THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
Administrative Law Court

Honorable Robert L. Reibold, Administrative Law Judge

Appellate Case No. 2025-000839

Austin Bischoff, Appellant,

v.

South Carolina
Department of Education Respondent.

[REPLY] BRIEF OF APPELLANT

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TABLE OF CONTENTS

TABLE OF AUTHORITIES

CASES

STATUTES

OTHER AUTHORITIES

STATEMENT OF ISSUES ON APPEAL

I. DID APPELLANT, MR. BISCHOFF, PROPERLY PRESERVED ALL DUE PROCESS AND EVIDENTIARY CLAIMS BEFORE THE ADMINISTRATIVE LAW COURT, THEREBY BARRING RESPONDENT—THE SOUTH CAROLINA DEPARTMENT OF EDUCATION (SCDE)—FROM RAISING NEW OBJECTIONS FOR THE FIRST TIME ON APPEAL?

II. DID RESPONDENT—THE SOUTH CAROLINA DEPARTMENT OF EDUCATION (SCDE)—VIOLATE STATUTORY NOTICE REQUIREMENTS UNDER S.C. CODE ANN. § 59-25-170 AND FAILED TO PROVIDE CONSTITUTIONALLY ADEQUATE NOTICE AND A MEANINGFUL OPPORTUNITY TO BE HEARD, THEREBY DEPRIVING APPELLANT, MR. BISCHOFF, OF DUE PROCESS?

STATEMENT OF THE CASE

This appeal arises from the decision of the South Carolina Administrative Law Court ("ALC") affirming the suspension of Appellant Austin Bischoff's South Carolina educator certificate by the State Board of Education.

On November 29, 2023, the South Carolina Department of Education (SCDE) notified Mr. Bischoff by regular and certified mail of his right to a hearing regarding the possible suspension of his educator certificate. The SCDE verified Mr. Bischoff's address; the certified letter was returned unclaimed, and the regular mail was not returned. On July 31, 2024, the SCDE notified Mr. Bischoff by regular mail that the State Board would consider action against his certificate on August 13, 2024, or as soon thereafter as feasible. Mr. Bischoff did not request a hearing and was deemed in default under South Carolina Rules of Civil Procedure 5(b) (R. p. 5).

The State Board convened on September 3, 2024, and, after considering the evidence, voted to suspend Mr. Bischoff's educator certificate for two years, effective September 3, 2024, through September 2, 2026 (R. p. 5).

Mr. Bischoff timely appealed to the Administrative Law Court ("ALC") on October 3, 2024, challenging the suspension. The ALC assigned the matter on October 7, 2024, and the South

Carolina Department of Education filed the Record on Appeal on October 11, 2024 (R. p. 1). Due to complications from Hurricane Helene, Mr. Bischoff received the Record on Appeal on October 31, 2024 (R. p. 61). On November 7, 2024, Mr. Bischoff requested and was granted an extension to file his brief, moving the deadline to December 9, 2024. On that date, Mr. Bischoff filed his initial brief and a Motion to Supplement the Record on Appeal (R. p. 1), asserting he had not had an opportunity to submit evidence before the State Board's decision (R. pp. 30, 61). The South Carolina Department of Education did not respond to the motion but filed its brief on January 3, 2025. Mr. Bischoff filed his reply brief on January 13, 2025 (R. pp. 1-2).

On January 21, 2025, the Administrative Law Court granted Mr. Bischoff's motion to supplement the record and offered the South Carolina Department of Education an opportunity to amend its brief; the Department declined (R. p. 8). On March 6, 2025, in the Final Order and Decision, after review of the parties' submissions and arguments, the Administrative Law Court issued an Order affirming the State Board's suspension of Mr. Bischoff's certificate (R. pp. 8, 16). Mr. Bischoff filed a Motion for Rehearing on March 17, 2025 (R. p. 44). As of the date of this brief, the Department has not responded to the motion (R. p. 19). Following the denial of Mr. Bischoff's Petition for Rehearing by the Administrative Law Court, Mr. Bischoff subsequently filed a notice of appeal to this Court (the South Carolina Court of Appeals) on April 29, 2025. Due to the deficiencies, the court filing of the Notice of Appeal with the South Carolina Court of Appeals was officially filed electronically by Mr. Bischoff on May 12, 2025. On May 28, 2025, Mr. Bischoff received a copy of an email from the Honorable Jenny A. Kitchings (Clerk), South Carolina Court of Appeals, via regular mail, informing him that Holly M. Hadden, the Assistant General Counsel, who represented the South Carolina Department of Education (South Carolina Board of Education) in the Administrative Law Court appeal, has left the South Carolina Department of Education and is now employed by another state agency and that V. Henry Gunter

