

No. 20-6627

IN THE
Supreme Court of the United States

Clarence B. Jenkins Jr.,

Petitioner,

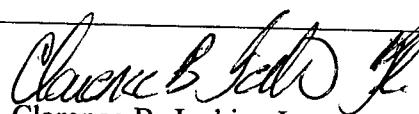
v.

South Carolina Department of Employment Workforce,
South Carolina Budget and Control Board and Office
Of South Carolina Governor

Respondents,

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the federal circuit

PETITION FOR A WRIT OF CERTIORARI REPLY BRIEF



Clarence B. Jenkins Jr.
945 Wire Rd.
Neeses, South Carolina 29107
(803) 263-4514
Upscale81@yahoo.com
Pro Se Petitioner
Counsel of Record

RECEIVED

FEB - 9 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTIONS PRESENTED

United States District Court, Columbia Division Dismissed Complaint against Defendants citing that Pro Se Plaintiff did not file in federal court after United States Equal Employment Opportunity Commission issued a Right to Sue letter. The United States Fourth Circuit Court of Appeals improperly issued an ORDER denying Pro Se Petitioner for a re-hearing citing no judicial misconduct and Pro Se Petitioner's petition for judicial review could not be addressed because of being cited for the first time in Petitioner's Reply Brief. The OPINIONS of the United States District Court, Columbia Division and United States Fourth Circuit Court of Appeals were not in compliance with facts, laws and Pro Se Petitioner's Initial Brief and Reply Brief as cited. The United States of America in 1964 decided that it is was unlawful to discriminate against another human being because of color of their skin by denying basic rights to life and liberty with the Title VII of the Civil Rights Act of 1964 and Civil Rights Act of 1991. Discrimination Laws were used to abused and harass a certain race of people specifically black citizens by establishing the white people as superior that violated their rights under U.S. Constitution. Institutional Racism has lead to discrimination of Systemic Racism therefore have been the arm that prevent all mankind from obtaining the rights of afforded by U.S. Constitution where every person is treated equally.

The Question Presented is:

(1). Did the OPINION of U.S. District Court, Columbia Division to Dismiss Complaint was based on FACTS and LAWS. (2). Did the U.S. District Court, Columbia Division and U.S. Fourth Circuit Court of Appeals improperly did not considered new evidence in Plaintiff's Reply dated June 24, 2019 that was obtained May 29, 2019 from NEOGOV directly disputing the previous claims made by Respondents.(3). Did the United States Fourth Circuit Court of Appeals wrongfully denied judicial review for judicial misconduct by U.S. District Court, Columbia Division in their OPINION that Pro Se Petitioner made application of such for the first time in Reply Brief.

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(II). Did the U.S. District Court, Columbia Division and U.S. Fourth Circuit Court of Appeals improperly did not considered new evidence in Plaintiff's Reply dated June 24, 2019 that was obtained May 29, 2019 from NEOGOV directly disputing the previous claims made by Respondents	
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PETITION FOR A WRIT OF CERTIORARI

Petitioner respectfully seeks a writ of certiorari
To review the judgment of the United States Court of
Appeals for the Federal Circuit.

JURISDICTION

The Federal Circuit entered judgment on August 10, 2020.
Pro Se Petitioner is making this direct appeal to the COURT. The
COURT has jurisdiction under 28 U.S.C 1254(1)

STATEMENT

It is illegal to discriminate against any citizen in The United States of America. The 14th Amendment of The United States Constitution guarantees every person the rights and privileges to be treated equally without harm. And the illegal employment fraudulent stipulation of “Barred From Applying and NEPOTISM” by the South Carolina Department of Employment Workforce, South Carolina Budget and Control Board and Office of the South Carolina Governor has caused great harm without responsibility and accountability to Pro Se Petitioner. Pro Se Petitioner is seeking to acquire the rights and privileges afforded to him by 14th Amendment of The U.S. Constitution. Pro Se Petitioner filed a new complaint with United States Equal Employment Opportunity Commission(hearafter USEEEOC) on June 6, 2019 upon receiving new evidence from NEOGOV as May 29, 2019 disputing the claims by Respondents. The USEEEOC issued a Right to Sue letter to Petitioner on June 11, 2019 based on Complaint and evidence obtained from NEOGOV that required filing a lawsuit in federal court because of ongoing litigation in U.S. District Court. The Right to Sue letter from USEEEOC issued on June 11, 2019 was obtained as litigation was proceeding and active therefore the Complaint against Respondents should have not been dismissed against South Carolina Department of Employment Workforce. Pro Se Petitioner filed a Complaint against South Carolina Department of Administration on September 17, 2019 based on the substantial new evidence from NEOGOV establishing that Respondents

