6 HEARING OFFICER: Okay.

7 NICOLE FOULKS: So I was giving you the examples of what we could
8 have done.

9 HEARING OFFICER: Okay.

10 NICOLE FOULKS: And so what could have happened is there again, the
11 case be reassigned. If that was not able to occur based
12 on the status of vacancies in the actual office, then we
13 would have paired up or done some temporary
14 assignments-- or temporary reassignments.

15 HEARING OFFICER: Okay. Are you all aware-- allowed to stop interacting
16 with a client at any point? Or do you always have to do
17 that?

18 NICOLE FOULKS: We always have to do that to some capacity. Now, we
19 may be able to be court ordered to not go into a
20 client's home without law enforcement being with us
21 or not at all. We could get court approval to only meet
22 with the client in a neutral setting. But at the end of the
23 day, you know, we're looking to reunificate (sic)--
24 reunify or reunification with the case. We have to have
25 access to that home.

26 HEARING OFFICER: Okay.

27 NICOLE FOULKS: But if there is a family where things are so dangerous
28 or so unsafe for those children, then we can forego
29 reasonable efforts with parents and move towards
30 terminating the parental rights, which means we're no

1 longer going in that home because we aren't working
2 the case towards a reunification.

3 So, seldom are we working a case towards
4 reunification and we are not at some point going in
5 that home. We have to go into that home.

6 Yeah. So it gets tough. I mean, we really are, you
7 know, first responders without a gun. We really are. So
8 there again, not knowing this case, not knowing the
9 situation-- I don't know how we got involved or how
10 we resulted in our involvement. But--

11 HEARING OFFICER: So, do you know what happened with this client and
12 this case after Ms. Geohaghan quit?

13 NICOLE FOULKS: Do I know what happened? Like as of today?

14 HEARING OFFICER: Yes.

15 NICOLE FOULKS: No, ma'am, I do not.

16 HEARING OFFICER: Okay. Are you aware of there being a no trespass order
17 issued against this client?

18 NICOLE FOULKS: Yes, I have to be involved in each of those. So, yes,
19 ma'am.

20 HEARING OFFICER: So, with regard to Ms. Geohaghan still having this
21 person assigned to her and it doesn't seem like any of
22 these other steps were--. Were any of these other steps
23 taken at all, to your knowledge? Was she paired up?
24 Were there efforts to reassign the case? Do you know
25 what was going on with that?

26 NICOLE FOULKS: No, I am not aware exactly.

27 HEARING OFFICER: If there has been a threat of personal harm, but nothing
28 else has happened, like the case hasn't been reassigned
29 and it's still on Ms. Geohaghan's list of clients she's
30 responsible for, was she going to be held accountable

1 for not meeting with this client in this particular
2 situation?

3 NICOLE FOULKS: Yes. There would have needed to be those
4 accommodations that I mentioned earlier that occurred
5 with it still-- with her being responsible for it in her
6 name.

7 HEARING OFFICER: That--

8 NICOLE FOULKS: But there would have needed to be a plan articulated,
9 rather it was in her name and what the level of
10 responsibility was.

11 HEARING OFFICER: Then--

12 NICOLE FOULKS: With her or whomever else would be involved.

13 HEARING OFFICER: Then why was that not done?

14 NICOLE FOULKS: I don't know that it wasn't.

15 HEARING OFFICER: Do you know that it was?

16 NICOLE FOULKS: Well, is this-- that what Ms.--. No, I don't.

17 HEARING OFFICER: Okay. Because--

18 NICOLE FOULKS: I don't. I can't--

19 HEARING OFFICER: I've heard that it--

20 NICOLE FOULKS: I was not in call-- involved in the incident to that
21 degree.

22 HEARING OFFICER: So from what you're telling me, since we don't know
23 whether or not a plan was in place, Ms. Geohaghan has
24 indicated there was not and we don't have any
25 evidence to the contrary, she could have still been held
26 responsible for not meeting with this client that had
27 threatened gun violence against her?

1 NICOLE FOULKS: We would have to find out more of if there was a plan
2 put in place. If she's saying there wasn't one. I mean, I
3 would hope that there was a plan put in place. Be that a
4 pairing up with a peer, a pairing up with her
5 supervisor, or the reassigning of the case. Is what
6 should have happened.

7 HEARING OFFICER: Okay.

8 NICOLE FOULKS: What that outcome was, I can't say.

9 HEARING OFFICER: Okay. But you don't actually-- but you don't know
10 what was going on with that?

11 NICOLE FOULKS: No. I do not.

12 HEARING OFFICER: Okay. Is there anything else you want to tell me about
13 the policies or procedures of the employer at this point,
14 Ms. Foulks?

15 NICOLE FOULKS: The policy or procedure?

16 HEARING OFFICER: Anything else you want to bring to my attention at this
17 time?

18 NICOLE FOULKS: No, I don't think so. In case you have something
19 specific.

20 HEARING OFFICER: Okay. Ms. Brown, do you have any questions for Ms.
21 Foulks?

22 CYNTHIA BROWN: No, ma'am, I don't.

23 HEARING OFFICER: Okay. And Ms. Geohaghan, do you have any questions
24 for Ms. Foulks?

25 AMBER GEOHAGHAN: Yes, ma'am, I do.

26 HEARING OFFICER: Okay. Go ahead.

1 AMBER GEOHAGHAN: Okay. Ms. Foulks, as the interim county director is it
2 your responsibility to be involved in all and notified
3 about all critical incidents?

4 NICOLE FOULKS: Yes.

5 AMBER GEOHAGHAN: Okay. And I know you are really good about CPS
6 policy. Was CPS or Child Protective Services,
7 whenever there's a critical incident, isn't there a very
8 short timeframe that all documents need to be provided
9 and submitted to you and to state office?

10 NICOLE FOULKS: With investigations of children and families?

11 AMBER GEOHAGHAN: Yes, with all critical incidents. Isn't there a time frame,
12 or whether it's two hours, four hours, that certain
13 documents have to be submitted?

14 NICOLE FOULKS: For child fatalities. That's a four hour window.

15 AMBER GEOHAGHAN: Okay. For child-- okay. Okay. And all critical inci--

16 NICOLE FOULKS: Not a time frame.

17 AMBER GEOHAGHAN: Okay.

18 NICOLE FOULKS: It varies for a child if death or serious injury--

19 AMBER GEOHAGHAN: Mm-hmm.

20 NICOLE FOULKS: It's a critical incident. It has to be forwarded to state
21 office within four hours of our knowledge.

22 AMBER GEOHAGHAN: Okay. And do you consider this to be a critical
23 incident? This client made reference to threat of
24 employee. Is this critical to you?

25 NICOLE FOULKS: It's a critical incident. It's not all part--

26 AMBER GEOHAGHAN: Okay.

27 NICOLE FOULKS: Of that critical--

1 AMBER GEOHAGHAN: Okay. Thank-- thank you.

2 HEARING OFFICER: No. No. No. No. No. No. Let her answer the
3 question, Ms. Geohaghan.

4 Okay. Respond--

5 AMBER GEOHAGHAN: Okay.

6 HEARING OFFICER: Ms. Foulks.

7 NICOLE FOULKS: Yes. It is a critical incident for county operations, but
8 it is not a critical incident that rises to state office. It
9 rises to our office of safety, which is that no
10 trespassing protocol that was implemented.

11 AMBER GEOHAGHAN: Okay. Okay. Do you recall when you were exactly
12 notified of this incident?

13 NICOLE FOULKS: I do not.

14 AMBER GEOHAGHAN: Okay. And in your absence, because I know you are
15 the regional director, in your absence or if you're
16 going to be out, is there usually a individual in human
17 services who you kind of appoint to handle things or
18 that you feel confident that would handle certain things
19 in your absence?

20 NICOLE FOULKS: The what? When you're saying in your absence, that
21 would be during annual leave? Yes.

22 AMBER GEOHAGHAN: Okay.

23 NICOLE FOULKS: But when I'm physically absent, I'm not ever not able
24 to be contacted. But when I'm--

25 AMBER GEOHAGHAN: Okay.

26 NICOLE FOULKS: Physically not working, yes.

1 AMBER GEOHAGHAN: Mm-hmm. Okay. And when you're physically not
2 working for the Orangeburg county office, who is this
3 designated person?

4 NICOLE FOULKS: Oh, it depends on the availability of who's next in line.

5 AMBER GEOHAGHAN: Okay. If Orangeburg county was fully--

6 NICOLE FOULKS: It's not ever just one person.

7 AMBER GEOHAGHAN: One person. Okay. For the human services division, if
8 we were fully staffed, who would that person be that
9 you would designate in your absence?

10 NICOLE FOULKS: Again, it would depend on the circumstance.

11 AMBER GEOHAGHAN: Okay.

12 NICOLE FOULKS: If you're wanting to know the chain of command? I
13 mean, I'm not understanding what your question is.

14 AMBER GEOHAGHAN: I want to know in your absence, if all supervisors are
15 there in human services and the program coordinator is
16 available, who would be the designated person in your
17 absence--

18 NICOLE FOULKS: It would not--

19 AMBER GEOHAGHAN: That would handle business.

20 NICOLE FOULKS: It wouldn't necessarily be the program coordinator. It
21 could be the performance coach. It could be another
22 county director. It could be another one of my peers. It
23 just totally depends on the actual situation of my
24 absence.

25 AMBER GEOHAGHAN: Okay.

26 NICOLE FOULKS: And my availability. If I am not going to be able to be
27 contacted by phone--

28 AMBER GEOHAGHAN: Mm-hmm.

1 NICOLE FOULKS: I'm going to leave someone with more authority and
2 that would not be the actual program coordinator.

3 AMBER GEOHAGHAN: Okay.

4 NICOLE FOULKS: If I'm available, it could be a coordinator. It could be a
5 performance coach. There's just a lot of answers to
6 that question.

7 AMBER GEOHAGHAN: Okay. Okay. Thank you. That's all the questions that I
8 have.

9 HEARING OFFICER: Any questions on redirect, Ms. Brown?

10 CYNTHIA BROWN: No, ma'am.

11 HEARING OFFICER: Okay. Thank you. I don't believe I have any more
12 questions for anybody at this time.

13 I'm going to come back to each of you for any final
14 statements before I close the hearing.

15 Ms. Geohaghan, anything else you want to add or
16 clarify that we have not already discussed?

17 AMBER GEOHAGHAN: No, ma'am.

18 HEARING OFFICER: Ms. Geohaghan, just so I'm aware. Was there any sort
19 of plan put in place for how to deal with this client in
20 the interim?

21 AMBER GEOHAGHAN: No, ma'am. And when she discussed about pairing up
22 with our peers, I have some supervisory duties so
23 whenever it came for peers being paired up, I was the
24 individual that was able to be paired up with. But if
25 there were a plan in place, then the person that I would
26 be paired up with would be my superior, which would
27 be a performance coach. But there was no plan put in
28 place. I agree with. There was no plan put in place
29 whatsoever.

1 HEARING OFFICER: Okay. Anything else you want to tell me?

2 AMBER GEOHAGHAN: No, ma'am.

3 HEARING OFFICER: Okay. Ms. Brown, anything else you want to tell me?

4 CYNTHIA BROWN: Not at this time.

5 HEARING OFFICER: Ms. Foulks, anything else you want to tell me?

6 NICOLE FOULKS: Just in response to that last statement. Pairing up does
7 not have to occur by a chain of command. I mean, it's
8 just literally two trained people going out to address a
9 situation. So pairing up just based on your job
10 responsibilities would not be the purpose of the pair
11 up. The pair up would occur there being based on
12 having two trained individuals to address in a situation
13 to hopefully have the outcome that the agency intends.

14 So there will always be someone available for pairing
15 up.

16 HEARING OFFICER: Whose job was it to put a plan, as you've sort of
17 referenced, whose job was that to put that in place?

