

STATE OF SOUTH CAROLINA ADMINISTRATIVE LAW COURT

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

Docket No. 21-ALJ-22-0245-AP

Appellant's Brief

RECEIVED
Dec 14 2021
SC Court of Appeals

MOTION FOR EXTENSION TO FILE APPELLANT'S BRIEF

I, Keiarra Carr respectfully ask the court for an extension to file the appellant's brief. I first would like to apologize to the Honorable H. W. Funderbunk JR., and all parties involved in this matter for not filing my brief in a timely fashion. I have been battling post-partum depression, facing eviction, utility disconnections, scoliosis, COVID-19 and was diagnosed with a severe case of ADD/ADHD which causes anxiety. Also, as I am representing myself in this matter, and not an attorney at of law, I was unaware of the format and the deadlines in which I as to file the brief. I was also under the impression with all the documentation I have filled regarding this case would have sufficed. This has been a long year and a half traumatic experience for me, I apologize for my shortcomings.

Keiarra Carr

10/14/2021



2861 Hilton Circle NW
Kennewaw, SA 30152
The State of South Carolina
OCT 14 2021
Administrative Law Court

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PROOF OF SERVICE

I hereby certify that I have served the Motion of Extension To File Appellant's Brief in the above-captioned matter by depositing it in the United State Mail, postage prepaid, on the 14th day of October 2021 to the below named parties at their address of record:

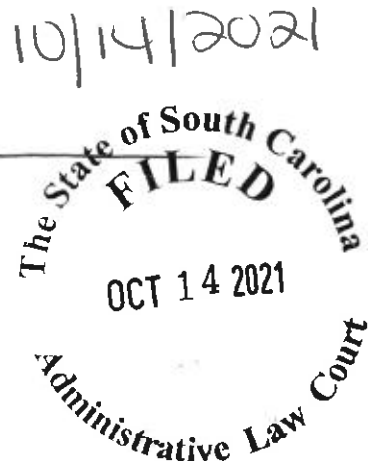
The Honorable H.W. Funderbunk, Jr.
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Claimant



Statement of the Issues

- 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. 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"
- III. 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")
- IV. 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 voluntarily quit due to her feeling overwhelmed and stressed with the job.

Statement of the Case

I filed for unemployment benefits on May 24, 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.**
 - A. I believe 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 their database systems, and did not review my supporting documentation and statements before deciding in my case.

- II. **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 he most recent bona fide employer due to heavy workload and job pressure. It also states that there was no indication that my work duties were any different than any other employee in the same position.”**
 - A. Being that both statements were made, they 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, and that my work duties were no different than any other employee in my position.

- IV. **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.

- C. Per my offer letter from JDC management the Assistant property manager is to ASSIST overseeing the day-to-day operation, management and lease up of Seven Farms and Seven Farms Village Apartment. In my time at JDC Management I was not assisting, I overseen both properties myself. There was no opportunity for lease up because of the condition of the property and files, I provided emailed from the Vice President of the company.
- D. My offer letter from JDC Management states "your specific hours will be determined by your supervisor to the property's needs, my hiring manager Dottie confirmed this to be false and she was told to work me no more than 30 hours a week. In the Appeals hearing Laura states herself the property is still behind 1 year later; this tells me that property needs more than a part time 2 staff office.

Argument (continued)

V. **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 originally hired as a Part- Time Leasing Professional, which was switched to an Assistant Property Manager a Property Manager was to be hired per the Vice President. This did not happen for 4 months.
- B. There would be times our internet services, and phone service would be disconnected, resulting in me utilizing my person cellular hotspot without compensation in order to operate the office without it falling further behind. There was never a sense of Urgency to get this handled, they left it in my hands to get this matter taken care of alone.
- C. A Property Manager was never hired during the remainder of my 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.
- D. 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.

Conclusion

For over a year I have been suffering from stress and severe anxiety regarding my claim with SC DEW and JDC Management. In addition to the financial stress and anxiety brought on by SC DEW and JDC Management I have been suffering from postpartum depression, I was diagnosed with scoliosis in my spine (having to go to physical therapy 3 times a week and get tripper point injections, I have had Covid-19 twice (while nursing my infant/toddler) strep throat (which resulted in my doctor wanting to remove my tonsils).

This process has been severely traumatic, I have been served eviction notices, and utility disconnection notices. I have had to send my children away to family for 6 months in order to get myself and my health back in order.

I have been dealing with so much confusion in regards to this case, inaccurate hearings (not covering what was supposed to be covered) SC DEW was delayed months on my hearing and was not penalized, false information and a hectic working environment provided by JDC Management. I cannot afford an attorney to help me with this matters, as I can barely afford my day to day living.

With the facts stated above I hope that the decision of me not meeting the eligibility requirements for unemployment benefits is reversed. So that I can receive unemployment benefits to help me and my children survive during this pandemic.

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