

APPENDIX TAB A

Decision of State Court of Appeals

**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

Franklin Cox, Appellant	On Appeal from the 134th Judicial District Court, Dallas County, Texas Trial Court Cause No. No.05-17-01331-CV V.
	DC-17-01261. Opinion delivered by Justice Osborne; Justices Schenck and Texas Workforce Commission, Reichek, Lincoln Technical Institute, participating Inc., and UCAC, Inc., Appellees

**In accordance with this Court's opinion of this
date, the judgment of the trial court is
AFFIRMED.**

**It is ORDERED that appellees Texas Workforce
Commission, Lincoln Technical Institute, Inc.
and UCAC, Inc. recover their costs of this
appeal from appellant Franklin Cox.**

Judgment entered this 10th day of May, 2019.

APPENDIX TAB B
Decision of State Trial Court

CAUSE NO. DC-17-01261

Franklin L. Cox § In The 134th Judicial
Plaintiff, §
§
v. § District Court of
Texas Workforce §
Commission and §
Lincoln Technical, § Dallas County, Texas
Defendants §

ORDER GRANTING SUMMARY JUDGMENT

Defendants Motion for Summary Judgment of Lincoln Technical and Texas Workforce Commission came to be considered. The Court, after considering the basis of the Motion, is of the opinion that the Motion for Summary Judgment of Defendants Lincoln Technical and Texas Workforce Commission should be GRANTED.

It is therefore ORDERED that the Motion for Summary Judgment of Defendants Lincoln Technical and Texas Workforce Commission is GRANTED in its entirety. All costs of Court shall be borne by party incurring same. This order is final and appealable and disposes of all parties and claims.

SIGNED THIS 3 DAY OF November, 2017.

“ Dale Tillery”
Judge Presiding

APPENDIX TAB D

Order of State Supreme Court

Denying Rehearing Reprinted

The Supreme Court of Texas

No. 19-0443 §
FRANKLIN COX § Dallas County,
v. §
TEXAS WORKFORCE § 5th District
§
COMMISSION AND
LINCOLN TECHNICAL
AND UCAC INC.

December 6, 2019

Petitioner's motion for rehearing of petition for review, filed herein in the above numbered and styled case, having been duly considered, is ordered, and hereby is, denied.

I, BLAKE A HAWTHORNE, Clerk of the Supreme Court of Texas, do hereby certify that the above is a true and correct copy of the orders of the Supreme Court of Texas in the case number and styled as above, as the same appear of record in the minutes of said Court under the date shown.

It is further ordered that petitioner, FRANKLIN COX, pay all costs incurred on this petition.

WITNESS my hand and seal of the Supreme Court of Texas, at the City of Austin, this the 6th day of December, 2019.

"Blake A Hawthorne"

Blake A. Hawthorne, Clerk
By Monica Zamarripa, Deputy Clerk

APPENDIX TAB E

(CR 138) booth 73 repairs are complete

Tig systems and booth not finish

Franklin Cox
Thu 1/21/2016 4:30 pm.
Sent Items: Inbox

To: Ron Harris; Donald Cole; Franklin Cox;
Rick Calverley;

Tig systems and booth did not finish. Booth 69 has bad regulator. Booth 73 repairs are complete. The entire system of 75 booth will have to be look at. I did not brake booth 73 line.

APPENDIX TAB F

(CR 136) Update of Progress

Feb. 11 & Feb. 23, 2016

Reprinted

Mail Calender People Task Franklin Cox

Update

Rick Calverley

Tue. 2/23/2016 1:55 pm.

Mr. Cox, see email below. To date, you have not answered that email or given any update. can you explain why?

Rick Calverley

CNC Education Supervisor
2501 E. Arkansas
Grand Prairie, Texas 7552
(972) 660-5701 ext. 41112

Franklin Cox

Thu. 2/11/2016 12: 31pm.

Inbox Sent Item

Cc: Franklin Cox

On the tig booth found bad joint with compressor oil all over it allowing it to enter into line thru ring gap opening, clean joint no black stuff in weld as of today. Row B at the bottom 8V 350 units has pass first test. Row B center section 4 V 350 has pass second test ready for load test. Row C at bottom 8 units need to be sent out (1) Miller XMT 350 (2) 5 Lincoln V 350 (3) Cutmaster 102 (4) Track carrier. By the sink 12 wire feeder tag for scrap. The tig joint I shared with you Monday 2-8-16.

“Hand writing on email to Mr. Calverley
2/23/16 request and return to office under door.”