18 NICOLE FOULKS: It would have been supervisor. The supervisor. And it
19 could have involved, you know, several different
20 layers, but it would have been primarily that of the
21 supervisor.

22 HEARING OFFICER: Is that Ms. Breeland?

23 NICOLE FOULKS: Was it Ms. Breeland?

24 AMBER GEOHAGHAN: Yes, Ms. Breeland--

25 NICOLE FOULKS: Yes.

26 AMBER GEOHAGHAN: Was my direct supervisor and this program
27 coordinator, yes.

1 HEARING OFFICER: Okay. Just Ms. Foulks for right now. Ms. Foulks,
2 would this have been Ms. Breeland in this
3 circumstance?

4 NICOLE FOULKS: Yes. The vacant-- there's a vacancy for the actual
5 supervisor so the next in charge would have been the
6 program coordinator.

7 HEARING OFFICER: Okay. Anything else?

8 NICOLE FOULKS: No, ma'am. Thank you.

9 HEARING OFFICER: All right. Any other response you wish to give, Ms.
10 Geohaghan?

11 AMBER GEOHAGHAN: No, ma'am.

12 HEARING OFFICER: Okay. And Ms. Brown?

13 CYNTHIA BROWN: No, ma'am.

14 HEARING OFFICER: All right. Thank you. Okay. That being the case, as I
15 have no more questions and there is no more testimony
16 being offered, I declare this hearing closed.

17 Okay. Thank you all very much. What's going to
18 happen now--

19 AMBER GEOHAGHAN: Thank you.

20 HEARING OFFICER: The tribunal is going to take the documents that have
21 been entered into the record, as well as your testimony
22 and render a decision. Both parties will receive a copy
23 of that in the mail just as soon as possible.

24 Thank you all very much. Have a great day. Bye-bye.

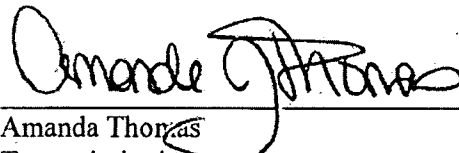
25 [Recording ended]

26 **HEARING CLOSED**
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CERTIFICATE

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3 This is to certify that this is a copy of the proceedings held in a hearing before
4 Brynn N. DeHay, Administrative Hearing Officer, for the South Carolina Department of
5 Employment Workforce, in the matter of Amber Geohaghan, Claimant and State
6 Department of Social Services, Employer on June 8, 2018, which proceedings were
7 phonographically recorded, transcribed by me, and herein appear.

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Amanda Thomas
Transcriptionist
Williams & Associates

Richmond, Virginia

October 18, 2018

CERTIFICATE

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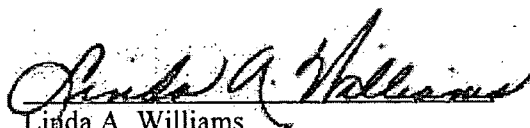
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Richmond, Virginia ,

October 18, 2018


Linda A. Williams
Proofreader
Williams & Associates



Agency 1
South Carolina
Department of Employment and Workforce



1567446

Original

AMBER GEOHAGHAN

Mailing Date: 03/30/2018
Effective Date: 03/18/2018
Type: QT05
Category: Working Conditions
Benefit Year Ends: 03/16/2019
RE: STATE

Claimant ID:
SSN:

DEPARTMENT OF
SOCIAL SERVICE

DECISION

You are held ineligible for benefits from 03/18/2018 .

DETERMINATION REASON

You left your most recent bona fide employer because you were dissatisfied with the work environment. There had been no significant change in the working conditions or surroundings which you had accepted at the time you were hired. You left voluntarily and without good cause under the South Carolina code section 41-35-120.

CONCLUSION

You have not met the eligibility requirements of the law, benefits are denied from 03/18/2018.

UI Claims Adjudicator

IMPORTANT: This determination will be the final decision of the Department unless you file an appeal setting forth in detail the grounds for appeal by 04/09/2018. Your appeal may be filed via the MyBenefits Portal, by mail addressed to the "Appeal Tribunal, Post Office Box 995, Columbia, SC 29202," or by fax to 803-737-0287. For additional information on filing an appeal, contact the Appeals Department at 803-737-2520 or visit our website at www.dew.sc.gov/individuals/manage-your-benefits/appeals.

SEE FURTHER EXPLANATIONS OF THE LAW ON PAGE TWO (2) OF THIS FORM



Agency 1
South Carolina
Department of Employment and Workforce



1517007

Claimant Name: AMBER GEOHAGHAN

Employer Name: STATE DEPARTMENT OF
SOCIAL SERVICE

Claimant Party ID: [REDACTED]
Issue ID: 2040159

Fact Finding Questions

Responses

Identify, understand, and acknowledge	Yes	
Is this the correct separation reason?	Yes	
What date was the day you began work?	03/04/2013	
What date was the last day you actually worked?	03/16/2018	
What date did you separate from your job?	03/16/2018	
Was there a final incident that caused you to quit?	Yes	
What date was the final incident?	01/31/2018	
What was the final incident?	arranged meeting with client and family at the agency	
Why did you feel the need to quit because of the final incident?	working jobsite safety became a issue	
Did you meet with the employer to find a better solution than quitting your job?	Yes	
Name:	the appropriate individual was notified. I was asked to give a response	

Agency 1
South Carolina
Department of Employment and Workforce

Job Title	HR Liason
-----------	-----------

What date was the meeting?	01/31/2018
----------------------------	------------

What was the outcome of the meeting?	Agency is aware of the issue. I was asked to give a response for the incident that occurred along with other individuals. I was told that the responses were going to be sent to stake office. This transpired after the client made a threat regarding a GUN. I expressed myself to more than one individual including via email and I continued to be subjected to dealing with this issue by completing my job duties which requires to make monthly contacts and attend court hearing and correspond w/ others.
--------------------------------------	---

What working conditions caused you to quit?	Other
---	-------

Did you give a resignation notice to the employer?	Yes
--	-----

What date did you give notice to the employer?	03/02/2018
--	------------

What date did you say your last day of work would be?	03/16/2018
---	------------

Name	Cynthia Brown
------	---------------

Job Title	HR Liason
-----------	-----------

How did you provide the notice?	In writing
---------------------------------	------------

Agency 1
South Carolina
Department of Employment and Workforce

Did you provide a reason for quitting in your notice?	Yes	
What reason did you give the employer for quitting?	To: Nicole Foulks Please accept this letter as my formal resignation from my role as Senior Child Welfare Specialist. My last day with Orangeburg County Department of Social Services will be March 16, 2018. My decision to resign was finalized after long and careful consideration of many factors. This change will be beneficial to my long-term career goals and objectives. Throughout my remaining time with the agency, I will continue to work diligently on case files and to discuss important case	
What date was the day you began work?	03/04/2013	
What date was the last day you actually worked?	03/16/2018	
What date did you separate from your job?	03/16/2018	
Was there a final incident that caused you to quit?	Yes	
What date was the final incident?	01/31/2018	
What was the final incident?	arranged meeting with client and family at the agency	
Why did you feel the need to quit because of the final incident?	working jobsite safety became a issue	

Agency 1
South Carolina
Department of Employment and Workforce

Did you meet with the employer to find a better solution than quitting your job?	Yes	
Name	the appropriate individual was notified. I was asked to give a response	
Job Title	HR Liason	
What date was the meeting?	01/31/2018	
What was the outcome of the meeting?	Agency is aware of the issue. I was asked to give a response for the incident that occurred along with other individuals. I was told that the responses were going to be sent to stake office. This transpired after the client made a threat regarding a GUN. I expressed myself to more than one individual including via email and I continued to be subjected to dealing with this issue by completing my job duties which requires to make monthly contacts and attend court hearing and correspond w/ others	
What working conditions caused you to quit?	Other	
Did the employer make a significant change in the conditions of work?	No	
Were the changes related to your job duties?	No	

Agency 1
South Carolina
Department of Employment and Workforce

What was the final incident that led to you quitting your job?	Arranged meeting with client and the incident that took place. Responses were taken from all individuals who were present.
--	--

What date did the final incident occur?	01/31/2018
---	------------

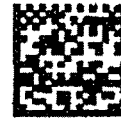
By submitting this form, you confirm these are your own answers to the best of your knowledge.

South Carolina
Department of Employment and Workforce

RECEIVED

MAR 28 2018

DEPT. OF UI



1519753

REQUEST TO EMPLOYER FOR SEPARATION INFORMATION - RESPONSE PAGE

03/20/2018

Claimant Name: AMBER GEOHAGHAN

Claimant SSN: [REDACTED]

Employer Account Number: [REDACTED]

Please give full details concerning the separation to ensure that a fair determination may be made.

1. Reason for Separation(Explain Fully):

Resignation. Personal2. Dates of Employment: From 3-4-2013 to 3-16-2018 (Last day worked)

3. Enter the total amount of earnings which you paid the claimant during:

a. The current quarter \$ 9,570.98b. The last completed calendar quarter \$ 8,027.90

4. Are you paying, or WILL YOU PAY, this claimant a pension or retirement pay?

☐ YES ☒ NO

If YES, what amount? \$ _____ PER _____

a. Did claimant contribute to pension plan?

☒ YES ☐ NOIf YES, what percent? 9.0 %5. Date: 3-28-18Signed: Cornel RogarkTitle: Payroll Administrator

Return To:

South Carolina Department of Employment and Workforce
P.O. Box 1477

Columbia, SC 29202

Fax To:

(803) 737-0499

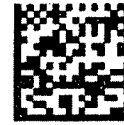
RECEIVED

MAR 22 2018

HUMAN RESOURCES MANAGEMENT



Agency 1
South Carolina
Department of Employment and Workforce



1519753

03/20/2018

STATE DEPARTMENT OF SOCIAL SERVICE
PO BOX 1520
COLUMBIA SC 29202-1520

REQUEST TO EMPLOYER FOR SEPARATION INFORMATION

In order to comply with the U. S. Supreme Court decision in the case of California Department of Human Resources Development vs. Judith Java, benefit payments are no longer withheld pending a determination of employer liability. You may receive a Form UCB-103, Determination By Claims Adjudicator On Claim For Benefits about the time this request for information reaches you. You should proceed to furnish the information requested below within the time provided for a reply. A determination of liability will then be made. If the resultant determination relieves you of liability for benefit payments on this claim, you will be notified and all benefits previously paid and charged to your Experience Rating Account will automatically be removed. NOTE: Reimbursable employers are not subject to the charge removal provisions.

The records in our office indicate that you were the most recent liable employer by whom the subject claimant was paid as much as eight times his weekly benefit amount. The information requested below will be used in making a determination as to the proper charging of benefits, which may affect your experience rate under the South Carolina Code.

If the information requested below is not received by the Department within ten (10) days from the date of this notice, as required by Regulation 47-19 A 3, a determination will be issued from which no protest can be considered.

The Law provides that benefits paid to a claimant shall be charged to the Experience Rating Account of the most recent liable employer by whom the claimant was paid as much as eight times his weekly benefit amount unless it is determined that the claimant (a) voluntarily left his most recent employment with that employer without good cause, (b) was discharged from his most recent employment by that employer for cause connected with his work or (c) subsequent to his most recent employment refused without good cause to accept an offer of suitable work made by that employer, if in any such case, the employer furnishes the Department with such notices regarding the separation of the individual from work as required by Regulation 47-19, or the refusal of the individual to accept an offer of suitable work as required by Regulation 47-23 of the Department Rules and Regulations.

BENEFIT DIVISION
NONMONETARY UNIT



Agency 1
South Carolina
Department of Employment and Workforce



1519753

REQUEST TO EMPLOYER FOR SEPARATION INFORMATION - RESPONSE PAGE

03/20/2018

Claimant Name: AMBER GEOHAGHAN

Claimant SSN: [REDACTED]

Employer Account Number: [REDACTED]

Please give full details concerning the separation to ensure that a fair determination may be made.

