

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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FEB 07 2022

Appeal from the Administrative Law Court
The Honorable S. Phillip Lenski, Administrative Law Judge
Docket No. 19-ALJ-18-0047-AP

SC Court of Appeals

Case No. 2019-001835

Alonzo Jeter, III, APPELLANT,

South Carolina Department of
Social Services, RESPONDENT.

PETITION FOR REHEARING

The Appellant, Alonzo Jeter, III, pursuant to RULE 221, SCACR, respectfully petitions the court to reconsider, alter, and amend its opinion filed January 26, 2022. Appellant received notice and copy of this opinion on January 28, 2022, by and through the Manning Corr. Inst. Legal Mail System. In support of this petition, Appellant shows the following:

This court overlooked, failed to address and consider, and include in its order the following:

- a. Appellant's mental condition at the time of denial of assistance and the mental breakdown, survival factors, necessity of psychiatric care, and detriment which the denial, societal practice of refusal of employment opportunities, medication costs, a living conditions.

As Appellant was in the midst of a mental health crisis, this Court should not have the further unreasonable expectation that Appellant would have been in the right mind to know how and where to seek help and assistance in attempting to make any challenge to the SCOSS' determination. Appellant did express that he needed attention and assistance provided to the situation of denial and none was provided.

b. Appellant was incarcerated in 2015 and Appellant's claim was discovered only after becoming familiar with how to navigate a law library (also which was after receiving mental health treatment). Most important is the department's violation of 7 C.F.R 273.15(i), 7 C.F.R. 273.15(w)(2) and 7 CFR 273.15(f) and 7 CFR 273.15(h).

The order of this Court, as well as the order of the ALC, fails to consider and express any facts, findings, and conclusions of law regarding these matters, as the department did not direct Appellant to any source of assistance and rather coerced and influenced Appellant that nothing could be done.

c. As this case is ~~note~~ novel in that there is no precedent case in South Carolina which addresses none of the issues which Appellant has raised in this case globally, it is in the public interest that this Court's order would state the facts and circumstances of Appellant's case clearly and would provide facts, findings, and conclusions of law with regard to all

issues raised. See e.g. Town of Arcadio Lakes v SCDHEC, 433SC 47 (2021).

This Court's erroneous determination that the ALC did not err in affirming OAH's decision that Appellant's request for a hearing was untimely, should not be used as a measure to issue a clear ruling on all issues in this case. Future guidance is needed in interest of public importance and also that the public could be forewarned and enlightened of circumstances such as Appellant's.

The department does not provide any information and make the information easily accessible. If a person, aggrieved, don't know the person else doesn't know how to ask and what to ask for. This Court should not join hands in concealing this information by way of not fully stating the facts of Appellant's case and fully addressing any statutes and regulations which Appellant has brought before this Court and the issues brought before this Court.

d. This Court's order, with regard to Appellant's argument of the ALC's denial of due process by not providing fair opportunity to file a Reply Brief -

1) The order fails to address the fact that Appellant did not receive the brief until September 11, 2019. The ALC dismissed on September 20, 2019 (9 days later).

2) This Court's Order fails to discuss the fact that Appellant filed a Motion to Dismiss / Motion For Summary Judgment on August 1, 2019. Pursuant to RULE 34(B), SCALE, this motion shall automatically

Stay the time limits... until the motion is decided. (See ROA pgs. 96, 100, 123).

This Court fails to consider the total facts and the SCALC Rule 34(B), and apply the total facts in this regard to the authority. The ALC's denial of the opportunity to file the Reply Brief is clearly a violation of Appellant's Due Process rights as guaranteed by the United States Constitution Fifth and Fourteenth Amendments, First Amendment, as well as the Constitution of South Carolina.

This Court errs as it focuses its attention on the time/date in which Respondent filed its Brief rather than focusing on the fact that the Motion to Dismiss was filed by Appellant before the Respondent filed its Brief. This Motion to Dismiss caused the stay of any and all time limits.

