

IN THE SUPREME COURT

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

OF THE

OCT 12 2021

STATE OF SOUTH DAKOTA

Chief Justice
Clerk

* * * *

CLAYTON WALKER,
Appellant,

ORDER DISMISSING APPEAL

#29601

vs.

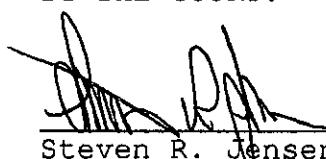
FREEMAN'S ELECTRIC SERVICE,
INC. AND UNITED FIRE GROUP,
Appellees.

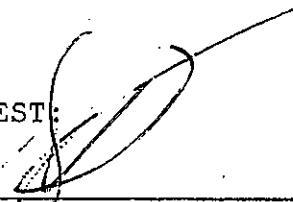
The Court having considered all of the briefs filed in the above-entitled matter, together with the appeal record, and it appearing to the Court that the circuit court lacked jurisdiction over the appeal as a result of Appellant's failure to file a valid notice of appeal with sufficient proof of service thereof (SDCL 1-26-31), and this Court lacking jurisdiction over Appellant's appeal as a result, it is

ORDERED that the appeal taken in the above-entitled matter be and it is hereby dismissed for lack of appellate jurisdiction.

DATED at Pierre, South Dakota, this 12th day of October, 2021.

BY THE COURT:


Steven R. Jensen, Chief Justice

ATTEST:

Clerk of the Supreme Court
(SEAL)

PARTICIPATING: Chief Justice Steven R. Jensen and Justices Janine M. Kern, Mark E. Salter, Patricia J. DeVaney and Scott P. Myren.

Seventh Judicial Circuit Court

P.O. Box 230
Rapid City SD 57709-0230
(605) 394-2571

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

APR - 6 2021

Shay A. Johnson-Layel
Clerk

CIRCUIT JUDGES

Craig A. Pfeifle, Presiding Judge
Matthew M. Brown
Jeffrey R. Connolly
Robert Gusinsky
Joshua K. Hendrickson
Heidi L. Linngren
Robert A. Mandel
Jane Wipf Pfeifle

MAGISTRATE JUDGES

Scott M. Bogue
Todd J. Hyronimus
Sarah E. Morrison
Marya Tellinghuisen

COURT ADMINISTRATOR

Kristi W. Erdman

STAFF ATTORNEY

Laura Hilt

March 3, 2021

Clayton Walker
1736 E. Tallent St., #4
Rapid City, SD 57703

Laura K. Hensley
Boyce Law Firm LLP
PO Box 5015
Sioux Falls, SD 57117

Re: 51CIV20-000909

Dear Mr. Walker and Counsel:

I am in receipt of Mr. Walker's (1) Motion for Clerk to Prepare Record, (2) Motion for Transmission of the Record, (3) Motion for Production & Transmission of the Record, (4) Motion for EnBanc, (5) Motion for Presentation of the Record, and (6) Motion for Side Bar. In regard to the Motion for Transmission of the Record, note that the South Dakota Department of Labor & Regulation, Labor & Management Division previously transmitted a copy of the record to the Court which was filed on August 13, 2020. The other motions are frivolous and generally lack citation to pertinent legal authority.

Under SDCL 1-26-31, an appeal may be taken from a final agency decision within 30 days after the agency served notice of the final decision. The Final Order in Clayton G. Walker v. Freeman's Electric Service, Inc. and United Fire Group (UFCS) (case no. HF No. 70, 2019/20) was issued on July 21, 2020 and subsequently served on Mr. Walker by email and certified mail. Administrative Record, pp. 676-685 (filed 8/13/20). Mr. Walker did not appeal the Final Order

* The Final Order was issued by Michelle M. Faw, Administrative Law Judge (South Dakota Department of Labor & Regulation, Labor & Management Division).

within 30 days after service. Rather, he attempted to appeal a nonexistent order by filing a Notice of Appeal on June 26, 2020—approximately one month before the Final Order was even issued. Nor did Mr. Walker follow other statutory requisites for pursuing an appeal under SDCL chapter 1-26 including the provision of a statement of issues (SDCL 1-26-31.4), a brief (SDCL 1-26-33.2 and 1-26-33.3); and any necessary transcript (SDCL 1-26-32.2). Consequently, dismissal of the case is appropriate as there is nothing for the Court to review.