1. Reason for Separation(Explain Fully):

2. Dates of Employment: From _____ to _____ (Last day worked)

3. Enter the total amount of earnings which you paid the claimant during:

- a. The current quarter \$ _____
b. The last completed calendar quarter \$ _____

4. Are you paying, or WILL YOU PAY, this claimant a pension or retirement pay?

☐ YES ☐ NO

If YES, what amount? \$ _____ PER _____

a. Did claimant contribute to pension plan?

☐ YES ☐ NO

If YES, what percent? _____ %

5. Date: _____ Signed: _____

Title: _____

Return To:

South Carolina Department of Employment and Workforce
P.O. Box 1477

Columbia, SC 29202

Fax To:

(803) 737 -0499



Agency 1
South Carolina
Department of Employment and Workforce



1537205

March 22, 2018

SSN: [REDACTED]
Claimant ID: [REDACTED]
Claim ID: 594580

STATE DEPARTMENT OF SOCIAL SERVICE
PO BOX 1520
COLUMBIA, SC 29202-1520

ATTENTION: FAILURE TO RESPOND TIMELY OR ADEQUATELY TO DEW'S REQUEST FOR INFORMATION MAY NEGATIVELY IMPACT YOUR UNEMPLOYMENT TAXES.

Request for Information from the Employer Forms Instructions

A claim for unemployment insurance was filed by an individual who has identified you as a previous employer.

You are receiving this written request for separation information because we were not able to send this electronically. Complete and accurate separation information is critical in making sound decisions on claims for unemployment insurance, which helps to keep tax rates as low as possible.

Specific questionnaires regarding the most common reasons for separation are enclosed. They are:

Lack of Work – Work is not available (layoff, furlough, reduction in force, etc.).

Discharge/Fired – Employer initiated separation.

Voluntary Quit – Claimant initiated separation.

Still Working – Still employed but working reduced hours.

General/Other – Separated for a reason other than one listed above.

If this individual was not employed by you, please indicate on form.

Please complete and return the form within 10 calendar days to ensure that a timely and proper decision can be issued on this claim. If you have questions or need assistance, please call 1-866-831-1724.



Agency 1
South Carolina
Department of Employment and Workforce



1537205

Please return to:

SC DEW

PO BOX 995

COLUMBIA SC 29202

Fax: 803-737-0621

Claimant's Name: AMBER GEOHAGHAN

SS#: [REDACTED]

Name Worked Under:

Date Mailed: 03/22/2018

Employer's Account #: [REDACTED]

Return with in 10 days
of the above date to:

Employer's Name & Address:

Fax Number: 803-737-0621

STATE DEPARTMENT OF SOCIAL SERVICE

BYE: 03/16/2019

PO BOX 1520

COLUMBIA SC 29202-1520

CLAIMANT'S Reason for Separation: UNKNOWN

SEPARATION INFORMATION: Please check the explanation below that applies and answer the questions that are related to that section.

☐ **LACK OF WORK :** (NO ADDITIONAL WRITTEN EXPLANATION IS NECESSARY)

☐ **DISCHARGE:**

When was the claimant discharged? _____

What was the reason for discharge? _____

Does your company have a policy regarding this reason for discharge? ☐ Yes ☐ No

If Yes, What is your company policy? _____



Agency 1
South Carolina
Department of Employment and Workforce



1537205

Had the claimant been warned? ☐ Yes ☐ No

If Yes, provide dates, reasons for warnings, who gave the warning, and how the warnings were communicated:

Please attach copies of any written warnings.

Date of the final incident: _____

What was the final incident that cause the discharge? _____

☐ **VOLUNTARY QUIT/OTHER REASON:**

Did the claimant quit in lieu of termination? ☐ Yes ☐ No

If Yes, please complete the discharge portion of this form.

If No, why did the claimant quit? _____

Explain the employer's understanding of the reason the claimant left: _____



Agency 1
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Department of Employment and Workforce



1537205

☐ **STILL WORKING**

What were the hours agreed upon when the claimant was hired to work and why were the hours reduced?

Has there been a reduction in the claimant hours worked? ☐ Yes ☐ No

If Yes, what are the hours the claimant is currently working?

Is the claimant accepting all work offered? ☐ Yes ☐ No

Information below required for all separations:

Dates of employment: From: _____ To: _____

During all terms of employment, have you paid this claimant as much as 2,608.00? ☐ Yes ☐ No

If No, how much have you paid this claimant in all terms of employment? \$ _____

Are you paying, or WILL YOU PAY, this claimant a pension or retirement pay? ☐ Yes ☐ No

If Yes, What amount? \$ _____ PER _____

Did the claimant contribute to pension plan? ☐ Yes ☐ No If Yes, what percent? _____ %

Employer Name: STATE DEPARTMENT OF SOCIAL SERVICE Account Number: 000126904

Employer Signature: ** _____ Title: _____

Telephone Number: _____ Date: _____

**** FORM MUST BE SIGNED IN ORDER FOR INFORMATION TO BE CONSIDERED**

Home Mail Files Groups Calendar Alerts Search Mail Search Video Home Mail

Q 281 Amber Gea Search for messages

Search Mail

Search Video

Home

Mail

Compose

Search results

Sign in

Move

Print

Download

Amber K. Geaghghan

Amber Geaghghan

Amber Geaghghan

Yahoo (2033-1)
Sunday, June 10, 2018

Fwd: Pauline Kearsa incident 1/31/2018

Amber Geaghghan Pds
(803) 515-1834
Search emails



Geaghghan, Amber K <Amber.Geaghghan@disic.gov> 14:01 1/30/18
To: paulinekearsa@gmail.com

- Inbox (1999-1)
- Drafts (66)
- Sent
- Archive
- Spam (63)
- Trash (2)
- Smart Views
- Important
- Unread
- Starred
- People
- Tracked
- Shopping
- Travel
- Finance
- Folders
- Amber K
- Work
- Notes
- Recent

From: Geaghghan, Amber K
Sent: Monday, February 12, 2018 11:11 27 AM
To: Brown, Cynthia D
Subject: Pauline Kearsa incident 1/31/2018

On 1/31/2018 I conducted a family meeting with [redacted] and minor [redacted] guardian ad litem [redacted]. During the meeting there was severe tension between [redacted] and her sister [redacted]. The meeting wasn't a success as [redacted] mentioned that she didn't want to have the meeting and that her daughter was better off with her or in foster care. Agency security officer Sam Brown had to intercede and mediate during the meeting as [redacted] got up from her seat and confronted her sister [redacted]. [redacted] states that her sister is disrespectful and visitation can no longer be held at her home. The purpose of the meeting was to establish visitation in spite of the differences the sisters have between each other. I was verbally attacked in the presence of other staff and my supervisor as [redacted] called me a BITCH, STUPID, and that she wanted a new case manager in her case, among other things. Prior to this meeting I spoke with [redacted] via telephone on Friday Jan 26. It was agreed that her minor [redacted] would be allowed to stay with her with a supervisor (Frank) as long as her custodial guardian was aware of her whereabouts. [redacted] sent a message from [redacted] phone to her sister [redacted] stating that she was in Greenville SC. [redacted] called me concerned [redacted] then phoned me and stated that she was going to go to her sister's house with [redacted] to get her daughter back. Cm asked her who was [redacted] and she stated that they would see and it wasn't a person for sure. Cm talked her down and advised her that if she went to that residence LE would be called.

At this point I have not had any contact with [redacted] since the family meeting and I am not sure that it is safe. I feel uncomfortable in regards to having any home visits alone or face to face visits with her outside of the agency. I was informed by other staff that she made a comment about a GUN, as multiple persons along with agency security had to escort her out of the building. Based on this information I feel that during our conversation on 1/26/18 that she was referring to her gun as Cm has been informed in the past that she does own a firearm.

Based on the incident that transpired and the request of [redacted] wanting a new case manager, this option may be in the best interest of [redacted] and the case's future.

Amber K. Geaghghan
Orangeburg County Department of Social Services
Senior Child Welfare Specialist CPS APS
Physical address: 2570 St Matthews Rd Orangeburg, SC 29118
Phone: 803 515 1834
Cell: 803 254 0587
Fax: 803 511 2015
Amber.Geaghghan@disic.gov

Reply Reply to All Forward More

SC
JUN 05 2018

Lower Authority: [redacted]

To: Appeal Tribunal (SCDEW)
Administrative Hearing Officer: Brynn Dehay
Fax number: 803-737-0287

From: Amber K. Geohaghan

SS# [REDACTED]

Claimant ID- [REDACTED]

Appeal Number - 18-LA-005927

6/8 @ 9:30

DEHAY

SCDEW
HB JUN 05 2018
Lower Authority App...

6/5

Pages 6 including cover Page

Date 5/5/2018

Faxed By: Amber Geohaghan

During the time of this incident others members of the management team were present, I spoke with my direct Supervisor Gwendolyn Breeland and told her that I was uncomfortable with working with this client based on me being assaulted verbally and being threatened by the client "about a gun". I was told to not follow "the client up" & that she was "all bark no bite". My supervisor did ask another co-worker if she would take the case but no one in the office wanted to based on high case loads & having witnessed the client act irate at a previous family meeting prior to this incident, "Orangeburg County DSS"

HR Liaison Cynthia Brown,
 Performance Coach Becky Bonivida
 ITS Coordinator Gwendolyn Breeland
 SST Sarah Bostic

SCDEV

JUN 05 2018

Lower Authority Appeals

Agency Security Sam Brown & GAL Julius Paige were all present during this incident. We were informed that the agency director & State Office would be notified and we were to write statements & give to our HR Liaison, I didn't receive a response & I don't believe all individuals who witnessed this gave statements; in addition to state office being notified.

Incident
 Date 1/31/2018

My last date
 of employment
 01/31/2018

105
 1/14/18 000016

The Augusta Chronicle

Death row inmate set to be executed

By Sandi Martin

Posted Jun 3, 2008 at 6:00 AM

SCE

JUN 05 2018

Lower Authority A

AIKEN --- Friday will end a 12-year fight for justice.

David Mark Hill is to become the 279th person executed by South Carolina since 1912 and the third person from Aiken County in the past three years to die by lethal injection.

He is sentenced to die for killing three social workers -- Michael Gregory, Josie Curry and James Riddle -- more than a decade ago.

Barbara Morgan, the prosecutor who put him on death row, said she hopes he'll show some remorse and ask for forgiveness.

Apologizing sometimes helps the surviving family, she said, and "execution doesn't always help them."

Angry that Mr. Riddle had removed his three children from his home, Mr. Hill walked into the North Augusta Department of Social Services office Sept. 16, 1996, and killed the three workers, only one of whom was involved in his case.

He was found the next day near railroad tracks, suffering from a self-inflicted gunshot wound to the head. It would be four years before he would be found guilty of the murders, and it's been eight years since he was first ordered to die for his crimes.

Mr. Hill, 47, changed his mind about fighting the death sentence a couple of times. He asked to drop his appeals, then opted to challenge again.

But last year he asked to drop his appeals for the last time, telling 2nd Judicial Circuit Court Judge Jack Early that his decision was based on a religious need for forgiveness and because of his father's failing health.

Judge Early found him competent to drop his appeals, and the South Carolina Supreme Court ruled likewise in April.

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000017

Ms. Morgan said Mr. Riddle's daughter Lisa "just wants to get it quietly over with."

Last year, Ms. Riddle told The Augusta Chronicle that she had just turned 21 when her father was gunned down.

She said then that she was still very bitter about what Mr. Hill did, and "I just want him gone."

The DSS murders, Ms. Morgan said, were very hard to prosecute. Authorities knew the social workers, and the trial suffered long delays because of changes in defense attorneys and efforts to move the proceedings.

It took four years to bring Mr. Hill to trial, she said, and a jury had to be brought in from York County.

All three victims were shot in the head.

