

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

OCT 12 2021

*Shirley A. Johnson-Leged*  
Clerk

\* \* \* \*

CLAYTON WALKER,  
Appellant,

vs.

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

ORDER DISMISSING APPEAL

#29601

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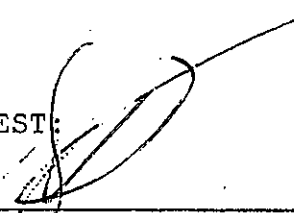
The Court having considered all of the briefs filed in the above-entitled matter, together with the appeal record, and it appearing to the Court that the circuit court lacked jurisdiction over the appeal as a result of Appellant's failure to file a valid notice of appeal with sufficient proof of service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

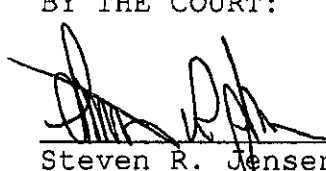
ORDERED that the appeal taken in the above-entitled matter be and it is hereby dismissed for lack of appellate jurisdiction.

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

BY THE COURT:

ATTEST:

  
\_\_\_\_\_  
Clerk of the Supreme Court  
(SEAL)

  
\_\_\_\_\_  
Steven R. Jensen, Chief Justice

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

*Shirley A. Johnson-Legal*  
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 Hill

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: 51 CIV20-000909

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).

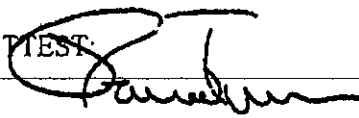
Dated this 3rd day of March 2021.

BY THE COURT:


  
Matthew M. Brown  
Circuit Court Judge

Pennington County, SD  
FILED  
IN CIRCUIT COURT

ATTEST:

  
Ranae Truman  
Clerk of Courts

MAR 03 2021

Ranae Truman, Clerk of Courts  
By  Deputy





Appendix 1

## 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,

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

False I have  
all recordings of  
all communications  
I did meet the date for

I did submitted a timely Appeal  
& can show proof by email, mail  
& recorded conversations

I want this injustice to  
end !!

## Judicial Notice of Due Process

The Court needs to take Notice of my Substantive Rights that is Important to my essential Rights that merits enforcement & protection by the Law. My substantial Rights of due process of the United States Constitution. The due process ~~state~~ 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 31<sup>st</sup> day of Feb. 2022

Clayton G Walker

ClaytonGWalker.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

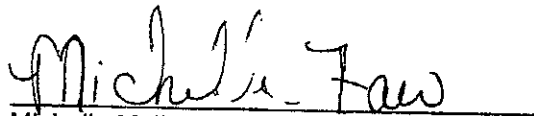
ORDERED that Employer and Insurer's Motion to Quash is GRANTED; and, it is further

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

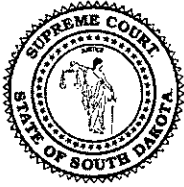
ORDERED that Claimant's Petition for Hearing is dismissed without prejudice.

Dated this 21<sup>st</sup> day of July, 2020.

SOUTH DAKOTA DEPARTMENT OF LABOR & REGULATION

A handwritten signature in cursive script, reading "Michelle M. Faw", is written over a horizontal line.

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

April 19, 2021

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

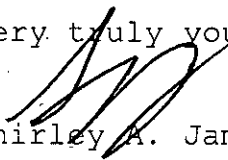
Re: #29585, #29601, Clayton Walker,  
vs. Freeman's Electric  
Service, Inc. and United  
Fire Group (CIV 20-909)

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

August 18, 2020



Notice  
of  
Without  
Prejudice

K-4

**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 (UFCS)

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. Linngren  
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

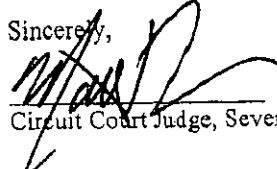
Dear Mr. Walker:

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,



Circuit Court Judge, Seventh Judicial Circuit



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

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

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.

Clayton G. Walker      Dated this 9<sup>th</sup> Day of January 2022  


Rapid City SD 57703      claytongwalker.com      Claytongwalker4sdsenate@gmail.com