

The South Carolina Court of Appeals

Nicholas B. Thompson, Appellant,

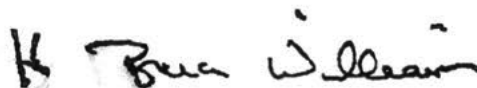
v.

South Carolina Public Employee Benefit Authority,
South Carolina Retirement Systems, Respondent.

Appellate Case No. 2022-001055

ORDER

This appeal arises out of a decision of the Administrative Law Court (ALC). The appellant received the order on appeal on June 29, 2022. The notice of appeal was timely served on counsel for the respondent on July 29, 2022. However, the notice of appeal was not served on the ALC until August 4, 2022, which is more than 30 days after receipt of the decision. Accordingly, the appeal is dismissed. *See* S.C. Code Ann. § 1-23-610(A)(1) (Supp. 2021) ("For judicial review of a final decision of an administrative law judge, a notice of appeal by an aggrieved party must be served and filed with the court of appeals as provided in the South Carolina Appellate Court Rules in civil cases and served on the opposing party and the Administrative Law Court not more than thirty days after the party receives the final decision and order of the administrative law judge."); Rule 203(b)(6), SCACR (stating the notice of appeal shall be served on the agency, the ALC, and all parties of record within thirty days after receipt of the decision); *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) (noting "the requirement of service of the notice of appeal is jurisdictional" and the appellate court "has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice"). The remittitur will be sent as provided by Rule 221(b), SCACR.



, C.J.

FOR THE COURT

FILED
Aug 10 2022

Columbia, South Carolina

cc:

Jack E. Cohoon, Esquire

Melissa Ann Alexander, Esquire

Justin Richard Werner, Esquire