Ms. Morgan said authorities believe Mr. Gregory tried to stop the killer. He was found in the bathroom last, shot once in the leg and once in the head. He was the first killed, Ms. Morgan said.

"He waited for Jimmy Riddle to get off the phone and then shot him dead," she said. Then he shot Ms. Curry and thought he'd also killed Annette Michael.

"She lay in Josie Curry's blood and played dead," Ms. Morgan recalled.

Mr. Hill's Aiken attorney, David Miller, said the victims' families are looking for closure but an execution might not give it to them.

"It's not going to fix what happened, and it's not going to change what he did," Mr. Miller said.

Reach Sandi Martin at (803) 648-1395, ext. 111, or sandi.martin@augustachronicle.com.

DAVID MARK HILL

Mr. Hill's execution is scheduled for 6 p.m. Friday.

South Carolina uses a three-drug cocktail in its lethal injections, but an inmate may also opt for electrocution.

Mr. Hill will be the third person from Aiken County executed in South Carolina in the past three years. Hastings Arthur Wise was executed in 2005, and William Ernest Downs Jr. was executed in 2006.

Only one other current death row inmate is from Aiken County: Donnie Council.

Social worker's safety is important & issues such as this should be addressed. If this isn't addressed then this could very well be another unfortunate event. The client in this instance is known to keep a firearm & has mental health issues per SCDMH. I have worked with this agency for 5 years & consider it to be my second family. However, I feel like a foster child who has been placed with a family that failed to meet the safety & well being of me. ~~_____~~

CC

SCF

JUN 05 2018

Lower Authority H.

108

000019



South Carolina
Department of Employment and Workforce



1998600

07/06/2018

AMBER GEOHAGHAN





South Carolina
Department of Employment and Workforce



1998600

DECISION OF APPEAL TRIBUNAL

Hearing Date: June 8, 2018

Appeal Number: 18-LA-005927

AMBER GEOHAGHAN

CLAIMANT

STATE DEPARTMENT OF SOCIAL SERVICE
PO BOX 1520
COLUMBIA SC 29202-1520

EMPLOYER

APPELLANT: Claimant

SSI: [REDACTED]

CLAIMANT ID: [REDACTED]

APPEARANCES

FOR THE CLAIMANT: Claimant

FOR THE EMPLOYER: Employer

FINDINGS OF FACTS

The issue in this case is whether the claimant voluntarily quit with good cause.

The claimant appealed the determination mailed March 30, 2018, which held her indefinitely disqualified from receiving benefits effective March 18, 2018, upon a finding she voluntarily quit employment without good cause.

The claimant worked with the employer from March 4, 2013, to March 16, 2018, most recently as a senior child welfare specialist. A client to whom the claimant was assigned was involved in a meeting on January 31, 2018. The meeting devolved and the client became highly upset. She used profanity and stated the claimant "better be glad I don't have my gun." The client was escorted out and was told to stay off the premises. However, the employer still had to provide services to her family. The employer did not change the assignment of the family to the

South Carolina
Department of Employment and Workforce

claimant. The claimant requested that the assignment be changed as she did not think their working relationship could recover after the threats that were made. The claimant did not go on any home visits or engage with the client after the incident. The employer asserts there were a variety of things that could be done to ensure the claimant's safety in the event she did have to interact with the client again. This includes sending other employees out to work as a team and other potential solutions. The claimant was not disciplined or reprimanded for refusing to interact with the client further. Her job was not in jeopardy. There were no changes to the terms or conditions of her employment. The claimant could have escalated her concerns to human resources or management at the state level if she felt her local human resources and management were not sufficiently responsive to her concerns. The claimant resigned her position on March 2, 2018. There was continuing work available for the claimant at the time she resigned.

The claimant asserts she was concerned about her safety which is what prompted her resignation. She asserts she was very concerned about the possibility of gun violence. She also asserts she did research and found there had been employees of the subject employer who had been killed over 20 years ago by a client which furthered her concerns. She no longer wished to be involved in the difficult situations the employer must routinely handle.

REASONS

S.C. Code Ann. § 41-35-120(1) requires an indefinite disqualification from benefits when the Department finds the claimant has voluntarily quit without good cause attributable to the employment. The disqualification continues until the claimant returns to work and earns eight times the weekly benefit amount of the claim in covered employment.

"Good cause" refers to a material, substantial change in the conditions of employment, or other circumstances directly attributable to the employment, which would cause a reasonable person to become totally unemployed rather than continue working.

In this case the claimant resigned her position due to concerns about her safety. Given the tone of the meeting and the statements made by the client, the claimant's concern was justified. However, the claimant was not in imminent jeopardy at the time she resigned. Though it is certainly reasonable to be concerned given the interaction with the client on January 31, 2018, the claimant waited another month to resign and she did not engage with the client after the incident in question. She was not forced to engage with the client nor was she disciplined for refusing to engage with the client. The employer had taken some steps to address her concerns, even though the client was still assigned to the claimant. If the claimant felt the employer's remedy was inadequate, she had further options she could pursue to remain employed. If she felt the local director and human resources were insufficiently responsive to her concerns, she could have gone further up the chain of command and addressed her

South Carolina
Department of Employment and Workforce

concerns about her safety. The nature of the subject employer's business is fraught with difficult situations and emotions for the clients and consequently the case workers involved. The nature of the employer's business has not changed, though the claimant decided she no longer wanted to be involved in these situations. There were no material changes to the terms or conditions of the claimant's employment. The circumstances would not cause a reasonable person to become totally unemployed rather than continue working, given the time and distance from the precipitating incident and the additional options available to the claimant to have the employer further address her concerns. Therefore, the Tribunal must find that the claimant voluntarily quit without good cause and an indefinite disqualification must be imposed.

DECISION

The Tribunal holds the claimant disqualified from receiving benefits indefinitely effective March 18, 2018, until requalification, upon a finding she voluntarily quit the most recent bona fide employment without good cause. This decision affirms the determination mailed March 30, 2018.

This will be the final decision of the Agency, unless you file an appeal to the Appellate Panel setting forth in detail the grounds for appeal within ten (10) calendar days, including weekends and holidays, from the mailing date of this decision. If the tenth day falls on a Saturday, Sunday or holiday, the appeal period is extended to the next business day. Your appeal may be filed by mail addressed to "Appellate Panel, Post Office Box 1752, Columbia South Carolina, 29202", or by fax at 803-737-3166. For additional information on filing an appeal, visit our web site at www.dew.sc.gov/appeals.

Brynn N. DeHay

Brynn N. DeHay
Sr. Administrative Hearing Officer

Decision Mailed: July 6, 2018

Orangeburg SCWorks Center
1804 Joe S. Jeffords Hwy., Orangeburg, SC
(803) 534-3336
(803) 531-8869

FAX



To: Appellate Panel

Fax: 803-737-3166

Date: 7/17/2018

Re: Appl # 18-LA-005927

From: Amber K. Geohaghan

Fax: NA

Phone: 803 596 4062 / 803 570-1098

Cc: NA

Comments: Please do not reply
to this fax number (a)

17
Pages:
Including
Cover
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APP-100 NET...Rev. 7/13
Catalog#: 05082**SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE**
P. O. Box 995, Columbia, South Carolina 29202**Notice of Appeal to Appeal Tribunal**Claimant's Name: Amber K Geohoghan Social Security Number: [REDACTED]Claimant's Address: [REDACTED]Telephone: 803.596.4062 / 803.570-1098Employer's Name: Department of Social Services Telephone: 803-898-8079Employer's Address: P.O. Box 1520 Columbia SC 29202

Please refer to Determination by Claims Adjudicator to complete section below.

On July 9 2018 received the determination mailed July 7 2018
(Date of receipt) (Mailing date on Notice)

I appeal and hereby apply for a hearing because I believe it was issued in error for the following reasons:

Please see attached documentation

If appeal is untimely or you were absent from a prior hearing, state the reason: _____

I must continue to file my claim for each week of unemployment until I receive the Appeal Tribunal or Appellate Panel decision, until I return to work, or until my claim is exhausted. If I win the appeal, I know I can only be paid for those weeks that I have timely claimed.

[Signature]
(Claimant's Initials)Does claimant need an interpreter? ☐ YES ☒ NO What language/dialect?Claimant is ☐ Deaf ☐ Mute

(If it appears necessary to subpoena witnesses or documents, please complete Form APP-107 and attach it when you submit your appeal.)

SUBPOENA ☐ YES ☐ NOWho is filing appeal: ☒ Claimant ☐ EmployerSignature: [Signature]

Title: _____ Date: _____

Please submit form by fax to 803.737.0287 or by mail to: "Appeal Tribunal, P.O. Box 995, Columbia, SC 29202."

Amber K. Geohaghan

Appeal Number: 18-LA-005927

SS: [REDACTED]

This determination was in error based on the reasons listed below.

It was mentioned by the HR Liason that I followed the chain of command as my direct supervisor was also the program coordinator, and the interim director was also the regional director. I was told that state office would automatically be notified based on an employee being threatened by (gun) harm. During the hearing HR Liason acknowledged that it was her responsibility to receive guidance from state office in this matter. The client was never told to "stay off of the premises". Not only did the agency put me at risk but others employees as well. I requested the case be transferred based on fearing for my safety and the client requesting to have her case manager changed in front of all management staff who witnessed me being assaulted verbally during this family meeting and in the hall way which resulted in the client being escorted from the agency.

It was mentioned by the employer that there were a variety of options that could have been implemented. There was no plan put in place to ensure my safety. The interim director mentioned, "I was going to be held accountable for the case members not being seen." I take pride in my work and my monthly production. In 2015, I was presented with the Orangeburg County employee of the year by former governor Nikki Haley. By me being held accountable for not meeting my quota, was unheard of and I was being forced to not meet goals. There was more than one reference to a gun throughout this case's history. The agency was involved with this family based on the client stating she took her daughters life and she was taking her's next. It was mentioned that caseworkers encounter these events regularly. A case worker being threatened by a gun is not a common issue that is encountered on a daily bases.

Prior to my resignation and afterward, until April "unknown date" 2018 there is no proof or documentation that can prove the client was restricted from accessing the building not just for Child Protective Services but for healthcare (Medicaid) or EBT (Snap Benefits). It is untrue as mentioned that I no longer wanted to be involved in these situations. I loved my job and certainly the South Carolinians I served. However, the agency neglected to put a safety plan in place to keep me

Amber K. Geohaghan

Appeal Number: 18-LA-005927

SS [REDACTED]

safe which resulted in me resigning with good cause. There were no documentations, meetings, or correspondence even though HR notified state office of the employee threat of harm, taken to address my concerns. It was mentioned that, "The agency has no time frame which was mentioned during the hearing in regards to gathering statements in a critical incidents." As a personal threat critical response, my concerns were not addressed in an expedited manor. All documentation was not submitted until April 2018 which was 60 plus days since the incident took place. During the hearing the interim director mentioned this was a "Critical Incident to the county but doesn't rise to critical incident of state office, which is contradictory to the agency's policy and what the HR liason mentioned.

I do not believe provisions were made or that agency security was aware or apart of the decision that the client was no longer allowed at the agency. I have encountered many difficult situations working with children and adults over five years. However this is the first incident of threat of harm and I felt unsafe for many justifiable reasons. I was going to be held accountable for not seeing the client in the home or at all, which would have resulted in corrective action. I was concerned about my safety as no changes were made and other workers refused to accept the case after being asked by the program coordinator, and witnessing the client's behavior in the past meetings.

Under the **REASON** section it is mentioned that, " Given the tone of the meeting and statements made by the client, the claimants concerns were justified." Until a no trespassing order was put in place or a temporary safety plan by the agency or my immediate supervisors a safety threat towards me still existed.

The client was finally presented and served with a **no-tresspassing order** in April 2018, which now prohibits her from visiting the agency.