committed Title VII Civil Rights Violations Act f 1964 and others by directly placing blame for “Barred From Applying and NEPOTISM. The USEEOC issued a Right to Sue letter on September 20, 2019 authorizing Pro Se Petitioner to bring suit in federal court. And therefore the Complaint should have not been Dismissed but allowed to proceed against all Respondents for Title VII of Civil Rights Act of 1964 and other federal laws.

REASONS FOR GRANTING WRIT

Respondents in their OPPOSITION BRIEF submitted January 14, 2021 has AFFIRMED that Title VII of the Civil Rights Act of 1964 claims against South Carolina Department of Employment Workforce was viable by U.S. District Court Magistrate Judge, Paige J. Gossett and Pro Se Petitioner Initial Informal Brief to U.S. Fourth Circuit Court of Appeals brought forth claims of judicial misconduct at U.S. District Court, Columbia, Division. The ORDERS by U.S. Magistrate Judge, Paige J. Gossett and U.S. Fourth Circuit Court of Appeals does not support what are FACTS and ACTIONS that has been submitted to the COURT and verified NOW AFFIRMED by the Respondents in their OPPOSITION BRIEF. And the AFFIRMATION of such intentional act to harm is a continuing of SYSTEMIC RACISM, INSTITUTIONAL RACISM, DISCRIMINATION, RETALIATION AND GOVERNMENT CORRUPTION which the COURT should not be a participator but a lawful body that provides equal justice afforded to every person under the 14th Amendment of U.S. Constitution.

I. Did the OPINION of U.S. District Court, Columbia Division To Dismiss Complaint was based on FACTS and LAWS

Respondents in their OPPOSITION BRIEF has verified and AFFIRMED that Magistrate Judge, Paige J. Gossett found that Title VII of the Civil Rights Act of 1964 was viable claim against South Carolina Department of Employment Workforce based on substantial evidence.

II. Did the U.S. District Court, Columbia Division improperly did not consider new evidence in Plaintiff's Reply date June 24, 2019 that was obtained May 29, 2019 from NEOGOV directly disputing the previous claims made by Respondents.

In Plaintiff's Reply Brief to U.S. District Court, Columbia Division dated June 24, 2019 submitted new substantial evidence from NEOGOV that was obtained May 29, 2019 verifying illegally, discrimination and retaliation acts by Respondents. Pro Se Petitioner did not have information from NEOGOV therefore could not have submitted it to the COURT at the time of filing suit in U.S. District Court, Columbia Division. Pro se Petitioner filed a Complaint with USEEEOC regarding new evidence from NEOGOV. USEEEOC issued a Right to Sue Letter to Complainant on June 11, 2019 therefore authorizing permission to seek damages in federal court. Pro Se Petitioner filed a Complaint against South Carolina Department of Administration on September 17, 2019 based on substantial new evidence from NEOGOV that was obtained as May 29, 2019 verifying illegal, discrimination and retaliation by Respondents. The USEEEOC issued a Right to Sue letter on September 20, 2019 authorizing to bring suit in federal court therefore claims against all Respondents was viable for Title VII of Civil Rights Act of 1964. The Dismissal by U.S. District Court, Columbia Division and U.S. Fourth Circuit Court of Appeals were not based on evidence, facts and the law. See documents.

III. Did the U.S. Fourth Circuit Court of Appeals wrongfully denied judicial review for judicial misconduct by U.S. District Court, Columbia Division in their OPINION that Pro Se Petitioner made an application of such for the first time in Reply Brief.

Respondents in their OPPOSITION BRIEF has verified and NOW AFFIRMED that Pro Se Petitioner's Initial Informal Brief properly addressed judicial misconduct and failure of DUE PROCESS before the U.S. Fourth Circuit Court of Appeals. The OPINION of the U.S. Fourth Circuit Court of Appeals citing that Pro Se Petitioner addressed judicial misconduct and failure of DUE PROCESS in Reply Brief is not in alignment with verifiable facts of Petitioner's Initial Informal Brief. Pro Se Petitioner has to conclude that the verifiable conduct of the U.S. Forth Circuit Court of Appeals based on facts is Systemic Racism, Institutional Racism, Discrimination that United States of America has

tried to eradicate itself from inception with the U.S. Constitution and other federal and state laws that guarantees every person equal rights and privileges.