is the new counsel of record who will be representing the South Carolina Board of Education in this matter. On June 13, 2025, Mr. Bischoff received a letter notifying him that he has 30 days from the date of the letter (June 13, 2025) to file his initial brief or the appeal will be dismissed with the South Carolina Court of Appeals. On June 16, 2025, Mr. Bischoff received the official Motion for Substitution of Counsel letter via regular mail from the Honorable Jenny A. Kitchings (Clerk). The appellant filed his Initial Appellant Brief on July 14, 2025. Due to the Respondent failing to file Initial Respondent Brief within the 30-day allotted time prescribed, the Respondent filed a Motion to File Extension Request Out of Time and Motion for First Extension of Time on August 29, 2025. Respondent filed their Initial Respondent Brief on September 26, 2025.

Mr. Bischoff now appeals the final order and decision of the Administrative Law Court to the South Carolina Court of Appeals, which affirmed the South Carolina Department of Education's suspension of Mr. Bischoff's educator certification. Mr. Bischoff is appealing to the South Carolina Court of Appeals pursuant to S.C. Code Ann. § 1-23-610 and S.C. Code Ann. § 59-25-260.

STANDARD OF REVIEW

The standard of review for questions of law, including whether The South Carolina Department of Education's notice satisfies constitutional due process as well as whether the Administrative Law Court properly interpreted and applied the law, is de novo. Jones v. Flowers, 547 U.S. 220, 226 (2006), Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950), U.S. Constitution Amendment V, U.S. Constitution Amendment XIV, § 1, S.C. Code Ann. § 59-25-170 (2024), S.C. Code Ann. § 59-25-200 (2024), the South Carolina Administrative Procedures Act, S.C. Code Ann. § 1-23-310 et seq., and the Board's BCAF Procedures § 4(C).

ARGUMENTS

I. THE APPELLANT, MR. BISCHOFF, PROPERLY PRESERVED ALL DUE PROCESS AND EVIDENTIARY CLAIMS, AND RESPONDENT – THE SOUTH CAROLINA DEPARTMENT OF EDUCATION (SCDE) – ATTEMPT TO RAISE NEW OBJECTIONS ON APPEAL IS PROCEDURALLY BARRED.

A. The Appellant, Mr. Bischoff, raised the United States Postal Service (USPS) misdelivery issue and supporting documentation before the Administrative Law Court (ALC) (R. pp. 1, 30-31), and the Respondent, the South Carolina Department of Education (SCDE), failed to object or preserve any challenge to their inclusion (R. pp. 1, 8, 14, 30-31).

Respondent's central claim is that Appellant's arguments concerning United States Postal Service (USPS) misdelivery and supporting documentation were not preserved for appellate review. This argument fails both in fact and law.

- Appellant raised the issue of certified mail misdelivery, alongside broader due process concerns, in his initial brief before the Administrative Law Court (ALC) under the section "Mishandling of Certified Mail by the United States Postal Service and Fraudulent Actions by the South Carolina Department of Education" (SCDE) (R. pp. 71-73).

- Appellant filed his initial brief and a Motion to Supplement the Record on Appeal on the same day, December 9, 2024, seeking inclusion of USPS correspondence and other relevant documents (R. pp. 1, 30-43).

- The Administrative Law Court granted Appellant's motion to supplement the record with the USPS letter and other documents, without objection from Respondent (R. pp. 1-2). Judge Reibold's Final Order explicitly considered the risk of misdelivery and referenced the USPS documentation (R. p. 15).

- Under Wilder Corp. v. Wilkie, 330 S.C. 71 (1998), and Buist v. Buist, 410 S.C. 569 (2013), issues raised and ruled upon at lower levels are preserved for appellate review.

The letter from the USPS authored by Howard Brown (R. p. 42) was never contested by the Respondent, the SCDE, within the ALC as a document that should be excluded from review. When the Appellant filed a Motion to Supplement the Record, counsel for the South Carolina Department of Education (SCDE) did not oppose the motion. After Judge Reibold granted that motion, counsel for the Department had a full opportunity to amend their brief to assert that the letter should be excluded from appellate consideration. They declined to do so.