Agency security was a aware of the meeting and of the client, I used the safest location to conduct the family meeting, and notified my supervisor and other coworkers of the emergency meeting that I was conducting, as a personal

Amber K. Geohaghan

Appeal Number: 18-LA-005927

SS: [REDACTED]

precaution. The client and her sister had to be separated and the client was in rage, which put me in more fear.

Based on the lack of communication, untimely investigation, and lack of employee safety plan to be put place I remained fearful and concerned for my safety which forced me to resign with good cause.

APP. 107
Rev. 2/13
Cat. 05140

Appeal File No. 18-LA-00592

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE
Columbia, South Carolina

APPLICATION FOR ISSUANCE OF WITNESS SUBPOENA

Claimant's Name

Amber K. Gerboshan

SSN

Address

Employer's Name

State Department of Social Service

Address

P.O. Box 1520 Columbia, SC 29202

I request for the following to be duly summoned to appear and testify under oath and Certify as necessary in the proper presentation of my case. Please limit to three, if possible. Subpoenas can only be issued to an S.C. address. Requests for documents also require a person's name to whom the request will be sent.

1. Name/Documents Sam Brown Address 2570 St. Matthews Rd Orange
SC 29115 Telephone No. 803-531-3101

Position title, if any, and what the witness knows about the situation Witnessed and is agency
Agency Security Guard Security Guard

2. Name/Documents Security Footage from Address 2570 St. Matthews Road
Jan 31, 2018 "during time of Orangeburg SC 29115
meeting" Telephone No. 803-531-3101

Position title, if any, and what the witness knows about the situation _____

3. Name/Documents _____ Address _____

Telephone No. _____

Position title, if any, and what the witness knows about the situation _____

Application completed by: ☐ Claimant ☐ Employer

Signature: _____

Title _____

Date _____

(For Local Office Use Only)

Filed at _____ Date _____
(Month) (Day) (Year)

Received by _____
(Local Office Representative)



South Carolina
Department of Employment and Workforce



1998800

DECISION OF APPEAL TRIBUNAL

Hearing Date: June 8, 2018

Appeal Number: 18-LA-005927

AMBER GEOHAGHAN

CLAIMANT

STATE DEPARTMENT OF SOCIAL SERVICE
PO BOX 1520
COLUMBIA SC 29202-1520

EMPLOYER

APPELLANT: Claimant

SSN: [REDACTED]

CLAIMANT ID: [REDACTED]

APPEARANCES

FOR THE CLAIMANT: Claimant

FOR THE EMPLOYER: Employer

FINDINGS OF FACTS

The issue in this case is whether the claimant voluntarily quit with good cause.

The claimant appealed the determination mailed March 30, 2018, which held her indefinitely disqualified from receiving benefits effective March 18, 2018, upon a finding she voluntarily quit employment without good cause.

The claimant worked with the employer from March 4, 2013, to March 16, 2018, most recently as a senior child welfare specialist. A client to whom the claimant was assigned was involved in a meeting on January 31, 2018. The meeting devolved and the client became highly upset. She used profanity and stated the claimant "better be glad I don't have my gun." The client was escorted out and was told to stay off the premises. However, the employer still had to provide services to her family. The employer did not change the assignment of the family to the

South Carolina
Department of Employment and Workforce

claimant. The claimant requested that the assignment be changed as she did not think their working relationship could recover after the threats that were made. The claimant did not go on any home visits or engage with the client after the incident. The employer asserts there were a variety of things that could be done to ensure the claimant's safety in the event she did have to interact with the client again. This includes sending other employees out to work as a team and other potential solutions. The claimant was not disciplined or reprimanded for refusing to interact with the client further. Her job was not in jeopardy. There were no changes to the terms or conditions of her employment. The claimant could have escalated her concerns to human resources or management at the state level if she felt her local human resources and management were not sufficiently responsive to her concerns. The claimant resigned her position on March 2, 2018. There was continuing work available for the claimant at the time she resigned.

The claimant asserts she was concerned about her safety which is what prompted her resignation. She asserts she was very concerned about the possibility of gun violence. She also asserts she did research and found there had been employees of the subject employer who had been killed over 20 years ago by a client which furthered her concerns. She no longer wished to be involved in the difficult situations the employer must routinely handle.

REASONS

S.C. Code Ann. § 41-35-120(1) requires an indefinite disqualification from benefits when the Department finds the claimant has voluntarily quit without good cause attributable to the employment. The disqualification continues until the claimant returns to work and earns eight times the weekly benefit amount of the claim in covered employment.

"Good cause" refers to a material, substantial change in the conditions of employment, or other circumstances directly attributable to the employment, which would cause a reasonable person to become totally unemployed rather than continue working.

In this case the claimant resigned her position due to concerns about her safety. Given the tone of the meeting and the statements made by the client, the claimant's concern was justified. However, the claimant was not in imminent jeopardy at the time she resigned. Though it is certainly reasonable to be concerned given the interaction with the client on January 31, 2018, the claimant waited another month to resign and she did not engage with the client after the incident in question. She was not forced to engage with the client nor was she disciplined for refusing to engage with the client. The employer had taken some steps to address her concerns, even though the client was still assigned to the claimant. If the claimant felt the employer's remedy was inadequate, she had further options she could pursue to remain employed. If she felt the local director and human resources were insufficiently responsive to her concerns, she could have gone further up the chain of command and addressed her

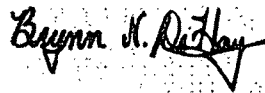
South Carolina
Department of Employment and Workforce

concerns about her safety. The nature of the subject employer's business is fraught with difficult situations and emotions for the clients and consequently the case workers involved. The nature of the employer's business has not changed, though the claimant decided she no longer wanted to be involved in these situations. There were no material changes to the terms or conditions of the claimant's employment. The circumstances would not cause a reasonable person to become totally unemployed rather than continue working, given the time and distance from the precipitating incident and the additional options available to the claimant to have the employer further address her concerns. Therefore, the Tribunal must find that the claimant voluntarily quit without good cause and an indefinite disqualification must be imposed.

DECISION

The Tribunal holds the claimant disqualified from receiving benefits indefinitely effective March 18, 2018, until requalification, upon a finding she voluntarily quit the most recent bona fide employment without good cause. This decision affirms the determination mailed March 30, 2018.

This will be the final decision of the Agency, unless you file an appeal to the Appellate Panel setting forth in detail the grounds for appeal within ten (10) calendar days, including weekends and holidays, from the mailing date of this decision. If the tenth day falls on a Saturday, Sunday or holiday, the appeal period is extended to the next business day. Your appeal may be filed by mail addressed to "Appellate Panel, Post Office Box 1752, Columbia South Carolina, 29202", or by fax at 803-737-3166. For additional information on filing an appeal, visit our web site at www.dew.sc.gov/appeals.



Brynn N. DeHay
Sr. Administrative Hearing Officer

Decision Mailed: July 7, 2018

HP LaserJet Pro MFP M127fw

Fax Confirmation

HPFAX 803-937-6427

Jun-5-2018 3:39 PM

Job	Date	Time	Type	Identification	Duration	Pages	Result
39	06/05/2018	3:34:02 PM	Send	8037370287	5:17	6	OK

To: Appeal Tribunal (SCDEW)
Administrative Hearing Officer: Brynn Delhay
Fax number: 803-737-0287

From: Amber K. Cechoghan
Sst [REDACTED]
Claimant ID- [REDACTED]
Appeal Number-18-LA-005927

Pages 6 including cover Page

Date 6/5/2018

Faxed By: Amber Cechoghan

TO: Appeal Tribunal (SCDEW)
Administrative Hearing Officer: Brynn Dehay
Fax number: 803-737-0287

From: Amber K. Geohaghan
S# [REDACTED]
Claimant ID- [REDACTED]
Appeal Number- 18-LA-005927

Pages 6 including cover Page

Date 5/5/2018

Faxed By: Amber Geohaghan

During the time of this incident others members of the management team were present. I spoke with my direct Supervisor Gwendolyn Breeland and told her that I was uncomfortable with working with this client based on me being assaulted verbally and being threatened by the client "about a gun". I was told to not follow "the client up" & that she was "all bark no bite". My supervisor did ask another co-worker if she would take the case but no one in the office wanted to based on high case loads & having witnessed the client act irate at a previous family meeting prior to this incident. "Orangeburg County DSS" HR Liaison Cynthia Brown, Performance Coach Becky Bonivida, IS Coordinator Gwendolyn Breeland, SII Sarah Bostic, Agency Security Sam Brown & GAL Julius Pargo were all present during this incident. We were informed that the agency director & stated we would be notified and we were to write statements & give to our HR Liaison. I didn't receive a response & I don't believe all individuals who witnessed this gave statements; in addition to state office being notified.

Incident
date 1/31/2018

My last date
of employment
2/11/2018

 4/9/18

<m

From: Geohaghan, Amber K
Sent: Monday, February 12, 2018 11:11:27 AM
To: Brown, Cynthia D
Subject: [REDACTED] Incident 1/31/2018

On 1/31/2018 I conducted a family meeting with [REDACTED], [REDACTED], [REDACTED] guardian ad litem [REDACTED] and minor child [REDACTED]. During the meeting there was severe tension between [REDACTED] and her sister [REDACTED]. The meeting wasn't a success as [REDACTED] mentioned that she didn't want to have the meeting and that her daughter was better off with her or in foster care. Agency security officer Sam Brown had to interfere and mediate during the meeting as [REDACTED] got up from her seat and confronted her sister. [REDACTED] states that her sister is disrespectful and visitation can no longer be held at her home. The purpose of the meeting was to establish visitation in spite of the differences the sisters have between each other. I was verbally attacked in the presence of other staff and my superiors as Pauline called me a BITCH, STUPID, and that she wanted a new case manager on her case, among other things. Prior to this meeting I spoke with [REDACTED] via telephone on Friday Jan 26. It was agreed that her minor child [REDACTED] was allowed to stay with her with a supervisor (Frank) as long as her custodial guardian was aware of her whereabouts. [REDACTED] sent a message from [REDACTED] phone to her sister [REDACTED] stating that she was in Greenville SC. [REDACTED] called me concerned. [REDACTED] then phone me and stated that she was going to go to her sister's house with [REDACTED] to get her daughter back. Cm asked her who was [REDACTED] and she stated that they would see and it wasn't a person for sure) Cm talked her down and advised her that if she went to that residence LE would be called.

At this point I have not had any contact with [REDACTED] since the family meeting and I am not sure that it is safe. I feel uncomfortable in regards to having any home visits alone or face to face visits with her outside of the agency. I was informed by other staff that she made a comment about a GUN, as multiple persons along with agency security had to escort her out of the building. Based on this information I feel that during our conversation on 1/26/18 that she was referring to her gun as Cm has been informed in the past that she does own a firearm.

Based on the incident that transpired and the request of [REDACTED] wanting a new case manager; this option may be in the best interest of [REDACTED] and the case's future.

Amber K. Geohaghan
Orangeburg County Department of Social Services
Senior Child Welfare Specialist CPS/APS

Physical address: 2570 St Matthews Rd Orangburg SC 29118

Phone: 803.515.1834

Cell: 803.928.0587

Fax: 803.531.2045

Amber.Geohaghans@dss.sc.gov

The Augusta Chronicle

Death row inmate set to be executed

By Sandi Martin

Posted Jun 3, 2008 at 6:00 AM

AIKEN --- Friday will end a 12-year fight for justice.

David Mark Hill is to become the 279th person executed by South Carolina since 1912 and the third person from Aiken County in the past three years to die by lethal injection.

He is sentenced to die for killing three social workers -- Michael Gregory, Josie Curry and James Riddle -- more than a decade ago.

Barbara Morgan, the prosecutor who put him on death row, said she hopes he'll show some remorse and ask for forgiveness.

Apologizing sometimes helps the surviving family, she said, and "execution doesn't always help them."

