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Aug 22 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from the South Carolina Administrative Law Court
The Honorable S. Phillip Lenski, Administrative Law Judge

Appellate Case No: 2025-000799

Kendra Sumter Ford,

Appellant,

vs.

South Carolina Department of Education

Respondent.

MOTION TO DISMISS APPEAL

In an Order dated March 25, 2025, the South Carolina Administrative Law Court affirmed the South Carolina State Board of Education's Order of Suspension in Appellant's case. Appellant subsequently filed a notice of appeal to this Court on April 23, 2025.

Prior to appealing to this Court, Appellant did not make a Motion for Rehearing to the Administrative Law Court. Appellant's failure to make a Motion for Rehearing denied the administrative law judge an opportunity to review and correct any alleged error. Accordingly, Appellant failed to preserve any issue related to the administrative law judge's ruling for further review by this Court.

The South Carolina Administrative Law Court Rules require a motion for rehearing as a prerequisite to filing a notice of appeal from the administrative law judge's decision. See SCALC Rule 40 ("Prior to filing a notice of appeal from the final decision of an administrative law judge, a party must file a motion for rehearing stating with particularity the points supposed to have been overlooked or misapprehended by the Court. A motion for rehearing must be filed within ten (10)

days of receipt of the order.”) This mandate is consistent with other aspects of South Carolina appellate procedure. See Rule 242(c), SCACR (“A decision of the Court of Appeals is not final for the purpose of review by the Supreme Court until the petition for rehearing or reinstatement has been acted on by the Court of Appeals.”); State v. Bailey, 368 S.C. 38, 626 S.E.2d 898 (Ct. App. 2006) (circuit court’s appellate error must be called to its attention by petition for rehearing in order to be preserved for further appellate review); Holly Hill Lumber Co. v. McCoy, 210 S.C. 440, 442, 43 S.E.2d 143, 144 (1947) (holding issue not raised in petition for rehearing is the law of the case, and the question attempted to be raised is res judicata).

“[T]he South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State.” Henning v. Kaye, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992). Appellant’s failure to comply with the applicable appellate procedures precludes review by this Court. The SCDE therefore moves that this Court dismiss Appellant’s case with prejudice.

WHEREFORE, Respondent prays the Court dismiss this appeal due to Appellant’s failure to make a Motion for Rehearing before the South Carolina Administrative Law Court; hold the matter in abeyance pending a ruling on Respondent’s motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,



V. Henry Gunter, Jr.
S.C. Bar No. 102259
849 Learning Lane
West Columbia, SC 29172
(803) 734-8105
ATTORNEY FOR RESPONDENT

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PROOF OF SERVICE

I, V. Henry Gunter, Jr., certify I have served the within Motion to Dismiss Appeal on Appellant by sending two copies of the same to:

Reagan Singletary, Esquire
The Singletary Group, LLC
297 South Metts Street
St. George, SC 29477

I further certify that all parties required by Rule to be served have been served.
This 22nd day of August, 2025.



V. Henry Gunter, Jr.
Deputy General Counsel
South Carolina Department of Education
1429 Senate Street, Suite 1015
Columbia, SC 29201
(803) 734-8105

August 22, 2025

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Kendra Sumter Ford v. SCD
Appellate Case No. 2025-000799

Dear Ms. Kitchings:

Enclosed please find the original Motion to Dismiss, along with proof of service, for filing in the above-referenced appeal.

Sincerely,



V. Henry Gunter
Deputy General Counsel
VHG/ck

Enclosures

cc: Reagan Singletary, Esquire
The Singletary Group, LLC
297 South Metts Street
St. George, SC 29477

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