Order of Dismissal

Accordingly, case 51CIV20-000909 is hereby dismissed for failure to follow requisite statutory procedures related to an appeal of a final decision in a contested case. SDCL 1-26-30.3 (appeals from a final decision in a contested case shall be taken and conducted pursuant to the provisions of SDCL chapter 1-26).

Dated this 3rd day of March 2021.

BY THE COURT:



Matthew M. Brown
Circuit Court Judge

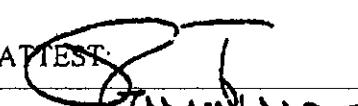
Pennington County, SD
FILED

IN CIRCUIT COURT

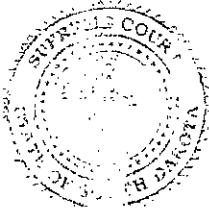
MAR 03 2021

Ranae Truman, Clerk of Courts
By 

ATTEST:


Ranae Truman
Clerk of Courts





Supreme Court

STATE OF SOUTH DAKOTA

Steven R. Jensen
CHIEF JUSTICE

Mr. Clayton Walker
1736 E. Tallent St. #4
Rapid City, SD 57703

Dear Mr. Walker,

False I have
all Recordings of
all Communications
I did meet the Date for

The Clerk's Office is in receipt of numerous recent mailings from you in an apparent attempt to seek reconsideration, rehearing, or reinstatement of your Appeal #29601, dismissed by this Court for lack of jurisdiction on October 12, 2021. Your time limit for filing a proper request to consider this decision expired on November 1, 2021. Therefore, you currently have no pending matters before the Court at this time.

I am informed of your frequent telephone calls and e-mails to the Clerk of Court's Office and of your argumentative conduct and abusive verbal treatment of the Clerk and her staff. This will not be tolerated. It is not the responsibility of the Clerk, or the Clerk's staff to provide you with legal advice as to how to pursue an appeal or other appellate remedies. Therefore, I have instructed the Clerk and her staff to refuse to accept any further telephone calls or inquiries from you. **Any further communication by you with the Clerk's Office is to be in writing, by letter and not by e-mail.** The clerk will respond in writing to any written communications from you that require a response. You should consider the lack of response to any written communications from you as a determination of a lack of merit to the inquiry.

Finally, you are warned that your failure to abide by the terms of this letter may well result in the imposition of sanctions by this Court up to and including the limitation of your ability to pursue legal remedies in the courts of this state.

Sincerely,

Steven R. Jensen
Chief Justice

cc: Shirley Fergel

I did submitted a timely Appeal
& can show proof by email, Mail
& Recorded conversations

I want this IN JUSTICE to
end !!

Judicial Notice of
Due Process

The Court needs to take Notice of my substantive Rights that is Important & my essential Rights that merits enforcement & protection by the law. My substantial Rights of due process of the United States Constitution. The due process ~~the~~ Clause guarantees that the government can not Deprive someone of life, liberty or property. Walker has submitted a timely Reconsideration after Oct. 12 2021. The whole point of the Supreme Court is to Review for equal Justice under the law & thereby also functions as a guardian & Interpreter of the Constitution.

Stop this Cruel & unusual Punishment, by the Courts give due process, let Walker get a hearing & let him present his side of the case

Dated this 31st day of Feb. 2022



Clayton G. Walker.com

USSenateCandidate@gmail.com

**SOUTH DAKOTA DEPARTMENT OF LABOR & REGULATION
DIVISION OF LABOR AND MANAGEMENT**

CLAYTON G. WALKER, HF No. 70, 2019/20

Claimant,
FINAL ORDER

v.

**FREEMAN'S ELECTRIC SERVICE,
INC.,**

Employer,

and

UNITED FIRE GROUP,

Insurer.

