

**THE STATE OF SOUTH CAROLINA**

In The Court of Appeals  
Supreme Court

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**Dec 18 2020**

**SC Court of Appeals**

APPEAL FROM SC ADMINISTRATIVE LAW COURT  
Deborah Brooks Durden, Administrative Law Judge

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Case No. 20 ALJ 22 0216 - AP

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Tamika E. Howard, Appellant,

v.

South Carolina Department of Employment and Workforce and United Cerebral Palsy of  
South Carolina, Respondents

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**INITIAL BRIEF OF APPELLANT**

Tamika Howard  
343 Wycombe rd.  
Columbia, Sc 29212  
803-665-0091

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### **CASES**

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### **Statement of Issues on Appeal**

1. Did Tamika Howard intentionally submit an untimely appeal on May 19, 2020 from a determination mailed on May 5, 2020?
2. Did Tamika Howard intentionally Jeopardize her rights to unemployment during a pandemic?
3. Did United Cerebral Palsy deny Tamika Howard light duty due to Covid 19?
4. Did United Cerebral Palsy leave Tamika Howard one choice only to accept the leave?
5. Did Sc Dew respond to this Matter considering the facts that was submitted from Tamika Howard?
6. Did Tamika Howard have good cause with supportive substantial evidence to request light duty?
7. Did United Cerebral Palsy respond to any past or present hearings on this matter?

### **Statement of the case**

I believe that the Administrative Law court, SC DEW and United Cerebral Palsy may have overlooked evidence Tamika Howard submitted in this matter. I strongly believe this appeal is necessary and many decisions made from all involved were not up to standards.

### **Standard of Review**

## **Facts**

1. Order of November 5, 2020 from Administrative law
2. Reply brief filed October 24, 2020 to Administrative Law
3. Appeal tribunal decision on May 19, 2020 from DEW appeal tribunal.
4. Appeal tribunal decision on July 7, 2020 from DEW appeal tribunal.
5. Email from UCP, Terri Carter on March 25, 2020 in response to my light duty request.
6. All Medical and Non-Medical documents Submitted November 19, 2020 via email and us mail postage paid to Supreme Court and respondents.

## **Argument**

In reference to me not responding untimely as stated in the November 5, 2020 decision from Administrative law court. I attempted several times to get help from Dew. I understand that we are in a pandemic, and was very considerate waiting on phone lines for several hours at a time. I did my best at navigating through the system. I did not realize that I had to click on each appeal. I made an honest human error mixing up dates with an appeal dated April 15, 2020. I had an appeal on May 19, 2020 with Dew Tribunal and she informed me to sign in and appeal each decision one by one. I was on medication at the time that made me dizzy and nauseated. I did not intentionally submit an untimely appeal.

United Cerebral palsy states that I left without good cause. How is this possible when I submitted my light duty request previously and was denied due to Covid 19 on March 26, 2020. I attempted several times to keep my position and they stated for me to check my email sent out on March 25, 2020 from Terri Carter at UCP. I had no choice but to accept the leave that was offered to me and apply for unemployment. I do not understand what they expected from me at the time. They refuse to respond to any hearings and has caused tremendous problems for my family. I don't have a problem with the fact that my light duty was denied. I strongly believe if they responded to this matter it would have been resolved months ago.

I am asking The Court of Appeals to reverse the decision made on November 5, 2020 based on the evidence and facts submitted.

## **Conclusion**

I would like to express how deeply I appreciate The Court of Appeals for hearing my case. I know that a decision will be made based on facts and rules that are set forth. Thanks for the opportunity to be heard and understood at such a difficult time.

Respectfully submitted,

December 18, 2020

/s/ Tamika Howard  
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