CONCLUSION

The COURT should grant Certiorari.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Clarence B. Jenkins Jr.)
Plaintiff,) C/A No. 3-18-1874-TW-PJG
v.))
S.C. Department of Employment Workforce,)
S.C. Administration and Office of South)
Carolina Governor.)
Defendants,)

)

Defendants sought to deceived Pro Se Plaintiff and the U.S. District Court through deception which is very clear with newly discovered evidence from NEOGOV the software provider as of May 22, 2019, May 23, 2019 and May 29, 2019. Plaintiff has constantly and consistently stated to the COURT and provided written evidence of Defendants' deception to cover up the truth regarding a secret blackballing with "barred From Applying" and "This candidate has been marked as Does not meet minimum qualification".

Defendants stated during Discovery that they objected to many request for information and did not provide a response(s). Defendants also stated that many responses to Discovery would require excessive use of government time and resources therefore did not any response(s). Furthermore, Defendants stated that some questions during Discovery was intelligible and did not provide response(s). Plaintiff argues that Defendants used unsubstantiated excuses to not answer questions submitted as part of

Discovery because it would have exposed the truth, an intentional and deliberate act to harm and a conspiracy of a cover up regarding the secret blackballing of “Barred from Applying”.

NEOGOV the software provider stated on May 22, 2019 and May 23, 2019 after a simple email requesting information that “Barred from Applying” was a feature of the system and not a system error. NEOGOV stated they have no knowledge of any system error with regards to “Barred from Applying” because it is a feature that users personnel staff have access to it. NEOGOV also stated that it is used to flag an applicant when they submits an application. NEOGOV stated that “Barred From Applying” has to be manually enabled which was done by Adrienne Sorenson of SCDEW. NEOGOV stated on May 29, 2019 that only the customer(SCDEW) can explain their usage when Plaintiff was seeking understanding of how an applicant can received fifteen rejections email of February 3, 2012 within minutes of each other at estimated one(1) hour. NEOGOV has emphatically stated that “Barred From Applying” is a feature and not a system error that was an intentional and deliberate act to harm Plaintiff. Defendants participated in a conspiracy to cover up the truth by providing distortions to Plaintiff and to the COURT. The information from NEOGOV was provided by Myesha Mack, Customer Success Manager. See attachments.

Plaintiff has provided substantial verifiable evidence to the COURT that has been ignored time and time again to benefit the corruption of Defendants which is unlawful.

Append-A

WHEREFORE, Plaintiff's motion this COURT to deny the Defendants' motion for Sanction because it is without cause. And NEOGOV has produced evidence that Defendants intentionally and deliberately sought to cover the truth and exposed corrupt practices as part of a conspiracy to harm. Plaintiff's motion this COURT to ordered Defendants provide answers to Discovery that was intentionally and deliberately omitted to cover up a crime(s).

June 14, 2019



Clarence B. Jenkins Jr.
Clarence B. Jenkins Jr.
945 Wire Rd.
Neeses, South Carolina 29107
(803) 263-4514
Pro Se Plaintiff

*Append-A***Re: Barred**

From: Mykesha Mack (mmack@neogov.net)
To: upscale81@yahoo.com
Date: Wednesday, May 29, 2019, 11:53 AM EDT

Dear Mr. Jenkins,

Unfortunately, NEOGOV does not have any information regarding customer usage of our services. Any detail regarding customer usage must be directed to that customer.

Thank you,

Never forget how amazing you are!

Customer Success Manager

NEOGOV

Support: 877-204-4442

On Wed, May 29, 2019 at 4:33 AM Clarence Jr <upscale81@yahoo.com> wrote:

Ms. Mack:

I am seeking an explanation to the last email sent regarding the extensive email rejection letters on February 3, 2012 per the process of what could have happened. Please reply.

Clarence Jenkins Jr

This email may contain confidential and privileged material for the sole use of the intended recipient. Any unauthorized review, use, distribution or disclosure is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and delete all copies of this message.