The South Dakota Department of Labor and Regulation, Division of Labor and Management (Department), issued a June 17, 2020 Letter Decision. In the Letter Decision, the Department denied Claimant's Motion to Recuse ALJ Faw and Motions for Stenographer, Fees for Expert Witnesses, Subpoenas and other costs. In the Letter Decision, the Department granted Employer and Insurer's Motion to Quash and Motion for Summary Judgment. The Department entered its Findings of Fact and Conclusions of Law on July 21, 2020.

Based on the relevant facts and law, it is hereby

ORDERED that Claimant's Motion to Recuse ALJ Faw is DENIED; and, it is further

ORDERED that Motions for Stenographer, Fees for Expert Witnesses, Subpoenas and other costs are DENIED; and, it is further

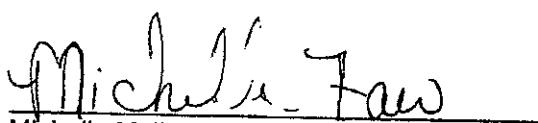
ORDERED that Employer and Insurer's Motion to Quash is GRANTED; and, it is further

ORDERED that Employer and Insurer's Motion for Summary Judgment is GRANTED; and, it is further

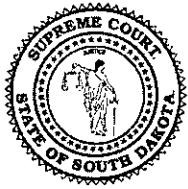
ORDERED that Claimant's Petition for Hearing is dismissed without prejudice.

Dated this 21st day of July, 2020.

SOUTH DAKOTA DEPARTMENT OF LABOR & REGULATION



Michelle M. Faw
Administrative Law Judge



Supreme Court of South Dakota

OFFICE OF THE CLERK

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
(605) 773-3511

Shirley A. Jameson-Fergel
Clerk

Laura J. Graves
Chief Deputy

Amy Hudson
Deputy Clerk

Sarah L. Gallagher
Deputy Clerk

Mr. Clayton Walker
1736 E Tallent Street #4
Rapid City SD 57703

April 19, 2021

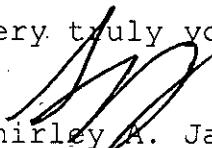
Re: #29585, #29601, Clayton Walker,
vs. Freeman's Electric
Service, Inc. and United
Fire Group (CIV 20-909)

Dear Mr. Walker,

In response to your recent inquiries with this Office concerning appeal #29585 and #29601, enclosed please find an order denying your petition to reinstate and motion for reconsideration of the dismissal of appeal #29585. Your appeal of the circuit court's order of March 3, 2021, in this matter will proceed in appeal #29601. The circuit court record, including the administrative record of the Department of Labor, has been submitted to this office.

Your appellant's brief in appeal #29601 will be due for filing with this office no later than May 10, 2021. The appellee's brief will be due June 24, 2021 and your reply brief will be due July 26, 2021. If the Court determines upon the filing of all briefs in the case that oral argument will assist in its decision, this Office will notify you of the time and date for the argument. If oral argument is not required, the Court will make its decision based upon the briefs and record submitted.

Very truly yours,


Shirley A. Jameson-Fergel

pc: Laura K. Hensley

LETTER: TO JUDGE BROWN FROM CLAYTON WALKER - WITH ATTACHMENT Page 7 of 9



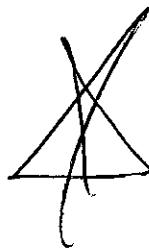
SOUTH DAKOTA
DEPT. OF **LABOR**
& **REGULATION**

LABOR & MANAGEMENT DIVISION

Tel: 605.773.3681 | Fax: 605.773.4211 | sdjobs.org

K-4

August 18, 2020



Notice
of
Without
Prejudice

SENT VIA U.S. MAIL AND ELECTRONIC MAIL TO JB817111@GMAIL.COM

Clayton G. Walker
1736 E. Tallent St., #4
Rapid City, SD 57703

RE: HF No. 70, 2019/20 – Clayton G. Walker v. Freeman's Electric Service, Inc. and
United Fire Group (UFCG)

Dear Mr. Walker:

The Department of Labor & Regulation has received your request for clarification submitted on August 17, 2020. Per the previous letter sent out on August 7, 2020, your workers' compensation claim regarding your June 1, 2019 injury is currently being appealed to the Circuit Court. While it is in the process of being appealed, the Department does not have jurisdiction over any injury that happened on that date.