Angry that Mr. Riddle had removed his three children from his home, Mr. Hill walked into the North Augusta Department of Social Services office Sept. 16, 1996, and killed the three workers, only one of whom was involved in his case.

He was found the next day near railroad tracks, suffering from a self-inflicted gunshot wound to the head. It would be four years before he would be found guilty of the murders, and it's been eight years since he was first ordered to die for his crimes.

Mr. Hill, 47, changed his mind about fighting the death sentence a couple of times. He asked to drop his appeals, then opted to challenge again.

But last year he asked to drop his appeals for the last time, telling 2nd Judicial Circuit Court Judge Jack Early that his decision was based on a religious need for forgiveness and because of his father's failing health.

Judge Early found him competent to drop his appeals, and the South Carolina Supreme Court ruled likewise in April.

Ms. Morgan said Mr. Riddle's daughter Lisa "just wants to get it quietly over with."

Last year, Ms. Riddle told The Augusta Chronicle that she had just turned 21 when her father was gunned down.

She said then that she was still very bitter about what Mr. Hill did, and "I just want him gone."

The DSS murders, Ms. Morgan said, were very hard to prosecute. Authorities knew the social workers, and the trial suffered long delays because of changes in defense attorneys and efforts to move the proceedings.

It took four years to bring Mr. Hill to trial, she said, and a jury had to be brought in from York County.

All three victims were shot in the head.

Ms. Morgan said authorities believe Mr. Gregory tried to stop the killer. He was found in the bathroom last, shot once in the leg and once in the head. He was the first killed, Ms. Morgan said.

"He waited for Jimmy Riddle to get off the phone and then shot him dead," she said. Then he shot Ms. Curry and thought he'd also killed Annette Michael.

"She lay in Josie Curry's blood and played dead," Ms. Morgan recalled.

Mr. Hill's Aiken attorney, David Miller, said the victims' families are looking for closure but an execution might not give it to them.

"It's not going to fix what happened, and it's not going to change what he did," Mr. Miller said.

Reach Sandi Martin at (803) 648-1395, ext. 111, or sandi.martin@augustachronicle.com.

DAVID MARK HILL

Mr. Hill's execution is scheduled for 6 p.m. Friday.

South Carolina uses a three-drug cocktail in its lethal injections, but an inmate may also opt for electrocution.

Mr. Hill will be the third person from Aiken County executed in South Carolina in the past three years. Hastings Arthur Wise was executed in 2005, and William Ernest Downs Jr. was executed in 2006.

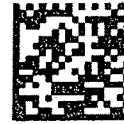
- Only one other current death row inmate is from Aiken County: Donnie Council.

Social worker's safety is important & issues such as this should be addressed. If this isn't addressed then this could very well be another unfortunate event. The client in this instance is known to keep a firearm & has mental health issues per SCDMH. I have worked with this man for 5 years & consider it to be my second family. However, I feel like a foster child who has been placed with a family that failed to meet the safety & well being of me. ~~_____~~

cc



South Carolina
Department of Employment and Workforce



2057297

07/18/2018

Claimant SSN: [REDACTED]

Claimant ID: [REDACTED]

AMBER GEOHAGHAN
[REDACTED]

NOTICE OF APPEAL TO THE APPELLATE PANEL

APPEAL NO: 18-HA-001158

LIABLE EMPLOYER:

SEPARATING EMPLOYER:

STATE DEPARTMENT OF SOCIAL SERVICE
PO BOX 1520
COLUMBIA SC 29202-1520

The Claimant in this case appealed the Appeal Tribunal Decision to the Appellate Panel for review.

The Panel will review your case as soon as possible and generally will issue a decision based solely on its review of the record on appeal. However, any party may request an in-person hearing, also known as an oral argument. Oral arguments are conducted only at the Appellate Panel office in Columbia, South Carolina. No additional evidence is permitted to be introduced at the oral argument. If you would like to request an oral argument, you must mail a written request to the Panel at P.O. Box 1752, Columbia, SC 29202, within seven (7) calendar days of the above date. The Panel, at its sole discretion, may grant or deny the request. If an oral argument is scheduled, a copy of the transcript from the Appeal Tribunal hearing and an Appellate Panel hearing notice will be mailed to you at a later date.

SPECIAL NOTE: The Appellate Panel can make its own factual findings and may reverse, affirm, or modify the decision on appeal. **Be advised that this may result in an increase or decrease of the disqualification.**

Claimants must continue filing a weekly claim pending the appeal to receive benefits. Any benefits received by the claimant may be subject to recovery if the Appeal Tribunal decision is reversed.

Higher Authority Appeals
803-737-0239

Recipient List

AMBER GEOHAGHAN





1617 HAMPTON STREET
COLUMBIA, SC 29201

OFFICE: 803 380 5575
FAX: 803 380 5576

JOSEPH@DICKEYLAWSC.COM

DICKEYLAWSC.COM

August 1, 2018

VIA U.S. MAIL AND FACIMILE (803)737-3166

Appellate Panel

South Carolina Department of Employment and Workforce

P.O. Box 995

Columbia, SC 29202

Re: *Amber Geohaghan v. S.C. Dept. of Social Services.*
Appeal No.: 18-LA-005927

Dear Honorable Commissioners:

My law firm recently was retained to represent Amber Geohaghan in the above-captioned matter. I request all correspondence in this case be directed to this office. Please provide copies of SCDEW's file in this case and the transcripts of the previous hearings in accordance with SCDEW regulations and FOIA.

As timely submitted by Ms. Geohaghan on or about July 17, 2018, please allow this correspondence to reiterate her appeal of the Appeal Tribunal's Determination that she is disqualified from receiving benefits. In addition, I would like to request the hearing scheduled on August 8, 2018 be rescheduled to a later date due to a prior existing conflict and to allow SCDEW time to comply with my requests for Ms. Geohaghan's file and previous hearing transcripts.

I will submit an additional position statement and subpoena for witnesses once I am provided a new date for Ms. Geohaghan's hearing. If I do not hear from SCDEW by Friday, August 3, 2018, my office will follow up with a phone call.

Should you have any questions, please do not hesitate to contact my office.

Respectfully,

A handwritten signature in dark ink, appearing to read 'J.D. Dickey, Jr.', is written over a light, textured background.

Joseph D. Dickey, Jr.

cc: Amber Geohaghan

Higher Authority Appeals
P.O. Box 1752
Columbia, SC 29202
dew.sc.gov



Henry McMaster
Governor

Cheryl M. Stanton
Executive Director

Phone: (803) 737-0239
Fax: (803) 737-3166

August 3, 2018

Joseph D. Dickey, Jr.
1817 Hampton Street
Columbia, SC 29201

Re: Amber Geohaghan
Appeal No: 18-LA-005927

Dear Mr. Dickey:

Upon your request I have enclosed an audio copy of the Appeal Tribunal Hearing held on June 8, 2018, along with the Agency Exhibits.

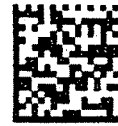
Please let us know if you need any further assistance.

Higher Authority Appeals
SC Dept. of Employment and Workforce

cc: File



Agency 1
South Carolina
Department of Employment and Workforce



1567446

Original

AMBER GEOHAGHAN

Mailing Date: 03/30/2018
Effective Date: 03/18/2018
Type: QT05
Category: Working Conditions
Benefit Year Ends: 03/16/2019
RE: STATE
DEPARTMENT OF
SOCIAL SERVICE

Claimant ID:
SSN:

DECISION

You are held ineligible for benefits from 03/18/2018.

DETERMINATION REASON

You left your most recent bona fide employer because you were dissatisfied with the work environment. There had been no significant change in the working conditions or surroundings which you had accepted at the time you were hired. You left voluntarily and without good cause under the South Carolina code section 41-35-120.

CONCLUSION

You have not met the eligibility requirements of the law, benefits are denied from 03/18/2018.

UI Claims Adjudicator

IMPORTANT: This determination will be the final decision of the Department unless you file an appeal setting forth in detail the grounds for appeal by 04/09/2018. Your appeal may be filed via the MyBenefits Portal, by mail addressed to the "Appeal Tribunal, Post Office Box 995, Columbia, SC 29202," or by fax to 803-737-0287. For additional information on filing an appeal, contact the Appeals Department at 803-737-2520 or visit our website at www.dew.sc.gov/individuals/manage-your-benefits/appeals.

SEE FURTHER EXPLANATIONS OF THE LAW ON PAGE TWO (2) OF THIS FORM



Agency 1
South Carolina
Department of Employment and Workforce



1517007

Claimant Name: AMBER GEOHAGHAN

Employer Name: STATE DEPARTMENT OF
SOCIAL SERVICE

Claimant Party ID: 
Issue ID: 2040159

Fact Finding Questions	Responses
I certify, understand, and acknowledge	Yes
Is this the correct separation reason?	Yes
What date was the day you began work?	03/04/2013
What date was the last day you actually worked?	03/16/2018
What date did you separate from your job?	03/16/2018
Was there a final incident that caused you to quit?	Yes
What date was the final incident?	01/31/2018
What was the final incident?	arranged meeting with client and family at the agency
Why did you feel the need to quit because of the final incident?	working jobsite safety became a issue
Did you meet with the employer to find a better solution than quitting your job?	Yes
Name:	the appropriate individual was notified. I was asked to give a response

Agency 1
South Carolina
Department of Employment and Workforce

Job Title: HR Liason

What date was the meeting? 01/31/2018

What was the outcome of the meeting? Agency is aware of the issue I was asked to give a response for the incident that occurred along with other individuals I was told that the responses were going to be sent to stake office. This transpired after the client made a threat regarding a GUN. I expressed myself to more than one individual including via email and I continued to be subjected to dealing with this issue by completing my job duties which requires to make monthly contacts and attend court hearing and correspond w/ others

What working conditions caused you to quit? Other

Did you give a resignation notice to the employer? Yes

What date did you give notice to the employer? 03/02/2018

What date did you say your last day of work would be? 03/16/2018

Name: Cynthia Brown

Job Title: HR Liason

How did you provide the notice? In writing

Agency 1
South Carolina
Department of Employment and Workforce

Did you provide a reason for quitting in your notice?	Yes		
What reason did you give the employer for quitting?	To: Nicole Foulks Please accept this letter as my formal resignation from my role as Senior Child Welfare Specialist. My last day with Orangeburg County Department of Social Services will be March 16, 2018. My decision to resign was finalized after long and careful consideration of many factors. This change will be beneficial to my long-term career goals and objectives. Throughout my remaining time with the agency, I will continue to work diligently on case files and to discuss important case		
What date was the day you began work?	03/04/2013		
What date was the last day you actually worked?	03/16/2018		
What date did you separate from your job?	03/16/2018		
Was there a final incident that caused you to quit?	Yes		
What date was the final incident?	01/31/2018		
What was the final incident?	arranged meeting with client and family at the agency		
Why did you feel the need to quit because of the final incident?	working jobsite safety became a issue		

Agency 1
South Carolina
Department of Employment and Workforce

Did you meet with the employer to find a better solution than quitting your job?	Yes	
Name	the appropriate individual was notified. I was asked to give a response	
Job Title	HR Liason	
What date was the meeting?	01/31/2018	
What was the outcome of the meeting?	Agency is aware of the issue. I was asked to give a response for the incident that occurred along with other individuals. I was told that the responses were going to be sent to stake office. This transpired after the client made a threat regarding a GUN. I expressed myself to more than one individual including via email and I continued to be subjected to dealing with this issue by completing my job duties which requires to make monthly contacts and attend court hearing and correspond w/ others	
What working conditions caused you to quit?	Other	
Did the employer make a significant change in the conditions of work?	No	
Were the changes related to your job duties?	No	

Agency 1
South Carolina
Department of Employment and Workforce

What was the final incident that led to you quitting your job?	Arranged meeting with client and the incident that took place. Responses were taken from all individuals who were present.
--	--

What date did the final incident occur?	01/31/2018
---	------------

By submitting this form, you confirm these are your own answers to the best of your knowledge.

