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Dec 09 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Kierra Carr,	)	Docket No. 21-ALJ-22-0245-AP
	)	
Appellant,	)	
	)	
vs.	)	<b>ORDER DENYING</b>
	)	<b>MOTION FOR REHEARING</b>
South Carolina Department of	)	
Employment and Workforce and JDC	)	
Management, LLC,	)	
	)	
Respondent.	)	
_____	)	

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to a Notice of Appeal filed July 13, 2021, by Kierra Carr (Appellant) seeking judicial review of a decision by the Appellate Panel of South Carolina Department of Employment and Workforce (Respondent) affirming an Appeal Tribunal’s decision holding that Appellant voluntarily left her employment without good cause attributable to the employment and indefinitely disqualifying her from receiving benefits effective May 24, 2020.

This case was assigned to the ALC on July 21, 2021. In a Notice of Assignment, the parties were given notice of the deadlines for filing the Record on Appeal, Appellant’s Brief, and Respondent’s Brief. The Record on Appeal was filed on August 10, 2021. On September 27, 2021, Respondents SCDEW and JDC Management, LLC, filed a Joint Motion to Dismiss for Failure to File Appellant’s Brief. On October 14, 2021, eighteen (18) days after the filing of Respondents’ Motion, Appellant filed a Motion for Extension of Time to File Appellant’s Brief along with a proffered brief. On October 26, 2021, the Court granted Respondent’s Joint Motion to Dismiss for failure to File Appellant’s Brief.

On November 4, 2021, Appellant filed an unlabeled document along with a Proof of Service indicating she served a Motion for Rehearing on the Department the same day. On November 16, 2021, Respondents filed a Joint Return to Appellant’s Motion for Rehearing, to which Appellant replied on November 19, 2021.

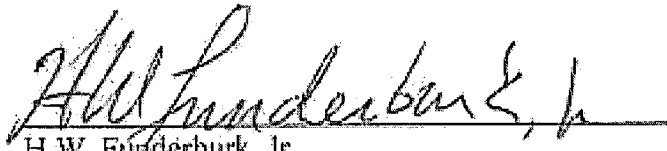


SCALC Rule 40 requires that “. . . a party must file a motion for rehearing stating with particularity the points supposed to have been overlooked or misapprehended by the court. Appellant’s Motion for Rehearing fails to meet this requirement. Appellant did not state with particularity any points supposed to have been overlooked or misapprehended by the Court. Nor did she provide any information or explanation regarding the failure to timely file Appellant’s Brief. Appellant’s Motion for Rehearing merely reiterates factual allegations intended to explain the circumstances of her job separation. It is, therefore,

**ORDERED** that Appellant’s Motion for Rehearing is **DENIED**.

**AND IT IS SO ORDERED.**

December 6, 2021  
Columbia, South Carolina

  
H.W. Funderburk, Jr.  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

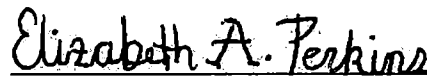
I, Elizabeth A. Perkins, hereby certify that I have this date served this **Order Denying Motion for Rehearing** upon all parties to this case by depositing a copy hereof, in the United States mail, postage paid, to the address provided by the party(ies) and/or their attorney(s).

Kierra Carr  
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*Pro Se Appellant*

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*Counsel for Respondent JDC Management, LLC*

December 6, 2021  
Columbia, South Carolina

  
Elizabeth A. Perkins  
Judicial Law Clerk