Following the appeal, if the Circuit Court decides to return jurisdiction to the Department on remand then the original Petition will continue to cover any injuries from the June 1, 2019 date. You cannot file a new petition for the same date of injury.

If you have questions regarding the status of your appeal, please direct those questions to the Circuit Court.

Sincerely,

Michelle M. Faw
Administrative Law Judge

MMF/pas

cc: Laura K. Hensley

123 West Missouri Avenue | Pierre, SD 57501

Appendix 6.

R-5

Seventh Judicial Circuit Court

P.O. Box 230
Rapid City SD 57709-0230
(605) 394-2571

CIRCUIT JUDGES

Craig A. Pfeifle, Presiding Judge
Matthew M. Brown
Jeffrey R. Connolly
Joshua Hendrickson
Robert Gusinsky
Heidi L. Liangren
Robert A. Mandel
Jane Wipf Pfeifle

MAGISTRATE JUDGES

Scott M. Bogue
Todd J. Hyronimus
Sarah Morrison
Marya Tellinghuisen

COURT ADMINISTRATOR

Kristi W. Erdman

STAFF ATTORNEY
Laura Hilt

August 17, 2020

Clayton Walker
1736 Tallent Street #4
Rapid City, SD 57703

Laura K. Hensley
Boyce Law Firm LLP
PO Box 5015
Sioux Falls, SD 57117

Re: 51CIV20-909

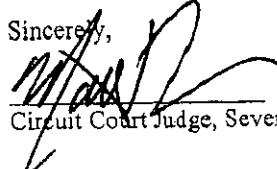
Dear Mr. Walker:

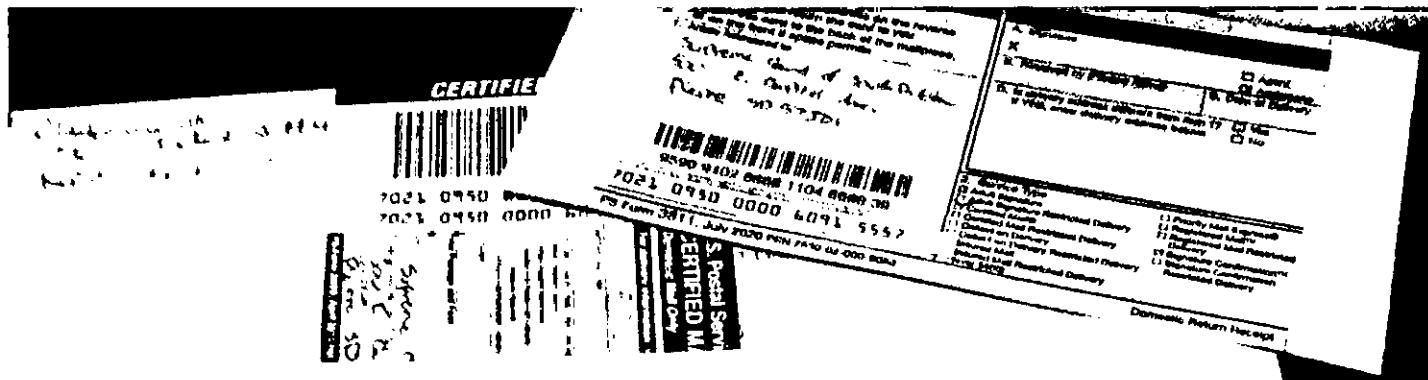
The Court is in receipt of three letters from you which have been filed in this matter. A letter from August 4, 2020 containing a question as to whether there had been a change of judge in this case and a Motion for Oral Argument, a letter of August 12 containing a [Motion for an] Opportunity to be Heard, and a letter of August 13, 2020 regarding your receipt of a letter from the Clerk of Court in Pennington County and a question of when the Court gets a true copy of the record.