As a result, the Department's current claim that the USPS letter should not be preserved for appellate review constitutes an error of preservation. The argument was not raised in the ALC, and Respondent is improperly attempting to raise it for the first time before the South Carolina Court of Appeals. While preparing their Respondent Brief in the ALC, the Department also had ample opportunity to challenge the authenticity of the USPS letter or the accuracy of the Appellant's information that prompted its issuance.

"It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial judge to be preserved for appellate review." Wilder Corp. v. Wilkie, 330 S.C. 71, 76, 497 S.E.2d 731,734 (1998). See also Buist v. Buist, 410 S.C. 569, 574, 766 S.E.2d 381, 382 (2013) ("It is well settled that an issue cannot be raised for the first time on appeal, but must have been raised to, and ruled upon by the trial court to be preserved."). Judge Reibold expressly provided the Department an opportunity to amend its Respondent Brief after granting the Motion to Supplement the Record, yet they chose not to amend their brief or oppose the motion. The issue therefore should not be considered by the Court of Appeals (R. p. 2).

Respondent further contends that "Appellant's legal counsel filed a Motion for Rehearing that focused exclusively on the argument that all notice letters were sent to the Aiken, SC address and that Appellant updated his address in SC Educator before December 2, 2023. Appellant did not present the USPS documentation or make any related arguments in his Motion for Rehearing." In making this assertion, Respondent erred. The statement refers to the Motion to Supplement the Record on Appeal, not a Motion for Rehearing.

Judge Reibold's January 21, 2025 Order granting the Motion to Supplement the Record makes the facts clear:

On December 9, 2024, Appellant filed his initial brief and a Motion to Supplement the Record on Appeal. The motion included the documents proposed for inclusion: Appellant's employee evaluations for 2019/2020 and 2020/2021, an undated letter from Dr. Lindsey Ott, and a December 4, 2024 letter to Appellant from Howard Brown, U.S. Postal Service Consumer Affairs Manager. Additionally, Appellant filed with the motion a Proof of Service, certifying he served the motion upon the Department by U.S. Mail on December 9, 2024. As of the date of this Order, the Court has received no response to the motion from the Department…

…As recited above, Appellant served his motion upon the Department on December 9, 2024, and over 37 days have passed without the Department filing a response in any fashion. Therefore, as permitted by SCALC Rule 34(B), the absence of a response by the Department is deemed consent to Appellant's motion, and the offered documents are accepted as part of the record on appeal…

Finally, the Court observes that Appellant has already made reference in his initial brief to the supplementary items, so granting the motion will not require a new brief from Appellant. However, the Department filed its brief prior to the ruling and will be afforded an opportunity to amend it.

These opportunities to amend are permissive, not mandatory, and if no amended brief is filed, the Court will rely on briefs filed prior to the issuance of this Order (R. pp. 1-2).

Judge Reibold's own words directly contradict the Respondent's argument and confirm that the Department failed to preserve this issue in the proper forum.

Given this undisputed procedural posture and record, it is axiomatic that the USPS evidence was both properly admitted and considered, and that Respondent's failure to timely object constitutes a waiver of this argument. This foundation underscores the Respondent's attempt to raise preservation issues for the first time on appeal.

B. Respondent—the South Carolina Department of Education (SCDE)—engaged in improper mailing practices and omitted United States Postal Service (USPS) records, violating due process and precluding timely review.

Respondent asserts in their Respondent Brief to the Court of Appeals that "Appellant failed to present the argument and related evidence to the State Board of Education and did not raise the argument at the initial briefing stage at the Administrative Law Court." This assertion misrepresents the procedural record and ignores the South Carolina Department of Education's (SCDE) failure to properly execute and document its certified mailing—failures that obscured critical facts and delayed full scrutiny of the issue, despite Appellant raising it in his initial brief.

Appellant did not receive notification of his suspended educator certification until September 5, 2024. Appellant only had until September 13, 2024 to find a lawyer and file the Motion to Reconsider. Mr. Bischoff did not have ample time to identify the reason for not receiving the notices and contact the USPS for proof that the notices were misdelivered. Due to Mr. Bischoff not receiving those notices and only learning of the suspension of his educator certification after the Order of Suspension was received on September 5, 2024, he was unable to include the letter

from Howard Brown, the Consumer Affairs Manager for USPS, until after Mr. Bischoff filed the Notice of Appeal within the Administrative Law Court as a pro se Appellant.

Appellant explicitly addressed concerns about certified mail misdelivery and broader due process violations in his initial brief before the Administrative Law Court, under the section titled "Mishandling of Certified Mail by the United States Postal Service and Fraudulent Actions by the South Carolina Department of Education" (R. pp. 71-73). On the same day—December 9, 2024—Appellant filed a Motion to Supplement the Record on Appeal, seeking inclusion of USPS correspondence and related documentation to support these claims (R. pp. 30-43).