Row B 4- 350 ready for load test

7- 350 ready for load test

Row B center 5- 350 ready for load test.

Row C bottom add 3 V 350 to original number.

All wire feeder check and tag if parts are missing.

APPENDIX TAB G

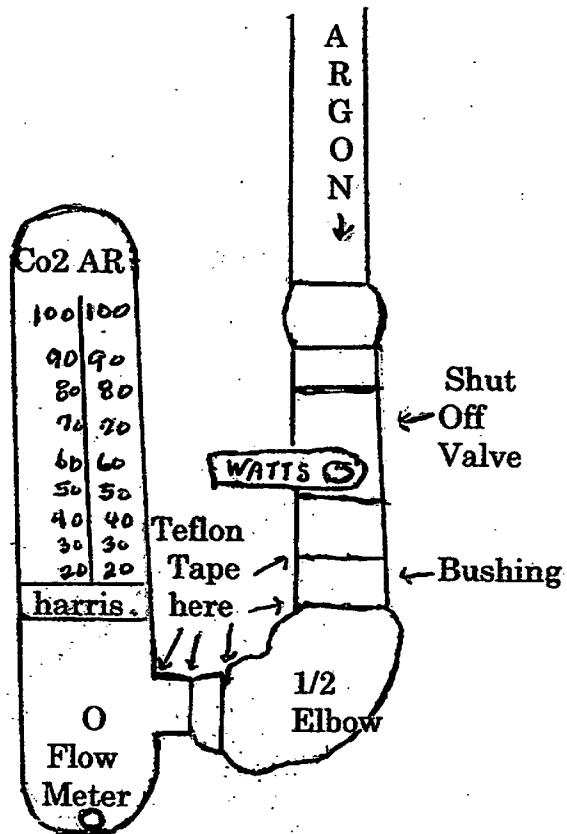
(CR 162) Argon repair

1-21-2016 11: 48 am.

Reprinted

ARGON REPAIR 1-21-16 11: 48 AM

1. Leak test all fitting from shut off valve to flow meter.
2. Teflon tape all fitting from shut valve to flow meter.
3. Plug all gas lines. There are lines coming into the booth with no hose that are not plugged, See the picture. This is a safety issue, if a student Intentionally or accidentally open that valve we will have gas into the lab.
4. After the booth are completed, leak test the Argon lines from booth all the way back to the mixer.
5. At 1 pm. Today shut down the argon system and repair the line you broke in booth 73. I will Kept student out until 2pm.



APPENDIX TAB H

Photo of V 350 without attachment



INVERTEC V 350 -PRO without attachment (V-350)

APPENDIX TAB I

(CR 113) Right to sue letter
(Reprinted partly)

(CR 113) Right to sue letter
Texas Workforce Commission
Austin, Texas
Finding and Decision of Commission
Upon Review of Claim For Benefits
Jan. 12, 2017
Date Mailed

C
l
a Franklin L. Cox Case Number
i 208149-3
m
a
n
t Social Security No.
XXXXX
E Lincoln Technical
m UCAC INC
p 1201 Richardson Dr. STE 110
l Richardson, TX 75080-4610
o
y Prior Decision Date
e December 2, 2016
r

Appeal Filed by: Claimt

The decision of the Appeal Tribunal is in all respects affirmed. The last day a timely appeal may be filed Jan 26, 2017. Commissioner 1 dissent - Julian Alvarez - Representing Labor Andres Alcantar - Representing the Public. Ruth R. Hughs- Representing Employer.

APPENDIX TAB J

**(CR 195) Declaration of
UCAC INC / Motion to Dismiss
(Reprinted partly)**

Declaration of UCAC, INC, and Motion
to Dismiss UCAC, INC
February 20, 2017

To: Clerk, 134 th District Court DC-17-01261
600 Commerce St., Suite 101
Dallas, Texas 75202

In the matter of: v.

Franklin L. Cox,	Lincoln Technical
Plaintiff	Defendant
P.O.Box 398783	2915 Alouette Dr.
Dallas, TX 75339	Grand Prairie, TX
with document mailing address: 75052	
UCAC , INC	
1201 Richardson Dr.	
Richardson, TX 75080-4610	

1. I, the undersigned Bertram f. Collins, am the CEO of the Florida corporation, UCAC, INC ., with headquarters in West Palm Beach, Fl., and a regional office in Richardson, TX, to provide an auditing service to verify the accuracy of the annual experience-rate tax rate assigned to our employer clients by the Texas Workforce Commission and similar agencies in other states. This is the situation with regard to our client Lincoln Technical who has asked the State agency to forward their mail through our mailing address.

