

STATE OF SOUTH CAROLINA COURT OF APPEALS

Keiarra Carr,)
Appellant,)
)
)
vs)
)
South Carolina Department of)
Employment and Workforce and)
JDC Mgmt LLC)
Respondent(s),)
_____)

Appellate Case No. 2021-001444

Appellant's Brief

RECEIVED
Dec 14 2021
SC Court of Appeals

This matter is before the South Carolina Court of Appeals pursuant to a Notice of Appeal filed July 13, 2021, by Keiarra Carr (Appellant) to the South Carolina Administrative Law Court (ALC) seeking judicial review of a decision by the Appellate Panel of South Carolina Department of Employment and Workforce (Respondent) incorrectly 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.

Statement of the Issues on Appeal

1. The Office of Appellate Panel and the Appeal Tribunal for the South Carolina Department of Employment and Workforce improperly ruled in favor of JDC Management LLC denying me the "Claimant" Keiarra Carr unemployment benefits.
2. It was stated in the "Background Section" of the Appellate Panel's Decision that I "Claimant" Keiarra Carr "voluntarily quit work due to my dissatisfaction with the work environment" but then later states in the "Findings Section" of the Appellate Panel's Decision that "The record establishes the Claimant quit due to her feeling overwhelmed and stressed with job"

3. Evidence that I provided to the Department of Employment and Workforce pertaining to the separation was omitted from the hearing with the Appeal Tribunal and therefore not allowed during the appeal to the Appellate Panel. (Refer to last paragraph of the “Findings Section”)
4. In the section “Findings” from the Appellate Panel Decision it states, “Good cause refers to a material, substantial change in the conditions of employment, or other circumstances directly attributable to the employment, which would cause a reasonable person to become totally unemployed rather than continue working”. It goes on to say that “the record establishes the Claimant quit due to her feeling overwhelmed and stressed with the job.

Statement of this Case

I filed for unemployment benefits on October 8, 2020. On October 19, 2020, I received a letter stating that I was found disqualified from receiving benefits indefinitely, and that I voluntarily left work without a good cause attributable to the employment.

I appealed my case to the Appeal Tribunal, which after an evidentiary hearing the Appeal Tribunal upheld the determination of not allowing me to receive unemployment benefits. I then appealed the Appeal Tribunal decision on May 20, 2021 to the Appellate Panel. The Appellate Panel issued its decision which upheld the decision to not allow me to receive unemployment benefits.

I am now appealing that decision in hopes that someone will see that I should be allowed unemployment benefits and will reverse the previous decisions.

Argument

- I. The Office of Appellate Panel and the Appeal Tribunal for the South Carolina Department of Employment and Workforce improperly ruled in favor of JDC Management LLC denying me the “Claimant” Keiarra Carr unemployment benefits.
- II. The Office of Appellate Panel and the Appeal Tribunal improperly ruled in favor of JDC Management LLC denying me unemployment benefits because the South Carolina Department of Employment and Workforce overlooked my documentation, my uploads to its database systems, and did not review my supporting documentation and statements before making a decision in my case.
- III. It was stated in the “Background Section” of the Appellate Panel’s Decision that I “Claimant” Keiarra Carr “voluntarily quit work due to my dissatisfaction with the work environment” but then later states in the “Findings Section” of the Appellate Panel’s

Decision that “The record establishes the Claimant quit due to her feeling overwhelmed and stressed with job”

IV. Being that both of these statements were made, they are in conflict with each other. One statement says that I quit because I was dissatisfied and the other statement states that I quit because I was feeling overwhelmed and stressed.

V. Evidence that I provided to the Department of Employment and Workforce pertaining to the separation was omitted from the hearing with the Appeal Tribunal and therefore not allowed during the appeal to the Appellate Panel.

(Refer to last paragraph of the “Findings Section”)

A. I provided emails, and uploaded documents to the Employment and Workforce Department that were never brought up or discussed in my first hearing even though I tried to bring them up, and those facts were overlooked. During my second appeals hearing I tried to bring them up again, and was told that because they weren’t discussed during the first appeals hearing I would not be able to discuss them in my 2nd appeals hearing.

B. I also let the company know that when I was hired, I was pregnant, I was what they refer to as a high-risk pregnancy. I provided this information to the Department of Employment and Workforce for my initial hearing and this information was also omitted from both hearings.

Statement of Facts

VI. In the section “Findings” from the Appellate Panel Decision it states, “Good cause refers to a material, substantial change in the conditions of employment, or other circumstances directly attributable to the employment, which would cause a reasonable person to become totally unemployed rather than continue working”. It goes on to say that “the record establishes the Claimant quit due to her feeling overwhelmed and stressed with the job.

A. The fact that when I was hired as an Assistant Property Manager a Property Manager was to be hired per the Vice President.

B. A Property Manager was never hired during my time of employment which caused me to have to do the work responsibilities of a Property Manager which did cause me to become overworked, overwhelmed, and stressed.

- C. The fact that I was 8 months pregnant at the time of separation from JDC Management was omitted from the hearings with the Appeal Tribunal and with The Office of Appellate Panel.

(PLEASE SEE NEXT PAGE)

Conclusion

For the foregoing reasons, the Decision and Order of the Appellate Panel should be reversed as to the inconsistent statements, so that I can receive unemployment benefits so I can support my children during this pandemic.

Keiarra Carr

(Print Your Name)


(Your Signature)

2861 Hilton Circle NW

(Street)

Kennesaw, GA 30152

(City, State, Zip Code)

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COURT OF APPEALS

South Carolina Department of
Employment and Workforce and
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Appellant/Petitioner,

vs.

Keiarra Carr,

Respondent.

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I hereby certify that I have served my initial Appellant Brief in the above-captioned matter by depositing it in the United State Mail, postage prepaid, on December 14, 2021, to the below named parties at their address of record:

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The Honorable H.W. Funderbunk, Jr.

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City/State/Zip

Name

Address

City/State/Zip

Keiarra Carr

(Print Your Name)

(Your Signature)

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(Street)

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