The certified letter dated November 29, 2023, was mislabeled "Restricted Delivery" in bold text, yet SCDE failed to use restricted delivery service. USPS tracking data, included on page 18 of the Record on Appeal filed within the Administrative Law Court, confirms that the letter was sent as standard certified mail (R. pp. 94, 97). Critically, SCDE omitted the Product Information section of the USPS receipt, which would have definitively shown that restricted delivery was not used. SCDE's representation on page 16 of the Record on Appeal, filed within the Administrative Law Court—that the letter was sent with restricted delivery—is therefore demonstrably false (R. p. 94).

United States Postal Service (USPS) regulations require restricted certified mail to be signed for by the addressee or an authorized agent who must present identification upon delivery. These safeguards ensure that sensitive communications are delivered securely to the intended recipient. Such procedures were not followed with the November 29, 2023, letter, and the South Carolina Department of Education received receipts indicating the absence of restricted delivery at the time of mailing (R.pp. 94, 97).

Had SCDE followed proper mailing procedures and used restricted delivery as claimed, Appellant would not have been forced to independently contact USPS to obtain the omitted documentation after his educator certification was suspended and after Appellant's legal counsel first filed the Motion to Reconsider on September 13, 2024. Nor would this issue have been concealed from the State Board of Education, which Respondent now alleges was "precluded" from reviewing the argument. Instead, it was SCDE's improper mailing practices—and subsequent omission of critical USPS records—that hindered timely and full scrutiny of the notice's authenticity and compliance with due process.

This failure is especially consequential under Jones v. Flowers, 547 U.S. 220, 226 (2006), which mandates that notice procedures be reasonably calculated to reach the intended recipient. SCDE's misrepresentations and incomplete documentation prevented proper assessment of constitutionally adequate notice and cannot be excused as procedural failings on Appellant's part.

C. The Respondent, the South Carolina Department of Education (SCDE), failed to identify and document the public record search system used below and should be precluded from referencing LexisNexis or any specific search engine before this Court.

While Appellant acknowledges that the Respondent, the South Carolina Department of Education, has referenced conducting a public record search, the Department has never identified the specific name or nature of the public record search system (LexisNexis) utilized. Moreover, the Respondent has failed to provide any documented evidence within the Record on Appeal demonstrating that such a search was conducted using LexisNexis. Due to this absence of documentation and specificity, the Department should be precluded from referencing or relying upon any specific public record search engine or system before this Court. Without clear

identification and record support, such claims lack proper evidentiary foundation and should not influence the appellate consideration.

II. THE RESPONDENT, THE SOUTH CAROLINA DEPARTMENT OF EDUCATION (SCDE), FAILED TO PROVIDE CONSTITUTIONALLY ADEQUATE NOTICE AND A MEANINGFUL OPPORTUNITY TO BE HEARD, VIOLATING BOTH STATUTORY AND DUE PROCESS REQUIREMENTS.

A. Respondent—the South Carolina Department of Education (SCDE)—violated both the statutory notice requirements of S.C. Code Ann. § 59-25-170 (2024) and the constitutional guarantees of due process.

Respondent cites S.C. Code Ann. § 59-25-170 (2024) to argue that procedural due process in administrative hearings does not require technical precision, and that the statute merely requires written notice and an opportunity for hearing. While it is true that administrative proceedings are not bound by rigid formalities, the statute itself imposes a substantive obligation: "[n]o person's certificate may be either revoked or suspended unless written notice specifying the cause for either the revocation or suspension has been given to the person by the State Board of Education and a hearing has been afforded such person."

This statutory language does not permit constructive notice, presumed delivery, or reliance on unverified mailings. It requires actual notice—delivered to the correct person at the correct address—and a genuine opportunity to be heard. The South Carolina Department of Education (SCDE) failed to meet this standard. The certified letter dated November 29, 2023, was misdelivered to an outdated address in Aiken, South Carolina, and signed for by an unknown third party (R. p. 43). SCDE had actual knowledge of Appellant's correct address in Grovetown, Georgia, yet failed to take corrective action after learning of the misdelivery. This failure deprived

Appellant of both the statutory notice and the opportunity for hearing required under S.C. Code Ann. § 59-25-170 (2024).

