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CC: 'DannyVarat@scsenate.gov'DannyVarat@scsenate.gov
Veldran, KatherineKatherineVeldran@gov.sc.gov
Date: 1/25/2012 8:11:16 PM
Subject: Mr. John Vassey

Senator Martin,

Mr. John Vassey and the DEW Assistant Executive Director for Appeals spoke Friday, January 20, 2009 regarding his unemployment claim that was filed July 29, 2010. Mr. Vassey was disqualified indefinitely effective July 25, 2010. Mr. Vassey appealed this decision on October 25, 2009 and he won his case. The decision was that he was discharged without cause releasing payment effective August 29, 2010.

On November 5, 2010, during a routine eligibility review, it was called into question Mr. Vassey's ability to perform work due to the work injury leading to his discharge from Duke Power. Although the hearing officer ruled in his favor based on the work injury, a claimant must demonstrate an ability to seek work in another occupation for which they have experience or training. The local office determined he did not and a physician statement verified this as well. An adjudication was performed which caused him to be overpaid retroactively to the original effective date of his claim, July 25, 2010, because he could not work in any other occupation other than as a lineman. He appealed this and even stated he believed he could do other work. This is not sufficient just on his own belief as there was a medical professional who diagnosed him to the contrary.

A decision from a hearing held on December 30, 2010, upheld the ineligibility of Mr. Vassey and both overpayments totaling 3586.00 for the period of his entire claim. He had until January 9, 2011, to file an appeal to the Appellate Panel which he did not do until January 19, 2011, which he states that "snow, ice, and other weather prevented an earlier appeal." The Panel dismissed his appeal as untimely filed. He did not pursue it beyond that point.

As a result, Mr. Vassey had the entire overpayment of 3586.00 still due. He made no repayments and was placed on an interception list pursuant to the Set-off Debt Act. This takes whatever state income tax refund each year for up to five years. He received this Notice to Debtor letter dated September 30, 2011.

Mr. Vassey unfortunately suffered a work related injury and was terminated. Although he won his appeal on this issue, it appears that the full scope of his inability to perform work was disclosed. He also did not appeal timely from the hearing officer's decision holding him overpaid and ineligible for not being able to work in his only occupation. He admits he only can work as a lineman and no other job. He cannot draw UI benefits under these circumstances. He provided no alternative occupation he could seek which is a requirement under Section 41-35-110. He will continue to be placed on interception lists until repayment is made.

When we spoke with Mr. Vassey, he indicated that he could not locate the Notice to Debtor letter. Based on that comment, we sent him another copy of that letter along with our personal contact information should he have any further questions. Please contact me should you have any questions concerning Mr. Vassey.

Very respectfully,

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