

From: Danny Varat <DannyVarat@scstatehouse.gov>
To: Catherine McNicollCatherineMcNicoll@scstatehouse.gov
Date: 2/11/2017 11:21:13 AM
Subject: Fw: update

What, if anything, can we do to help this lady with advice, etc? Monday is fine to work on this.

From: Kevin Bryant
Sent: Saturday, February 11, 2017 11:14 AM
To: Danny Varat
Subject: Fwd: update

----- Forwarded message -----

From: Bryant, Kevin <kevin@kevinbryant.com>
Date: Fri, Feb 10, 2017 at 7:44 PM
Subject: Fwd: update
To: Kevin Bryant <kbryantrx@gmail.com>

Sincerely,
Kevin

Kevin L. Bryant
Lieutenant Governor of South Carolina
104-A North Avenue
Anderson, South Carolina 29625
www.kevinbryant.com

----- Forwarded message -----

From: Shirley McAlister <shirleymcalister37@yahoo.com>
Date: Thu, Feb 9, 2017 at 1:17 PM
Subject: update
To: Kevin Bryant <kevin@kevinbryant.com>

Lt. Gov. Bryant, I know it's only been a short while since I first contacted you, but you've had so much going on that you might not remember my situation. Congratulations on becoming lieutenant governor. What an honor!

Anyway, to refresh your memory, I'm the teacher who is contesting PEBA's ruling that I have to repay the amount by which I allegedly exceeded the earnings limit for retired state employees. Since I last contacted you, I've learned that my hearing is scheduled for Feb. 22. I'm nervous about appearing in court without anyone to advise me, but I intend to do my best to represent myself. I still have much research to do.

What bothers me most about this case is PEBA's failure to officially notify me *in a timely fashion* that I had allegedly exceeded the earnings limit. In my first call to PEBA after this situation arose in October 2014, I was informed that (a) earnings reviews were done quarterly, which meant an overage in October wouldn't be caught until the end of December, and (b) if such an overage existed, I would receive a notification letter by the end of January 2016 or by February at the latest. That didn't happen. Instead, the quarter in which the alleged overage occurred ended, and almost two more full quarters went by before I received official notification. In the meantime, I had received a W-2 form indicating that I had *not* exceeded my earnings limit. The PEBA representative I spoke with had told me that I would receive a letter *if* I had exceeded my earnings limit. Since I received no letter within the time frame I'd been given, and since my W-2 form showed earnings well under the limit of \$10,000, I assumed that I was right to start with: PEBA had made an error in determining that I'd exceeded the limit. Under these circumstances, I believe any reasonable person would have drawn the same conclusion.

At every step of the appeals process, I've had to meet deadlines. If I had not done so, I would have automatically lost the right to appeal. Yet PEBA, a government entity with a wealth of resources at its disposal, waited until June 12, 2015, to officially notify me that I had allegedly exceeded my earnings limit during the previous October. If I remember our previous conversation correctly, this is the point that made an impression on you. And even if I had exceeded the earnings limit, which I am not conceding, PEBA's handling of this situation has been flawed to the point that it is unreasonable to demand that I repay the alleged overage.

I understand that there is little you can do because this is a legal matter, and like everyone else, elected officials are bound by ethics and law. However, I also know that sometimes having an elected representative as an advocate can influence others to keep an open mind and be more likely to consider points that may not be specifically covered by existing laws. I don't know if any other public employees have been in my position, but if this is the first time someone has appealed an order to repay an overage because of mishandling by a government agency, there may be no precedent for this situation. If there isn't, it is not equitable for me to be caught in a legal vacuum.

Thanks for discussing this with me, Lt. Gov. Bryant. I know someone in your position has much bigger fish to fry, but I've always been told that elected officials must be responsive to the needs of all their constituents. You have certainly been receptive to me, and I appreciate it.

Shirley McAlister