Moreover, Respondent's reliance on In re Vora, 354 S.C. 590, 595, 582 S.E.2d 413, 416 (2003), to suggest that due process requirements are flexible, does not absolve SCDE of its constitutional obligations. Even under In re Vora's standard, an administrative proceeding must include: "(1) adequate notice; (2) adequate opportunity for hearing; (3) the right to introduce evidence; (4) the right to confront and cross-examine witnesses." Id. SCDE's misdelivery, failure to use restricted delivery as claimed, and omission of key USPS documentation undermined the adequacy of notice and the opportunity for hearing. These are not mere technical oversights—they are substantive failures that violate both statutory and constitutional due process.

Under Jones v. Flowers, 547 U.S. 220, 226 (2006), when the government learns that notice likely failed, it must do more than rely on unreturned mail. SCDE's refusal to re-mail the notice, verify delivery, or use alternative methods—despite actual knowledge of misdelivery—constitutes a constitutional deficiency. The agency's reliance on presumed delivery and post hoc justification through the July 31, 2024 letter cannot cure the original defect.

In sum, S.C. Code Ann. § 59-25-170 (2024) requires more than a mailed envelope—it requires meaningful notice and a real opportunity to be heard. SCDE's actions fell short of both statutory and constitutional standards, and Respondent's reliance on flexible administrative norms cannot excuse these failures.

B. Respondent—the South Carolina Department of Education (SCDE)—engaged in misdelivery and flawed mailing practices that deprived Appellant, Mr. Bischoff, of proper notice and violated the integrity of the due process requirement.

The November 29, 2023, notice's only official proof of mailing and delivery is found in the tracking receipt for the certified letter, which indicates it was erroneously delivered to an address in Aiken, South Carolina, rather than the intended Grovetown, Georgia address (R. pp. 43, 94, 97). This inconsistency between the labeled destination and actual delivery location calls into question the South Carolina Department of Education's assertion that the simultaneously mailed certified and regular mail notices were sent correctly to the Grovetown address. The certified mail's conflicting delivery information reasonably raises the possibility that the regular mail notice—sent at the same time—was likewise misaddressed to Aiken. This concern was expressly noted by the Honorable Judge Reibold in the Administrative Law Court's Final Order and Decision: "The fact that the address on the initial notice letter sent by certified mail reflected a Georgia address but was nevertheless delivered to Aiken does raise the possibility that the initial notice sent by regular mail was also placed in an envelope with the Aiken address" (R. p. 15). Given these facts, it is reasonable and appropriate to conclude the notice was not reasonably calculated under all circumstances to reach the intended recipient. Once the South Carolina Department of Education became aware that the certified mail was delivered improperly to the Aiken address, it bore the obligation to take further corrective steps to ensure that both certified and regular mail notices were resent to the verified Grovetown address. Moreover, the Department should have taken proactive action to resend the November 29, 2023, notice to the Appellant's correct address, ensuring proper constitutional receipt.

C. The July 31, 2024, letter did not cure the original notice defect and fails to satisfy constitutional due process. Respondent—the South Carolina Department of Education (SCDE)—engaged in flawed mailing practices and misdelivery of certified and regular mail notices, undermining the integrity of the notice process.

Respondent's reliance on the July 31, 2024, letter as evidence of constitutionally sufficient notice is misplaced. That letter was not a formal notice of Appellant's right to a hearing—it was a follow-up communication referencing prior, failed attempts to notify (R. p. 96). Its language, delivery method, and timing confirm that it was not intended to initiate or inform Appellant of his procedural rights, but rather to justify the Department's prior actions.

The letter states:

"This letter is in follow up to the other certified mail letter we have tried to bring to your attention, in an effort to make you aware of your rights and afford you due process…"

"You have been notified that, under state law, you are entitled to a hearing in this matter… Your failure to accept the certified mail and/or respond to the notification sent to you by U.S. Regular Mail is considered a waiver of your right to a hearing" (R. p. 96).

This language presumes that valid notice had already occurred. It does not inform Appellant of his right to request a hearing, nor does it provide a deadline, procedural instructions, or any indication that the opportunity to be heard remained open. Instead, it asserts that Appellant's rights had already been waived—a conclusion that cannot stand when the underlying notice was constitutionally defective.