Append A

Re: Barred From Applying

From: Mykesha Mack (mmack@neogov.net)
To: upscale81@yahoo.com
Date: Thursday, May 23, 2019, 6:24 PM EDT

Hello Mr. Jenkins,

NEOGOV has no knowledge of any system error as the Barred from Applying feature is a feature that has to be manually enabled by a user.

Thank you,

Never forget how amazing you are!

Customer Success Manager

NEOGOV

Support: 877-204-4442

On Thu, May 23, 2019 at 2:48 PM <upscale81@yahoo.com> wrote:

Ms. Mack:

I am seeking whether the Barred From Applying can be a system error as claim by SCDEW without malfunction of the entire system and does Barred from Applying with dates of July 19, 2013 to December 30, 2018 as it was applied to me is a system error.. Please reply

Clarence Jenkins Jr.

This email may contain confidential and privileged material for the sole use of the intended recipient. Any unauthorized review, use, distribution or disclosure is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and delete all copies of this message.

*Appendix A***Re: Barred**

From: Mykesha Mack (mmack@neogov.net)
To: upscale81@yahoo.com
Date: Wednesday, May 29, 2019, 1:42 PM EDT

Hello Mr. Jenkins,

The system is run by the users of it, therefore, only the users can explain the action they may or may not take in the system.

Thank you,

Never forget how amazing you are!

Customer Success Manager
NEOGOV
Support: 877-204-4442

On Wed, May 29, 2019 at 9:08 AM Clarence Jr <upscale81@yahoo.com> wrote:

Ms. Mack:

I can not get any answers only lies or non responses. I am only asking what would cause for that many applications to be rejected on a specific date and constantly as February 3, 2012. I know there was a corrupt purpose in doing so. I am trying to understand the system. Please reply.

Clarence Jenkins

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Appendix A

Re: Fw: Barred From Aplying

From: Mykesha Mack (mmack@neogov.net)
To: upscale81@yahoo.com
Date: Wednesday, May 22, 2019, 1:30 PM EDT

Dear Mr. Jenkins,

My name is Ms. Mack and I am the Customer Success Manager here at NEOGOV. I wanted to reach out to you in response to your emails and calls to our Team and inform you that our teams have investigated your questions.

'Barred from Applying' is a feature that allows NEOGOV customer personnel to flag an applicant. If an applicant is Barred, the only effect is that a notice stating that the applicant is barred shows up on the screens of other authorized users in the customers' system. Authorized users can override the notice. The feature does not prevent applications from being sent, received, reviewed, or passed on to later stages of the hiring process.

NEOGOV does not control the Barred feature; the NEOGOV customer personnel control it. NEOGOV does not have any input on why a customer uses any feature because NEOGOV does not control customers' use.

Out of respect for the obligations to our customers, we ask all further questions regarding a customers' use of the NEOGOV services be directed to or through that customer, and not NEOGOV.

If you have any additional questions about your governmentjobs.com profile, I would be happy to answer them, however, I cannot answer any questions regarding the State or how they choose to use our system.

Thank you,

Never forget how amazing you are!

Customer Success Manager
NEOGOV

On Tue, May 21, 2019 at 10:11 AM 'Clarence Jr' via Customer Support <customersupport@neogov.net> wrote:
NEOGOV:

Please see email from Mr. Ed therefore expectations is that NEOGOV will honored this by providing the all and proper documentations with a complete narrative.

Clarence Jenkins Jr

----- Forwarded Message -----

From: Ed Cavazos <ecavazos@neogov.com>
To: Clarence Jr <upscale81@yahoo.com>
Sent: Monday, May 20, 2019 4:51 PM
Subject: Re: Barred From Aplying

Dear Mr. Jenkins -

I am responding to your emails and want you to know that this is being looked into from the NEOGOV side and we will have a response as soon as possible. Please note that I am not the appropriate contact in this matter and will not be responding further on this topic. I have forwarded everything to the right contacts and going forward any and all correspondence will be through our Customer Support team. This team will also relay any additional information from other NEOGOV departments as needed.

Regards,

Ed Cavazos

Appendix A

On Mon, May 20, 2019 at 1:53 PM Clarence Jr <upscale81@yahoo.com> wrote:

SC Admin, SCHAC, SCDEW, USEEOC and NEOGOV:

I have sent all an email requesting a response of a deliberate act of secretly blackballing declared a system error when verifiable evidence suggest efforts of a Conspiracy to deny the truth. Since newly discovered evidence found as of May 18, 2019 on NEOGOV Web Page under product design of INSIGHT at 21 to 23 sec. mark. where selecting Pass/Fail will delete all applicants and their scores for a position which is a clear indication as to why OTHER was chosen for me with This candidate has been marked as "Barred From Applying" (Does not meet minimum qualification) and This candidate has been mark as "Barred from Applying" per NEOGOV.

