

The South Carolina Court of Appeals

Kenneth Maxwell Pace, Jr., Appellant,

v.

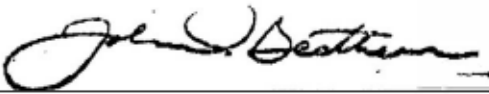
South Carolina Department of Education, Respondent.


Appellate Case No. 2024-001084

ORDER

On July 24, 2024, we dismissed this appeal because Appellant failed to timely serve the notice of appeal on the Administrative Law Court. Appellant has filed a motion to reinstate, which we construe as a petition to rehear the dismissal. Appellant argues that he served the ALC with his notice of appeal via certified mail on June 20, 2024, which was within the thirty-day deadline. However, the proof of service Appellant has attached to his petition states he served the ALC via mail on July 2, 2024. Timely service of the notice of appeal is jurisdictional. *See* Rule 203(b)(6), SCACR ("When a statute allows a decision of the administrative law court or agency . . . to be appealed directly to the Supreme Court or the Court of Appeals, the notice of appeal shall be served on the agency, the administrative law court . . . and all parties of record within thirty (30) days after receipt of the decision."); S.C. Code Ann. § 1-23-610(A)(1) ("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."); *Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) ("Service of the notice of intent to appeal is a jurisdictional requirement, and this Court has no authority to extend or expand the time in which the notice of intent to appeal must be served."). Accordingly, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and the petition for rehearing is thus denied.


_____ J.


_____ J.


_____ J.

Columbia, South Carolina

cc:
Kenneth M. Pace, Jr.
Holly Margaret Hadden, Esquire
The Honorable Crystal Rookard

FILED
Oct 04 2024