To answer your questions I can tell you that there has been no change in judge in file 51CIV20-909. I am and always have been the judge assigned to this matter. I can also tell you that it is the position of United Fire and Freemans Electric that as of July 7, 2020 the case was not ripe for appeal as of that date. You had already filed a notice of appeal before that date and a case was opened but it has been argued there is no action that can be taken by the Court until proper procedures have been followed for this Court to hear an appeal. The Court does not have any information regarding the decision or findings from the Department of Labor.

The Court cannot give you legal advice. You may want to seek legal advice from an attorney who can help you with this situation.

Sincerely,


Kristi W. Erdman
Circuit Court Judge, Seventh Judicial Circuit



Dear Supreme Court of South Dakota

I need a copy of the order
in case # 29601 I will need this
for my writ of
substantial rights vio
State constitutional rights

Please send me
from 29601

Dated this

U

**In the Supreme Court of the
United States**

| | | |
|----------------------------------|---|--|
| Clayton G. Walker, |) | # _____ |
| |) | |
| Plaintiff, Appellant, Petitioner |) | |
| |) | |
| VS. |) | Petition for Review of Substantial Rights |
| |) | |
| Freemans Electric Service Inc., |) | |
| United Fire Group,(UFCS), |) | |
| Defendants, Appellees, and |) | Oral Argument Obligated |
| Respondence. |) | |

Now comes Clayton G. Walker the petitioner to have to court review the Conflicting laws, similar laws, unfair representation of the laws, the Federal Questions presented and all other unconstitutional issues. Walkers rights must be Liberally Construed.

-Must review the case because some items were overlooked at the Supreme Court of South Dakota, I ask to please take Judicial Notice:

1. Relevant evidence was not allowed to be presented at the administrative level/DOL.
2. The Administrative level/DOL didn't follow its own established rules of procedure.
3. SDCLs infringes on Walker's Constitutional Amendments protected by Federal Law.
4. The SDCL are not equal within the same Appeals for Education as they are for work comp cases, they are an infringement on my Constitutional Rights.
5. The SDCL are defective as some overlap, not in plain English and are confusing. Applying Parties adhere to those rules but also in others in SDCL.
6. The Petitioner has Federal and State rights to present evidence and not being able to present evidence is unconstitutional.
7. A Federal Question of Law under "With Prejudice" and Without Prejudice, right to a new hearing.
8. A Federal Question of "Intentional Torts" having Jurisdiction in Federal Court.
9. Walkers' Federal and State Rights have been violated by the DOL, and Circuit Court.

- 10 . Disputable Facts on service must be determined by a jury.
11. Perjury by Defendants Attorney, at the administrative level.
12. The issue of Unpaid Medical Bills must be paid, UFCS speeding up the process.
13. Evidence with certified mail receipt, was misplaced by the clerks.
14. Defendants never asked for MSJ in Circuit Court, Walkers MSJ, and scheduling order was ignored, the Abuse of discretion.
15. The percentage of bills to be paid, that must be determined by a jury. %Amount of Medical Bills paid by UFCS and Extra Insurance.
16. Walkers' rights to use the same court filing system as the Defendants attorneys get to use and research of cases as for searching by topic. Circuit kiosk is limited by # andName
17. The withholding of Walkers' extra insurance he paid for out of his check.
18. Constitutional Rights not protected during the Covid-19 pandemic.
19. Substantial Rights with Current changes from the 2019-2021 legislative Session.
20. The time for Appeal was met, and was disclosed with certificate mail receipt.
21. Is the Federal Law " the supreme law of the land" ?

In these cases, they must be remanded to the authority for further examination, determination under the new rules established by the court, Determined of Federal Questions. Walkers substantial rights must be protected, Justice must fairly and Court must follow its own rules. Walker should not be held to Strick guidelines, kill laws with small windows of opportunity to act must changed. Walker should be able to present his evidence, his dr. Opinions and shouldn't have to suffer in pain, with more litigation.

Relief : grant the review by the court as to do administrative Justice that is fair. Appeals must be heard and determined as other appeals in civil cases.

Dated this 9th Day of January 2022
Clayton G. Walker Clayton G. Walker
Rapid City SD 57703 claytongwalker.com Claytongwalker4sdssenate@gmail.com