South Carolina
Department of Employment and Workforce

RECEIVED

MAR 28 2018

DEPT. OF UI



1519753

REQUEST TO EMPLOYER FOR SEPARATION INFORMATION - RESPONSE PAGE

03/20/2018

Claimant Name: AMBER GEOHAGHAN

Claimant SSN: [REDACTED]

Employer Account Number: [REDACTED]

Please give full details concerning the separation to ensure that a fair determination may be made.

1. Reason for Separation(Explain Fully):

Resignation - Personal2. Dates of Employment: From 3-4-2013 to 3-16-2018 (Last day worked)

3. Enter the total amount of earnings which you paid the claimant during:

a. The current quarter \$ 9,570.98b. The last completed calendar quarter \$ 8,027.90

4. Are you paying, or WILL YOU PAY, this claimant a pension or retirement pay?

If YES, what amount?

\$ _____ PER _____

☐ YES☒ NO

a. Did claimant contribute to pension plan?

If YES, what percent?

9.0 %☒ YES☐ NO5. Date: 3-28-18Signed: Craig R. [Signature]Title: Payroll Administrator

Return To:

South Carolina Department of Employment and Workforce
P.O. Box 1477

Columbia, SC 29202

Fax To:

(803) 737-0499

RECEIVED

MAR 22 2018

HUMAN RESOURCES MANAGEMENT



Agency 1
South Carolina
Department of Employment and Workforce



1519753

03/20/2018

STATE DEPARTMENT OF SOCIAL SERVICE
PO BOX 1520
COLUMBIA SC 29202-1520

REQUEST TO EMPLOYER FOR SEPARATION INFORMATION

In order to comply with the U. S. Supreme Court decision in the case of California Department of Human Resources Development vs. Judith Java, benefit payments are no longer withheld pending a determination of employer liability. You may receive a Form UCB-103, Determination By Claims Adjudicator On Claim For Benefits about the time this request for information reaches you. You should proceed to furnish the information requested below within the time provided for a reply. A determination of liability will then be made. If the resultant determination relieves you of liability for benefit payments on this claim, you will be notified and all benefits previously paid and charged to your Experience Rating Account will automatically be removed. NOTE: Reimbursable employers are not subject to the charge removal provisions.

The records in our office indicate that you were the most recent liable employer by whom the subject claimant was paid as much as eight times his weekly benefit amount. The information requested below will be used in making a determination as to the proper charging of benefits, which may affect your experience rate under the South Carolina Code.

If the information requested below is not received by the Department within ten (10) days from the date of this notice, as required by Regulation 47-19 A 3, a determination will be issued from which no protest can be considered.

The Law provides that benefits paid to a claimant shall be charged to the Experience Rating Account of the most recent liable employer by whom the claimant was paid as much as eight times his weekly benefit amount unless it is determined that the claimant (a) voluntarily left his most recent employment with that employer without good cause, (b) was discharged from his most recent employment by that employer for cause connected with his work or (c) subsequent to his most recent employment refused without good cause to accept an offer of suitable work made by that employer, if in any such case, the employer furnishes the Department with such notices regarding the separation of the individual from work as required by Regulation 47-19, or the refusal of the individual to accept an offer of suitable work as required by Regulation 47-23 of the Department Rules and Regulations.

BENEFIT DIVISION
NONMONETARY UNIT



Agency 1
South Carolina
Department of Employment and Workforce



1519753

REQUEST TO EMPLOYER FOR SEPARATION INFORMATION - RESPONSE PAGE

03/20/2018

Claimant Name: AMBER GEOHAGHAN

Claimant SSN: [REDACTED]

Employer Account Number: [REDACTED]

Please give full details concerning the separation to ensure that a fair determination may be made.

1. Reason for Separation(Explain Fully):

2. Dates of Employment: From _____ to _____ (Last day worked)

3. Enter the total amount of earnings which you paid the claimant during:

- a. The current quarter \$ _____
b. The last completed calendar quarter \$ _____

4. Are you paying, or WILL YOU PAY, this claimant a pension or retirement pay?

☐ YES ☐ NO

If YES, what amount? \$ _____ PER _____

a. Did claimant contribute to pension plan?

☐ YES ☐ NO

If YES, what percent? _____ %

5. Date: _____

Signed: _____

Title: _____

Return To:

South Carolina Department of Employment and Workforce
P.O. Box 1477

Fax To:

Columbia, SC 29202
(803) 737 -0499



Agency 1
South Carolina
Department of Employment and Workforce



1537205

March 22, 2018

SSN: [REDACTED]
Claimant ID: [REDACTED]
Claim ID: 594580

STATE DEPARTMENT OF SOCIAL SERVICE
PO BOX 1520
COLUMBIA SC 29202-1520

ATTENTION: FAILURE TO RESPOND TIMELY OR ADEQUATELY TO DEW'S REQUEST FOR INFORMATION MAY NEGATIVELY IMPACT YOUR UNEMPLOYMENT TAXES.

Request for Information from the Employer Forms Instructions

A claim for unemployment insurance was filed by an individual who has identified you as a previous employer.

You are receiving this written request for separation information because we were not able to send this electronically. Complete and accurate separation information is critical in making sound decisions on claims for unemployment insurance, which helps to keep tax rates as low as possible.

Specific questionnaires regarding the most common reasons for separation are enclosed. They are:

Lack of Work – Work is not available (layoff, furlough, reduction in force, etc.).

Discharge/Fired – Employer initiated separation.

Voluntary Quit – Claimant initiated separation.

Still Working – Still employed but working reduced hours.

General/Other – Separated for a reason other than one listed above.

If this individual was not employed by you, please indicate on form.

Please complete and return the form within 10 calendar days to ensure that a timely and proper decision can be issued on this claim. If you have questions or need assistance, please call 1-866-831-1724.



Agency 1
South Carolina
Department of Employment and Workforce



1537205

Please return to:
SC DEW
PO BOX 995
COLUMBIA SC 29202
Fax: 803-737-0621

Claimant's Name: AMBER GEOHAGHAN

SS#: [REDACTED]

Name Worked Under:

Date Mailed: 03/22/2018

Employer's Account #: [REDACTED]

Return with in 10 days
of the above date to:

Employer's Name & Address:
STATE DEPARTMENT OF SOCIAL SERVICE
PO BOX 1520
COLUMBIA SC 29202-1520

Fax Number: 803-737-0621
BYE: 03/16/2019

CLAIMANT'S Reason for Separation: UNKNOWN

SEPARATION INFORMATION: Please check the explanation below that applies and answer the questions that are related to that section.

☐ **LACK OF WORK : (NO ADDITIONAL WRITTEN EXPLANATION IS NECESSARY)**

☐ **DISCHARGE:**

When was the claimant discharged? _____

What was the reason for discharge? _____

Does your company have a policy regarding this reason for discharge? ☐ Yes ☐ No

If Yes, What is your company policy? _____



Agency 1
South Carolina
Department of Employment and Workforce



1537205

Had the claimant been warned? ☐ Yes ☐ No

If Yes, provide dates, reasons for warnings, who gave the warning, and how the warnings were communicated:

Please attach copies of any written warnings.

Date of the final incident: _____

What was the final incident that cause the discharge? _____

☐ **VOLUNTARY QUIT/OTHER REASON:**

Did the claimant quit in lieu of termination? ☐ Yes ☐ No

If Yes, please complete the discharge portion of this form.

If No, why did the claimant quit? _____

Explain the employer's understanding of the reason the claimant left: _____



Agency 1
South Carolina
Department of Employment and Workforce



1537205

☐ **STILL WORKING**

What were the hours agreed upon when the claimant was hired to work and why were the hours reduced?

Has there been a reduction in the claimant hours worked? ☐ Yes ☐ No

If Yes, what are the hours the claimant is currently working?

Is the claimant accepting all work offered? ☐ Yes ☐ No

Information below required for all separations:

Dates of employment: From: _____ To: _____

During all terms of employment, have you paid this claimant as much as 2.608.00? ☐ Yes ☐ No

If No, how much have you paid this claimant in all terms of employment? \$ _____

Are you paying, or WILL YOU PAY, this claimant a pension or retirement pay? ☐ Yes ☐ No

If Yes, What amount? \$ _____ PER _____

Did the claimant contribute to pension plan? ☐ Yes ☐ No If Yes, what percent? _____ %

Employer Name: STATE DEPARTMENT OF SOCIAL SERVICE Account Number: 000126904

Employer Signature: ** _____ Title: _____

Telephone Number: _____ Date: _____

**** FORM MUST BE SIGNED IN ORDER FOR INFORMATION TO BE CONSIDERED**

Year	Month	Day	Time	Place	Event	Remarks
1941	10	10	10:00	10:00	10:00	10:00

Q. 25. होमल सेवक सेविका, १५ मिनट

పాతకం నశిస్తుంది

Search 112

NOTE: The following information is for informational purposes only. It is not intended to be used as a substitute for professional medical advice, diagnosis, or treatment. Always consult your healthcare provider for any health concerns.

1. Comparison

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14-00000

1964-73 10:55.

hrwd: Pauline Kearse redant: 4/3/2018

Geohashan, Amber H. & Amber Geohashan (1991). *Ecology*. 124 pp. \$14.95.

3 AUGUST 1972

From: Gschaghan, Amber K

Sent: Monday, February 12, 2018 11:11:27 AM

To: Brown, Cynthia O

Subject: [REDACTED] - Ident 1/11/2018

On 1/11/1981 I conducted a family meeting with [redacted] and minor children [redacted] and [redacted]. During the meeting there was severe friction between [redacted] and her sister [redacted] the meeting with a success as [redacted] mentioned that she didn't want to have the meeting and that her daughter was better off with her or in foster care. Agency security officer Sam Brown had to interfere and mediate during the meeting as [redacted] got up from her seat and confronted her sister [redacted] states that her sister is disrespectful and unattractive can no longer be held at her home. The purpose of the meeting was to establish a truce in spite of the differences the sisters have between each other. I was verbally attacked in the presence of other staff and my supervisors as [redacted] called me a BITCH, STUPID, and that she wanted a new case manager for her case among other things. Prior to this meeting I spoke with [redacted] via telephone on Friday Jan 26. It was agreed that her minor child [redacted] was allowed to stay with her with a supervisor (Frank) as long as her custodial guardian was aware of her whereabouts. [redacted] sent a message from [redacted] phone to her sister [redacted] stating that she was in Greenville SC. [redacted] called me concerned [redacted] then phone me and stated that she was going to go to her sister's house with [redacted] to get her daughter back. Cm asked her who was [redacted] and she stated that they would see and it wasn't a person for sure. Cm talked her down and advised her that if she went to that residence it would be called

b6
b7C

At this point I have not had any contact with [redacted] since the family meeting and I am not sure that it is safe for her to come back in regards to having any home visits alone or face to face visits with her outside of the agency. I was informed by other staff that she made a comment about a GUN, as multiple persons along with agency security had to escort her out of the building. Based on this information I feel that during our conversation on 1/6/88 that she was referring to her gun as Ciri has been informed in the past that she does own a firearm.

Based on the incidents that transpired and the request of [redacted] wanting a new case manager, this action may be in the best interest of [redacted] and the case's future.