Regardless what filings Respondent and Appellant made after the Motion to Dismiss was filed, the ALC's clock was paused as mandated by RULE 34(B), SCALC's "shall stay" language.

This Court fails as it does not distinguish those facts, consider the same, and fails to include those distinguishable facts within its order. The Court importantly should thoroughly consider fully, address fully, and place those full facts within the Court's order as there is in fact no precedent case law in South Carolina where in this Court has considered, applied, or interpreted, discussed RULE 34(B), SCALC. See also the Editor's Notes within RULE 34(B), SCALC, which further clarifies the Rules' "shall stay" intent and mandate.

This Court has not issued any opinion interpreting or applying this

Rule and as Appellant has leaned upon this Rule in his decision making that he would have had at least to September 31, 2019 (at the very least a 10-day period) after the Court issued a ruling on the Appellant's motion to dismiss and the Respondent's Motion to File Brief Late.

The Respondent's Motion to File Brief Late would not have been sufficient to stay or toll any time. Thus, the Respondent's Brief was already late and untimely filed. The bias is clearly demonstrated as, if the ALC and this court would posit the facts fully and as they occurred, it is clear to see that it is the ALC's stance and bias that would make evident that the Respondent's "Motion" to file late was granted by way of bias and partiality, without the court ever making a ruling to provide the Respondent leave to do so.

The ruling on the Respondent's motion and Appellant's motion was made on September 20, 2019, as it was integrated by the ALC's Mother Hubbard Order Final dismissing the case. (see ROA pg. 125). This is clear bias, partiality, and error and abuse of discretion. This Court should reconsider and alter/amend its order in this matter.

e) This Court fails to fails to consider, discuss, and include in its order regarding the Savings Clause and the Legislature's decision not to include the clause within the Act.

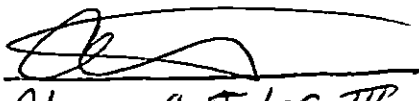
This Court should fully address and adjudicate upon this issue as it is novel, in public interest, and capable of repetition. This Court should rule in the interest of future guidance as no precedent

Case exists which informs the public and is instructive to the Courts, ALC, and Department in this regard.

CONCLUSION

The full material facts should be applied to full statutes, Rules, and Regulations as this court makes its determination and thus the full facts and issues should be reflected and revealed in this case as South Carolina has no precedent case ~~with~~ which it has issued its opinion with regard to the novel issues raised in this case. South Carolina has not provided the guidance which this Court's ruling on the matters, fully stating the facts of this case, and applying the full authorities thereupon would provide. It would be equitable and in the public interest to shed this light.

WHEREFORE, the Appellant respectfully requests this Court to reconsider, alter, and amend its 26th, January, 2022, opinion for these reasons.

Respectfully submitted, 
Alonzo C. Jeter, III
APPELLANT / prose
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

This 2nd day of February, 2022.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Alonzo Jeter, III, APPELLANT

v

South Carolina Department of
Social Services, RESPONDENT

CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served the Petition For Rehearing on Respondent by placing a copy of the same inside of a postage prepaid envelope, and placing said envelope in the hands of Manning Correctional Institution mail room personnel on this 3rd day of February, 2022, for mailing via the United States Mail, addressed as follows: Chad A. Mitchell, Esq., SCDSS Office of General Counsel, PO Box 1520, 1535 Confederate Avenue, Columbia, SC 29202; The Honorable Jenny A. Kitchings, Clerk, South Carolina Court of Appeals, Post Office Box 11629, Columbia, SC 29211.



Alonzo C. Jeter, III
APPELLANT/pro se

Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

February 2, 2022

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

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SC Court of Appeals

RE: Alonzo C. Jeter, III, v. South Carolina Department of Social Services
Appellate Case No. 2019-001835


Dear Honorable Clerk:

Enclosed, please find for filing, the Petition for Rehearing, along with a Certificate of Service for the same.

Enclosed, please also find an additional copy of these documents along with a self-addressed stamped envelope.

Please return to me a file-stamped copy of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely, 

Alonzo C. Jeter, III

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US POSTAGE
Eagle
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Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

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