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10/23/2020

Brief of Appellant

SC Court of Appeals FILED

OCT 24 2020

SC ADMIN. LAW COURT

Dear Honorable Judge Deborah, morden Brasiles

Again I do not argue that my appeals
was five days late. I attempted to

Contact Dew numerous times and

I got help & sometime I got

NOT help from the representatives.

I never stated that I could

not work. I just could not

fullfill the sub duties that were

required at the time. My employers

decided to stop my ~~unemployed~~ ^{unemployment} when

could 19 come about. I made that

clear when I answered the questionnaires.

On 5/19/2020 Mrs.

Davis informed me

to sign in an

Appeal at this point

I thought I already

Appealed and Someone

got mixed up with the

4/13/2020 Appeal before

the 5/19/2020 hearing.

I had no intentions on leaving,
I just needed a little time
to figure out how my doctors
~~that~~ can help me overcome what
I was going through. And the
request for light duty was terminated
and denied. Hydrocodone is a
very strong medication that I no
longer take. It ~~has~~ caused confusion
and other effects. I do apologize
if I was misunderstood in any way.

Thank You
Tamika Howard

Good Evening TAMIKA E HOWARD

Friday, October 23, 2020

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Appeal Information

TAMIKA E HOWARD CLAIMANT ID: 10531143

[Claim Status](#)[Customer Menu](#)[Claimant Homepage](#)[Change Personal Info](#)[Change Security Pref](#)[Confirmation History](#)[Debit Card Website](#)[Determination History](#)[Appeal Information](#)[My Documents](#)

ADVISEMENT: Please do not use your Internet browser "Back" buttons. In the event you need to return to a previous page, please utilize the navigation buttons or the menu links above.

343 WYCOMBE RD, COLUMBIA SC 29212 -1948

Tamikah1234567@gmail.com

Appeals History

Appeal ID	Appeal Date	Claimant	Employer	Status	Level
184914	08/25/2020	TAMIKA HOWARD	UNITED CEREBRAL PALSY OF SOUTH CAROLINA	Validated	SC Administrative Law Court
176528	08/03/2020	TAMIKA HOWARD	UNITED CEREBRAL PALSY OF SOUTH CAROLINA	Closed	Board of Review
156921	06/08/2020	TAMIKA HOWARD	UNITED CEREBRAL PALSY OF SOUTH CAROLINA	Closed	Appellate
155374	06/02/2020	TAMIKA HOWARD	UNITED CEREBRAL PALSY OF SOUTH CAROLINA	Void	Board of Review
155373	06/02/2020	TAMIKA HOWARD	UNITED CEREBRAL PALSY OF SOUTH CAROLINA	Closed	Board of Review
150615	05/19/2020	TAMIKA HOWARD	UNITED CEREBRAL PALSY OF SOUTH		

CAROLINA Closed Appellate

150614 05/19/2020 TAMIKA HOWARD UNITED CEREBRAL PALSY OF SOUTH
CAROLINA Closed Appellate

134936 04/15/2020 TAMIKA HOWARD UNITED CEREBRAL PALSY OF SOUTH
CAROLINA Closed Appellate

Hearing History

Hearing ID	Docket#	Hearing Method	Location	Hearing Date	Hearing Time	Hearing Official
	106977 AP200001	Telephone	Columbia	05/19/2020	13:41 PM	DAVIS,ERIKA

Schedule Details

Hearing Method : Telephone Hearing Location : Telephone Hearing Official : Hearing Officer

Hearing Date : 05/19/2020 Scheduled Start Time : 01:30

Hearing Issues

Issues Status Appellant

Not Able to Work Closed Claimant

Subpoena Requests

Name Type Method

Uploaded Documents for Appeal

Nothing found to display.

Additional documents for a Hearing must be received prior to one business day before the hearing is scheduled to occur.

Please attach any supporting documentation

I understand any documents uploaded may be made available to the other parties to the hearing.

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9516261

→ This is where I got confused with the 4/15/2020 Appeal

DECISION OF APPEAL TRIBUNAL

Hearing Date: May 19, 2020

Appeal Number: 20-LA-010665

TAMIKA E HOWARD
343 WYCOMBE RD
COLUMBIA SC 29212

CLAIMANT

APPELLANT: Claimant

SSN: XXX-XX-6265

CLAIMANT ID:10531143

APPEARANCES

FOR THE CLAIMANT: Claimant

FOR THE EMPLOYER: NONE

ISSUE STATEMENT

The issue in this case is whether the claimant meets the availability requirements of the law.

FINDINGS OF FACT

The claimant appealed the claims adjudicator's determination mailed April 14, 2020, which held the claimant unavailable to work and ineligible from receiving benefits effective March 29, 2020.

During the Appeal Tribunal hearing, the claimant testified that she has a medical condition and was advised by her doctor that she could no longer perform the duties of her last job which required lifting, standing, flexing or extending. She has experience as a telephone operator and in telecommunications which is able to perform and is seeking this type of work. The testimony in this case shows the claimant has been available for work.

REASONS

S.C. Code Ann. §41-35-110 provides that an individual must be able, available, and actively seeking work in order to be eligible for benefits for each week claimed.



In this case, the greater weight of credible evidence establishes the claimant has been able, available, and actively seeking work in an occupation which she has training and/or experience. Therefore, the Appeal Tribunal finds the claimant meets the availability requirements of the law.

DECISION

The Tribunal finds the claimant eligible for benefits effective March 29, 2020, because the claimant meets the availability requirements of the law. Provided she meets other eligibility requirements of the law. This decision reverses the claims adjudicator's determination mailed April 14, 2020.

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 <https://dew.sc.gov/individuals/manage-your-benefits/appeals>.

Erika S. Davis

Erika S. Davis
Administrative Hearing Officer

Decision Mailed: May 20, 2020



11226985

DECISION OF APPEAL TRIBUNAL

Hearing Date: July 7, 2020

Appeal Number: 20-LA-022018

TAMIKA E HOWARD
343 WYCOMBE RD
COLUMBIA SC 29212

CLAIMANT

APPELLANT: Claimant

SSN: XXX-XX-6265

CLAIMANT ID:10531143

APPEARANCES

FOR THE CLAIMANT: Claimant

FOR THE EMPLOYER: NONE

ISSUE STATEMENT

The issue in this case is whether the claimant meets the eligibility requirements of the law.

FINDINGS OF FACT

The claimant appealed the claims adjudicator's determination mailed May 14, 2020, which held the claimant unavailable to work and ineligible from receiving benefits effective May 10, 2020 .

During the Appeal Tribunal hearing, the claimant testified that she has been available to engage in work without undue restriction. The claimant's testimony during the hearing is consistent with the fact finding documents completed by the claimant in connection with the issue under appeal. The evidence in this case shows the claimant has been available for work since the date May 10, 2020 .

REASONS

South Carolina
Department of Employment and Workforce

S.C. Code Ann. §41-35-110 provides that an individual must be able, available, and actively seeking work in order to be eligible for benefits for each week claimed.

In this case, the greater weight of credible evidence establishes the claimant has been able, available, and actively seeking work since the date May 10, 2020. Therefore, the Appeal Tribunal finds the claimant meets the availability requirements of the law.

DECISION

The Tribunal finds the claimant eligible for benefits effective May 10, 2020, because the claimant meets the availability requirements of the law. This decision reverses the claims adjudicator's determination mailed May 14, 2020.

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 <https://dew.sc.gov/individuals/manage-your-benefits/appeals>.



Harold W. Goldin
Administrative Hearing Officer

Decision Mailed: July 8, 2020