2. In short, we may forward mail as requested by our client, but we have no jurisdiction over it.

3. In such cases where a claimant, such as the Plaintiff Franklin L. Cox, not realizing our solitary role as unemployment tax accountants, has named us, contrary to law and fact, "defendant" in an appeal for his benefits, UCAC has been dismissed as a defendant.

4. I pray that the Court will grant this Motion and dismiss UCAC Inc. as a Defendant in this case DC-17-01261.

Respectively submitted, Bertram F. Collins,

APPENDIX TAB K

**(CR 194) Memorandum of
UCAC INC
Reprinted**

MEMORANDUM

October 27, 2017

RE: Franklin Cox vs Texas
Workforce Commission
Dear Judge Tillery;

I am writing to you as suggested by Court Clerk Leslie to ask your Honor to dismiss my small unemployment compensation tax accounting company, UCAC, as a "Defendant" so named by the Plaintiff Cox in his above cause to change the TWC's decision that denied his entitlement to unemployment compensation benefits.

5. In fact, no where in the Plaintiff motion in support for his suit does there appear a single word of reference to cause, involvement or evidence related to UCAC. That because there is no basis or cause for justifying the naming of UCAC a "Defendant." We are tax accountants only prohibited by law from claims adjudication involvement. Thus, we have no evidence in or out of the courtroom that would help or hinder Plaintiff Cox's suit against the TWC.

The enclosed copy of our motion filed back in February 2017 is enclosed for a convenient reference. Having reached my ninety-first year this past August and facing health problems, I will be grateful for whatever you may find just and possible to do to help me, realizing that dismissing UCAC as a "Defendant" will not effect Plaintiff Cox's suit to reverse the TWC's decision so that he can get his unemployment benefits

Thanking you for your consideration, I remain
Respectfully,

Bertram F. Collins

APPENDIX TAB L

(CR 129) Letter of Concern

received after 6/28/16

Reprinted partly

Letter of Concern

Date: February 2,2016
To. Franklin Cox
From: Rick Calverley, Education Supervisor
CC: Cory Hughes, Campus President
Ron Harris, Director of Education
Personnel File
Re: Attendance advisories

Reason for Letter of Concern:

On 12/21/15, after various issue and students complaints concerning the Tig welding machine. I gave you a directive to complete 3 specific task before COB on 12/22. These task included leak testing all booths, teflon taping all fittings in Tig booths, and plugging all gas lines that had an open valve. As of 2/1/16 these tasks remain only partially complete. The leaking gas can lead to a large monetary loss, but most importantly is a safety concern for our employees and students.

After addressing this with you on 2 separate occasions, I still have not received an adequate answer as to why these are not complete and what is the expected completion date. This is in violation of Employee handbook, page 35, Section 8, "Refusing to follow a reasonable directive of any member of the Company supervisory or administrative staff."

The tasks assigned must be completed in the time given, or a reasonable expectation of completion date must be provided. If you have other daily tasks which interfere with these directives, please seek guidance from the shift Education Supervisor.

APPENDIX TAB M

**(CR 194) Mr. Calverley email
I can not give you plugs 1/25/16**

Reprinted

Mail Calendar People Task Franklin Cox

Tig system and booths

Franklin Cox

Wed. 1/27/2016 11:28 am.

Still having issues with machine some are still leaking. Need to get bundles ready for student and also booth appointed.

Rick Calverley

Mon. 1/25/2016 3:04 pm,

Inbox

I can not give you the plugs you need until tell me what size and how many. I need to know when this will be complete. As I said before, this has more priority than anything.

Rick Calverley
C NC Education Supervisor
2501 E. Arkansas
Grand Prairie, Texas 75052
(972) 660-5701 ext. 41112

LINCOLN NLMS
College of Techology

(CR 134)

APPENDIX TAB N

(CR 135) Cox request more thread

Seal tape no response 1/29/16

Reprinted

Mail Calendar People Task Franklin Cox

Ending all Booth Walk thru.

Franklin Cox
Fri. 1/29/2016 4:28 pm.

To; Rick Calverley,

Cc: Franklin Cox

Tig booth still not complete, we are using used parts they have to be disconnected- clean-inspection- tape -reassemble and hope they don't leak. If they do leak start over again.

Began putting tag on unit that pass or failed test. Need more thread seal tape.