A non response means GUILTY according to verify facts. Please reply.

Clarence Jenkins Jr.

This email may contain confidential and privileged material for the sole use of the intended recipient. Any unauthorized review, use, distribution or disclosure is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and delete all copies of this message.

This email may contain confidential and privileged material for the sole use of the intended recipient. Any unauthorized review, use, distribution or disclosure is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and delete all copies of this message.

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC Agency(ies) Charge No(s): 436-2019-01095
South Carolina Human Affairs Commission <small>State or local Agency, if any</small>		and EEOC
Name (indicate Mr., Ms., Mrs.) Mr. Clarence B Jenkins		Home Phone (803) 263-4514 Year of Birth 1968
Street Address 945 Wire Rd., NEESES, SC 29107		City, State and ZIP Code
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)		
Name SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT WORKFORCE		No. Employees, Members (803) 737-2400 Phone No.
Street Address 1550 Gadsden Street, COLUMBIA, SC 29202		City, State and ZIP Code
Name		No. Employees, Members Phone No.
Street Address City, State and ZIP Code		
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest 07-19-2013 Latest 06-03-2019 <input checked="" type="checkbox"/> CONTINUING ACTION
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I have substantial documentation that South Carolina Department of Employment Workforce (SCDEW) applied an illegal stipulation 'Barred from applying from 7/19/2013 to 12/30/2018. Upon notification to state officials all declared that it was a system error which was deliberate and intentional distortion to deceived.</p> <p>Mykesha Mack, Customer Success Manager of NEOGOV has stated on May 23, 2019 that the Barred feature used on my account was not a system error which is manually enabled by a user, Adrienne Sorenson of SCDEW. Sorenson applied the 'bar' to my account, preventing me from applying for vacant position from July 19, 2013 to December 30, 2018 this was a deliberate action taken against me.</p> <p>The 'bar' is and was intentionally used to flag an applicant to prevent employment by users personnel staff therefore not a system error. The software company, NEOGOV has emphatically stated 'Barred From Applying' is a feature of the system. All parties sought to fraudulent impede an investigation by USEEOC stating the 'Barred From Applying' was a system error.</p> <p>The state of South Carolina stated that notifications would be sent to prospective employers informing them to ignored 'Barred</p>		
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT
Digitally signed by Clarence Jenkins on 06-06-2019 05:46 PM EDT		SUBSCRIBED AND SURNED TO BEFORE ME THIS DATE (month, day, year)



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Greenville Local Office

Append-6

Landmark Building
301 North Main Street, Suite 1402
Greenville, SC 29601
Intake Information Group: (800) 669-4000
Intake Information Group TTY: (800) 669-6820
Greenville Status Line: (866) 408-8075
Direct Dial: (864) 241-4401
TTY (864) 241-4403
FAX (864) 241-4416
Website: www.eeoc.gov

June 11, 2019

Clarence B. Jenkins, Jr.
945 Wire Rd.
Neeses, SC 29107

Re: Jenkins versus SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT
WORKFORCE
EEOC Charge No.: 436-2019-01095

Dear Mr. Jenkins:

The processing of your charge of employment discrimination in the above referenced matter has been completed. The Equal Employment Opportunity Commission (EEOC) is dismissing your charge and is issuing to you a Notice of Right to Sue.

The evidence obtained by the Commission indicates that your allegation of discrimination, based on your sex, Male, age, and retaliation. You alleged you were denied hire by Respondent based on your protected class. You also allege Respondent blocked your emails preventing you from applying for all vacant positions based on your protected class. The commission acknowledges your allegations however, after careful review your allegations were found untimely.

In view of these facts, it is unlikely that further investigation of your charge will result in a finding that a violation of the law(s) under which you filed your charge has occurred. For that reason, we have dismissed your charge and closed your file.

Enclosed you will find a Dismissal Notice of Right to Sue and an Information Sheet which describes your right to pursue the matter in court by filing a lawsuit within 90 days of your receipt of the dismissal notice. This 90-day period for filing a private lawsuit cannot be waived, extended or restored by EEOC.

