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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

Supreme Court

APPEAL FROM SC ADMINISTRATIVE LAW COURT

Deborah Brooks Durden, Administrative Law Judge

Case No. 20 ALJ 22 0216 - AP

Tamika E. Howard, Appellant,

v.

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

South Carolina, Respondents

AMENDED INITIAL BRIEF OF APPELLANT

Tamika Howard

343 Wycombe rd.

Columbia, Sc 29212

803-665-0091

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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 Tamika Howard have good cause with supportive documentation to request light duty form Cerebral Palsy?
6. Did United Cerebral Palsy respond to any past or present hearings on this matter?

Statement of the case

I strongly believe this appeal is necessary and many decisions made from United Cerebral Palsy 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.

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 did not intentionally submit an untimely appeal.

United Cerebral palsy states that I left without good cause. 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.

Conclusion

Again 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.

Respectfully submitted,

February 23, 2021

/s/ Tamika Howard

Tamika Howard

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