Jeffrey A. Gundersen
 Manufacturing Company Department of Sales Services
 20000 Cold Weather Boulevard, P.O. Box
 Pleasanton, CA 94566-0001
 Phone: 925/845-1834
 Cell: 800-624-6587
 Fax: 800-331-2018

[illegible][illegible]

SC

JUN 05

Lower Autho: :

To: Appeal Tribunal (SCDEW)
Administrative Hearing Officer: Brynn Dehay
Fax number: 803-737-0287

From: Amber K. Geohaghan

SS# [REDACTED]

Claimant ID- [REDACTED]

Appeal Number - 18-LA-005927

6/8 @ 9:30

DEHAY

SCDEW

143 JUN 05 2018

Lower Authority File

6/5

Pages 6 including cover Page

Date 5/5/2018

Faxed By: Amber Geohaghan

148
000015

During the time of this incident others members of the management team were present, I spoke with my direct Supervisor Gwendolyn Breeland and told her that I was uncomfortable with working with this client based on me being assaulted verbally and being threatened by the client "about a gun". I was told to not follow "the client up" & that she was "all bark no bite". My supervisor did ask another co-worker if she would take the case but no one in the office wanted to based on high case loads & having witnessed the client act irate at a previous family meeting prior to this incident, "Orangeburg County DSS"

HR Liaison Cynthia Brown,
 Performance Coach Becky Bonivida
 IS Coordinator Gwendolyn Breeland
 SII Sarah Bostic

SCD

JUN 05 2018

Lower Authority Approval

Agency Security Sam Brown & GAL Julius Paige were all present during this incident. We were informed that the agency director & State Office would be notified and we were to write statements & give to our HR Liaison, I didn't receive a response & I don't believe all individuals who witnessed this gave statements; in addition to state office being notified.

Incident
 Date 1/31/2018

My last date
 of employment
 01.31.2018

7.06 1:41:49 000016

The Augusta Chronicle

Death row inmate set to be executed

By Sandi Martin

Posted Jun 3, 2008 at 6:00 AM

SCE

JUN 05 2008

AIKEN --- Friday will end a 12-year fight for justice.

David Mark Hill is to become the 279th person executed by South Carolina since 1912 and the third person from Aiken County in the past three years to die by lethal injection.

He is sentenced to die for killing three social workers -- Michael Gregory, Josie Curry and James Riddle -- more than a decade ago.

Barbara Morgan, the prosecutor who put him on death row, said she hopes he'll show some remorse and ask for forgiveness.

Apologizing sometimes helps the surviving family, she said, and "execution doesn't always help them."

Angry that Mr. Riddle had removed his three children from his home, Mr. Hill walked into the North Augusta Department of Social Services office Sept. 16, 1996, and killed the three workers, only one of whom was involved in his case.

He was found the next day near railroad tracks, suffering from a self-inflicted gunshot wound to the head. It would be four years before he would be found guilty of the murders, and it's been eight years since he was first ordered to die for his crimes.

Mr. Hill, 47, changed his mind about fighting the death sentence a couple of times. He asked to drop his appeals, then opted to challenge again.

But last year he asked to drop his appeals for the last time, telling 2nd Judicial Circuit Court Judge Jack Early that his decision was based on a religious need for forgiveness and because of his father's failing health.

Judge Early found him competent to drop his appeals, and the South Carolina Supreme Court ruled likewise in April.

150000017

Ms. Morgan said Mr. Riddle's daughter Lisa "just wants to get it quietly over with."

Last year, Ms. Riddle told The Augusta Chronicle that she had just turned 21 when her father was gunned down.

She said then that she was still very bitter about what Mr. Hill did, and "I just want him gone."

The DSS murders, Ms. Morgan said, were very hard to prosecute. Authorities knew the social workers, and the trial suffered long delays because of changes in defense attorneys and efforts to move the proceedings.

It took four years to bring Mr. Hill to trial, she said, and a jury had to be brought in from York County.

All three victims were shot in the head.

Ms. Morgan said authorities believe Mr. Gregory tried to stop the killer. He was found in the bathroom last, shot once in the leg and once in the head. He was the first killed, Ms. Morgan said.

"He waited for Jimmy Riddle to get off the phone and then shot him dead," she said. Then he shot Ms. Curry and thought he'd also killed Annette Michael.

"She lay in Josie Curry's blood and played dead," Ms. Morgan recalled.

Mr. Hill's Aiken attorney, David Miller, said the victims' families are looking for closure but an execution might not give it to them.

"It's not going to fix what happened, and it's not going to change what he did," Mr. Miller said.

Reach Sandi Martin at (803) 648-1395, ext. 111, or sandi.martin@augustachronicle.com.

DAVID MARK HILL

Mr. Hill's execution is scheduled for 6 p.m. Friday.

South Carolina uses a three-drug cocktail in its lethal injections, but an inmate may also opt for electrocution.

Mr. Hill will be the third person from Aiken County executed in South Carolina in the past three years. Hastings Arthur Wise was executed in 2005, and William Ernest Downs Jr. was executed in 2006.

151 000018

Only one other current death row inmate is from Aiken County: Donnie Council.

Social worker's safety is important & issues such as this should be addressed. If this isn't addressed then this could very well be another unfortunate event. The client in this instance is known to keep a firearm & has mental health issues per SCDMH. I have worked with this agency for 5 years & consider it to be my second family. However, I feel like a foster child who has been placed with a family that failed to meet the safety & well being of me. ~~_____~~

(a)

SCR

JUN 05 2018

Lower Authority

152000019



South Carolina
Department of Employment and Workforce



2270586

08/29/2018

JOSEPH DICKEY
1817 HAMPTON ST
COLUMBIA SC 29201

NOTICE OF MAILING OF APPELLATE PANEL DECISION

Attached is a copy of the final decision of SCDEW in this case. Any further appeal is to the South Carolina Administrative Law Court. To obtain judicial review of this decision, you must comply with the requirements of S.C. Code Ann. § 41-35-750 and the Rules of Procedure of the Administrative Law Court. The Court may require a filing fee.

The law requires that a Petition for Judicial Review must be filed with the Court and served on all parties and SCDEW within thirty (30) days from the mailing date of SCDEW's final decision (see the mailing date above).

The address of the Administrative Law Court is:

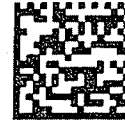
**S.C. Administrative Law Court
Edgar A. Brown Building
1205 Pendleton St., Ste. 224
Columbia SC 29201**

Service of the Petition on SCDEW must be addressed and mailed to:

**Office of General Counsel
S.C. Department of Employment and Workforce
Post Office Box 8597
Columbia SC 29202**

SCDEW cannot advise a party on any legal matter. For legal advice or assistance in filing an appeal to the Administrative Law Court, you should consult an attorney licensed to practice law in South Carolina.

South Carolina
Department of Employment and Workforce



2270586

Office of Appellate Panel

AMBER GEOHAGHAN)
)
)

Claimant SSN: [REDACTED]

Claimant ID: [REDACTED]

**APPELLATE PANEL
DECISION**

STATE DEPARTMENT OF SOCIAL)
SERVICE)
PO BOX 1520)
COLUMBIA SC 29202-1520)

Appellant: AMBER GEOHAGHAN

Appeal Number: 18-HA-001158

Appellant: Claimant

The Claimant filed for unemployment benefits on March 9, 2018. The claims adjudicator's determination mailed March 30, 2018, held the Claimant indefinitely disqualified from benefits effective March 18, 2018, upon finding she left work voluntarily without good cause. The Claimant appealed to the Appeal Tribunal. After an evidentiary hearing, the Tribunal affirmed the determination. The Claimant appealed the Appeal Tribunal decision on July 17, 2018 to the Appellate Panel.

The Appellate Panel issued this decision upon review of the record on appeal. We affirm the Appeal Tribunal decision. The Claimant is indefinitely disqualified from benefits effective March 18, 2018, upon finding she voluntarily left work without good cause attributable to the employment.

BACKGROUND

The Claimant worked from March 4, 2013, to March 16, 2018, most recently as a senior child welfare specialist. She resigned her position due to concerns about her personal safety and her dissatisfaction with the way the Employer was responding after she was threatened. During a family meeting in the office on January 31, 2018, one of the Claimant's clients shouted profanity at the Claimant, said she wanted a different case worker, and told the Claimant she should be glad the client did not have a gun. The human relations liaison (HR liaison) began an investigation into

South Carolina
Department of Employment and Workforce

the incident at that time. The Claimant was concerned and fearful because the client had made a gun threat against a family member the previous week. She continued to work, but wrote an email to the HR liaison on February 12, 2018, stating, "Based on the incident that transpired and the request of [the client] wanting a new case manager, this option may be in the best interest of [the client] and the case's future." The Claimant maintains she did not receive a response to her email, and the Claimant's supervisor told her the client was "all bark and no bite." She asserts no one else would take the case, and she was still responsible for monthly meetings with the client. She acknowledges, however, she had no further interaction with the client in question. The Claimant's internet research confirmed her fears, and she submitted her resignation on March 16, 2018. She acknowledges she did not inquire about the status of the HR liaison's investigation, and she did not attempt to resolve the issue by enlisting the aid of the interim county director or the central human resources department. The Claimant was not disciplined for her lack of interaction with the client, and her job was not in jeopardy at the time she submitted her resignation.

The interim county director, who is now the regional director, explains the nature of the work of the agency requires employees to interact with clients who sometimes threaten violence. She states if the Claimant had addressed the issue up the chain of command, the Claimant could have been coached about deescalating future incidents, she could have been paired with another employee to interact with the client, or the case might have been reassigned.

FINDINGS

S.C. Code Ann. § 41-35-120(1) requires an indefinite disqualification from benefits when the Department finds the Claimant left work voluntarily without good cause. The disqualification continues until the claimant returns to work and earns eight times the weekly benefit amount of the claim in covered employment.

"Good cause" refers to a material, substantial change in the conditions of employment, or other circumstances directly attributable to the employment, which would cause a reasonable person to become totally unemployed rather than continue working.

The record establishes the Claimant voluntarily severed the employer/employee relationship by submitting a letter of resignation. The nature of the job and the Claimant's duties had not changed, and her job was not in jeopardy. The Claimant was upset after receiving a threat; however, she had no further interaction with the client and she waited a month to resign. Although she maintained the Employer was not responding to her concerns, she did not report her fears up the chain of command in order to seek a quicker resolution. The Employer had measures to put in place to support the Claimant and ensure her safety, but she did not avail herself of these additional resources. The Claimant has not presented specific credible evidence of circumstances directly attributable to the employment which would cause a reasonable person to become totally unemployed rather than continue working. Therefore, we find the Claimant voluntarily left work without good cause attributable to the employment.

In her appeal to the Appellate Panel, the Claimant requested to submit additional evidence pertaining to her separation. As a board of review, the Appellate Panel generally is confined to

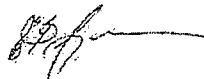
South Carolina
Department of Employment and Workforce

the record developed by the Appeal Tribunal and does not consider additional information which was not previously presented in the evidentiary hearing before the Tribunal.

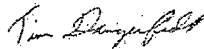
DECISION

The Appeal Tribunal decision mailed July 17, 2018, is affirmed. The Claimant is indefinitely disqualified from benefits effective May 20, 2018, upon finding she voluntarily left work without good cause attributable to the employment.

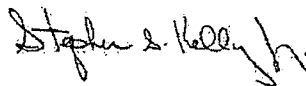
**SOUTH CAROLINA DEPARTMENT OF
EMPLOYMENT AND WORKFORCE
APPELLATE PANEL**



E.B. AYERS, Concur



TIM DANGERFIELD



STEPHEN S. KELLY, JR.

Date Mailed: 08/29/2018

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
FEB 13 2020
SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Shirley C. Robinson, Administrative Law Judge

Appellate Case No. 2019-000995

Amber Geohaghan

Appellant

v.

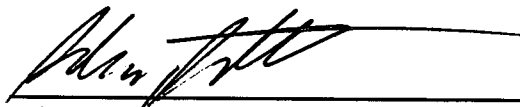
South Carolina Department of Employment and Workforce and
South Carolina Department of Social Services,

Respondents

CERTIFICATE OF APPELLANT

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

January 27, 2020



Adam Protheroe, S.C. Bar No. 78442
SC Appleseed Legal Justice Center
P.O. Box 7187
Columbia, SC 29202
(803) 779-1113

Attorney for Appellant