I regret that we cannot be of further assistance to you in this matter.

Sincerely,

Kimberly Ambersley
Sr. Investigator

Enclosures

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Appendix

DISMISSAL AND NOTICE OF RIGHTS

To: Clarence B. Jenkins, Jr.
945 Wire Rd.
Neeses, SC 29107

From: Greenville Local Office
301 North Main St
Suite 1402
Greenville, SC 29601



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

436-2019-01095

EEOC Representative

Kimberly L. Ambersley,
Investigator

Telephone No.

(864) 241-4408

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible**.

On behalf of the Commission

Patricia B. Fuller
Patricia B. Fuller,
Local Office Director

Enclosures(s)

(Date Mailed)

cc:

Allen W. Nickles, III
NICKLES LAW FIRM, LLC
4430 Ivy Hall Drive
Columbia, SC 29206

06/11/2019

CHARGE OF DISCRIMINATION		Charge Presented To: <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC		Agency(ies) Charge No(s):	
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.				436-2019-01214	
South Carolina Human Affairs Commission					
<i>State or local Agency, if any</i>					
Name (<i>indicate Mr., Ms., Mrs.</i>) Mr. Clarence B Jenkins		Home Phone (803) 263-4514		Year of Birth 1968	
Street Address 945 Wire Rd., NEESES, SC 29107		City, State and ZIP Code			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (<i>If more than two, list under PARTICULARS below.</i>)					
Name SOUTH CAROLINA DEPARTMENT OF ADMINISTRATION		No. Employees, Members 201 - 500		Phone No. (803) 734-8120	
Street Address Wade Hampton Building, Suite 460 1200 Senate Street, PO Box 2825, COLUMBIA, SC 29211		City, State and ZIP Code			
Name		No. Employees, Members		Phone No.	
Street Address		City, State and ZIP Code			
DISCRIMINATION BASED ON (<i>Check appropriate box(es).</i>)				DATE(S) DISCRIMINATION TOOK PLACE Earliest 07-22-2013 Latest 09-05-2019	
<input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (<i>Specify</i>)				<input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (<i>If additional paper is needed, attach extra sheet(s).</i>) From 2013 until 2015, I applied for various vacant South Carolina State Agency positions. Immediately after applying for the positions, I received rejection statements and was not considered for interviews for any of the positions that I am positive I was fully qualified for. I have found evidence that I was Barred from Applying for state employment and once I presented this evidence, I began to be chosen for interviews for positions, but not receiving the positions due to the agency choosing another candidate.					
As of May 2019, NEOGOV has stated Barred from Applying is a feature of the product and not a system error, which SCDEW and SC Adminstration had falsely stated in written responses to me. As of September 2019, SCDEW and SC Admin has failed to provide me with verification of a request to Ignore Barred from Applying sent to prospective employers that had received notification. As of August 2019, SC Office of Inspector General (SCOIG) Director, Brian Lamkin, had stated that SCDEW and SCHR are to investigate a false claim of NEPOTISM applied to master profile. As of September 2019, there has been no report provided to me as regarding the false claim of NEPOTISM by SCOIG, SCDEW and SCHR. South Carolina State Government Officials at several agencies were informed by written communications of the					
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - <i>When necessary for State and Local Agency Requirements</i>			
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT			
Digitally signed by Clarence Jenkins on 09-17-2019 08:18 PM EDT		SUBSCRIBED AND SWEORN TO BEFORE ME THIS DATE (month, day, year)			

U.S. EQUAL OPPORTUNITY COMMISSION

Append E

DISMISSAL AND NOTICE OF RIGHTS

To: Clarence B. Jenkins, Jr.
945 Wire Rd.
Neeses, SC 29107

From: Greenville Local Office
301 North Main St
Suite 1402
Greenville, SC 29601



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.	EEOC Representative	Telephone No.
436-2019-01214	Ashley D. Smith, Investigator Support Assistant	(864) 241-4409

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

- NOTICE OF SUIT RIGHTS -
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.



On behalf of the Commission

Enclosures(s)

Patricia B. Fuller,
Local Office Director

SEP 20 2019

(Date Mailed)

cc:

David K. Avant
Chief Legal Counsel
SC DEPARTMENT OF ADMINISTRATION
1200 Senate Street
Columbia, SC 29201