

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from the Administrative Law Court
H.W. Funderburk, Jr., Administrative Law Judge
Case No.: 18-ALJ-22-0275-AP

Docket No. 2018-002107

RECEIVED
MAY 18 2020
SC Court of Appeals

Adrian Wilson, Appellant

vs.

SC Employment and Workforce,
Wateree Community Action Inc., Respondents

MOTION TO RECONSIDER

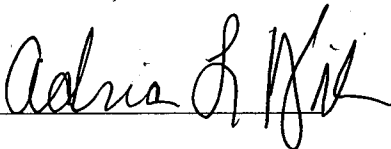
I appellant Adrian Wilson am requesting that the order rendered on May 1, 2020 to not remit my case back to the Court of Appeal be reconsidered. Based on the communication, the motion to recall the remittitur was denied because the remittitur cannot be recalled unless "a very strong showing... that remittitur was sent down through some mistake or inadvertence on the part of this Court or its officer." State v, Keels, 39 S.C. 553, 17 S.E. 802 (1893).

I requested a motion to reinstate immediately following the May 21, 2019 dismissal. The case was dismissed for untimely filing of initial brief. I had not submitted my initial brief in the allotted timeframe. I was awaiting a response on whether I would be permitted to proceed forma pauperis. I never received the notification that I was being allowed to proceed forma pauperis or the request to submit the initial brief. I only learned that I was being allowed to proceed forma pauperis and the submission of the initial brief was overdue when I received the motion to dismiss from one of the respondents (SCDEW). Also, the respondent (SCDEW) sent in an initial brief on October 8, 2018. Immediately following the submission of this brief, I provided a response to SCDEW's brief to the Honorable Judge Funderburk on October 15, 2018 at the Administrative Law Court.

According to Rule 260 Dismissal and Reinstatement (a) Involuntary Dismissal and Reinstatement, when a case is dismissed because "...the appellant failed to comply with the requirements of these Rule... The clerk shall remit the case to the lower court or administrative tribunal in accordance with Rule 221 *unless* a motion to reinstate the appeal has been actually received by the court within fifteen (15) days of filing of the order of dismissal..." I filed the motion to reinstate within the 15-day timeframe; therefore, the Court erred in sending the appeal back to the lower court Wise v. South Carolina Department of Corrections Supreme Court of SC Jan 31, 2007 642 S.E. 2d 551 (S.C. 2007). Consequently, the Court of appeal should maintain jurisdiction over this matter.

Respectfully Submitted,

Adrian Wilson



Date

05-13-2020

FORM 7
PROOF OF SERVICE REQUEST TO RECALL REMITTITUR

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Adrian Wilson
PO Box 984
Blythewood, SC 29016

Appellate Case No. 2018-002107

Adrian Wilson
Vs.
SC Employment and Workforce,
Wateree Community Action Inc.

PROOF OF SERVICE

I certify that I have served the Motion to Reconsider to the SC Employment and Workforce, and Wateree Community Action Inc. by depositing a copy of it in the United States Mail, postage prepaid, on May 15, 2020 addressed
To the following recipients at the addresses listed below:

Court of Appeal
1220 Senate Street
Columbia, SC 29201

Attorney Steven Jordan
SC Department of Employment and Workforce
PO Box 8597
Columbia, SC 29202

Wateree Community Action Inc.
PO Box 8328
Columbia, SC 29202

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MAY 18 2020

SC Court of Appeals

Court of Appeal
1220 Senate Street
Columbia, SC 29201

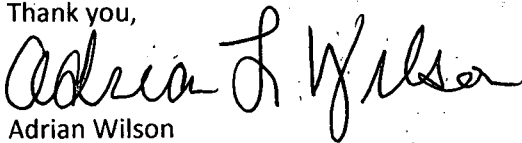
Adrian Wilson
PO Box 984
Blythewood, SC 29016

May 13, 2020

Dear Clerk of Court,

Please find attached a copy of the motion to reconsider the order rendered on May 1, 2020. I am also attaching the proof of service. This letter serves as a notice to all parties that I have a new mailing address. My new mailing address is as follows: PO Box 984, Blythewood, SC 29016.

Thank you,



Adrian Wilson

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MAY 18 2020

SC Court of Appeals

Adrian L. Wilson
PO Box 984
Blythewood SC 29016

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