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Dec 13 2021

SC Court of Appeals

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Katrina Daniels,

Appellant,

v.

South Carolina Department of Employment
and Workforce and 4056 LLC,

Respondents.

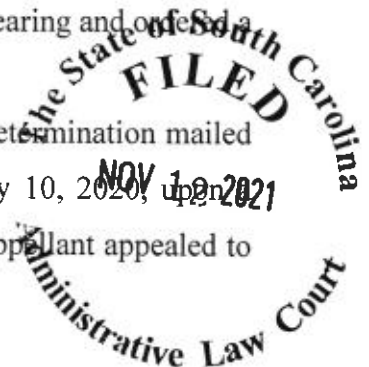
Docket No. 21-ALJ-22-0116-AP

**ORDER DENYING
APPELLANT'S MOTION**

This matter is before the Administrative Law Court (ALC or court) pursuant to a Notice of Appeal filed on April 22, 2021, by Katrina Daniels (Appellant). The Appellant seeks review of the South Carolina Department of Employment and Workforce (Department or Respondent) Appellate Panel's decision affirming the Appeal Tribunal's decision holding her ineligible for benefits effective May 10, 2020, upon a finding that she refused an offer of suitable work without good cause.

The Appellant filed an initial application for Pandemic Unemployment Assistance (PUA) benefits on April 26, 2020 and was initially held eligible for benefits effective March 8, 2020. The claims adjudicator's determination, mailed June 12, 2020, found the Appellant indefinitely ineligible for benefits effective May 10, 2020, because she refused an offer of suitable work without good cause. The Appellant appealed and a hearing was held on October 7, 2020. The Employer was not in attendance at the hearing. The Appeal Tribunal decision mailed on October 14, 2020, reversed the claims adjudicator's June 12, 2020 determination, and found the Appellant eligible to receive benefits. The Employer filed an appeal to the Appellate Panel (Panel) and the Panel remanded the case back to the Appeal Tribunal for a hearing regarding the Employer's absence from the October 7, 2020 hearing. On January 19, 2021, the Appeal Tribunal issued a decision finding that the Employer was not afforded a fair opportunity for a hearing and ordered a new hearing on the merits.

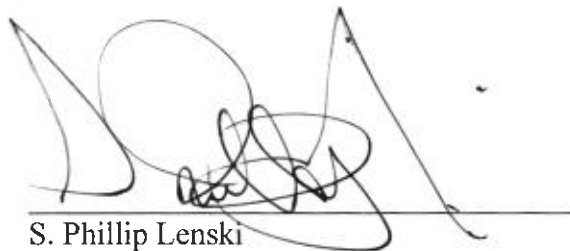
On January 28, 2021, the Appeal Tribunal held a hearing, and in a determination mailed February 9, 2021, found the Appellant ineligible for benefits effective May 10, 2020, upon a finding that the Appellant refused to accept a suitable offer of work. The Appellant appealed to



the Appellate Panel and on March 31, 2021, the Panel issued its decision affirming the Appeal Tribunal's decision finding her ineligible for benefits effective May 10, 2020, because she refused an offer of suitable work without good cause. On April 22, 2021, the Appellant appealed to this court. After careful consideration of the parties' briefs, the record, and the applicable law, this court found that substantial evidence in the record supported the Department's determination and on October 21, 2021 this court issued its Final Order, affirming the Department's decision.

On October 29, 2021, the Appellant filed a Motion for Reconsideration¹ with the court requesting the court reconsider its Final Decision because the Appellant's place of employment was closed as a result of Covid-19 and since the Appellant would have been unable to reach the new job as a direct result of Covid-19, she qualifies for Pandemic Unemployment Assistance. On November 8, 2021, the Department filed a response requesting the court deny the Appellant's motion because the Appellant has not properly identified any points which have been overlooked or misapprehended by the court. In accordance with ALC Rule 40, a motion for rehearing must state with particularity the points supposed to have been overlooked or misapprehended by the court, which the Appellant fails to do in her motion. Therefore, based on the foregoing,

IT IS HEREBY ORDERED that the Appellant's Motion for Rehearing is **DENIED**.
AND IT IS SO ORDERED.



S. Phillip Lenski
Administrative Law Judge

November 12, 2021
Columbia, South Carolina

¹ Although the Appellant filed a Motion for Reconsideration, in accordance with ALC Rule 40, the court will address the Appellant's motion as a Motion for Rehearing.

CERTIFICATE OF SERVICE

I, Erika S. Easler, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).



Erika S. Easler
Judicial Law Clerk

November 12, 2021
Columbia, South Carolina