Notably, Respondent—the South Carolina Department of Education—has itself drawn a clear distinction between the operative notice and the July 31 letter. In the Respondent's Brief's Statement of the Case, Respondent acknowledged that "[o]n November 29, 2023, Appellant was notified of the allegations and his due process right to a hearing," thereby identifying that date as the relevant point of notice. In contrast, Respondent characterized the July 31 communication merely as a "subsequent notice letter informing Appellant that, because he failed to request a

hearing, the matter would be presented to the State Board of Education on August 13, 2024, or as soon thereafter as feasible." This admission confirms that the July 31 letter was not intended to serve as constitutionally sufficient notice of hearing rights, but rather as an administrative follow-up premised on an alleged failure to respond. It is therefore incongruous for Respondent to now assert that the July 31 letter provided adequate notice, when its own briefing concedes that it did not. Such a position is not only internally inconsistent—it underscores the constitutional infirmity at the heart of this case.

Additionally, SCDE's decision to send the July 31, 2024, follow-up letter via regular mail to the Appellant's outdated address—despite its prior claim that it had verified Appellant's correct address in Grovetown, Georgia—further undermines the validity of its notice (R. pp. 5, 96). In 2023, SCDE asserted that it had confirmed the Grovetown address and used it to send the initial notice via certified and regular mail. However, USPS records show that the certified mail was signed for by an unknown third party at the Aiken, South Carolina, address (R. p. 43). The regular mail, lacking tracking or confirmation, was likely discarded or ignored by the same unintended recipient. This risk was acknowledged by the Honorable Judge Reibold in the Final Order and Decision:

"The fact that the address on the initial notice letter sent by certified mail reflected a Georgia address but was nevertheless delivered to Aiken does raise the possibility that the initial notice sent by regular mail was also placed in an envelope with the Aiken address" (R. p. 15).

That same risk of misdelivery persisted in 2024, when SCDE again sent the July 31 letter to the outdated Aiken address—despite having actual knowledge of Appellant's correct location (R. p. 96) SCDE's failure to reconcile conflicting address records, despite access to its internal

database and public record searches, and its choice not to use restricted delivery, despite bolded claims to the contrary, renders its reliance on the July 31 letter constitutionally insufficient.

SCDE's misdelivery is not a mere administrative oversight - it is a constitutional failure. The agency had actual knowledge of Appellant's correct address in Grovetown, GA, yet deliberately mailed a critical notice to an outdated Aiken, SC address, where it was signed for by an unknown third party (R. pp. 43, 94, 97). This conduct violates the due process standard set forth in Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950), which requires that notice be "reasonably calculated" to reach the intended recipient. SCDE's failure to reconcile conflicting address records — including its own database and a public records search — and its decision to send the letter without restricted delivery, despite bolded claims to the contrary, demonstrate a reckless disregard for procedural fairness. Under Mathews v. Eldridge, 424 U.S. 319, 335 (1976), due process demands safeguards that minimize the risk of erroneous deprivation. SCDE's actions did the opposite. They undermined Appellant's right to be heard and violated the spirit and letter of South Carolina's procedural norms, including Rule 5 of the South Carolina Rules of Civil Procedure, which presumes service must be executed with diligence and accuracy. When the government possesses conflicting address data and clear evidence of misdelivery, it is constitutionally obligated to act — not to ignore, deflect, or delay.

Under Jones v. Flowers, 547 U.S. 220, 226 (2006), when the government learns that notice likely failed, it must do more than rely on unreturned mail. Therefore, the SCDE's failure to re-mail to the correct address, use restricted delivery, or employ alternative methods constitutes a constitutional deficiency. The July 31, 2024, letter, sent under these circumstances and framed as a post hoc justification, cannot be construed as a valid notice of Appellant's right to a hearing based on the constitutional deficiency and the contents within the letter itself.

D. Respondent—the South Carolina Department of Education (SCDE)—failed to correct known misdelivery, thereby violating its constitutional duty; the presumption of delivery has been rebutted by the record.

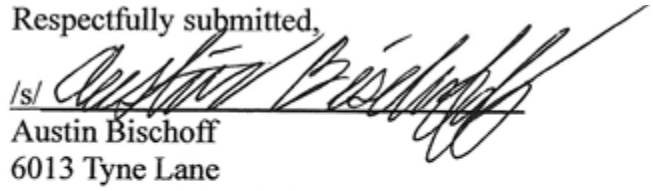
Once the South Carolina Department of Education received confirmation of misdelivery, it had a constitutional obligation under Jones v. Flowers, 547 U.S. 220, 226 (2006), to take proactive, corrective measures—such as re-mailing notices to the correct address, employing restricted delivery, or using alternative means—to ensure that Appellant received proper notice. The Department's failure to act and reliance on presumed delivery, absent any returned mail, demonstrate a blatant disregard for due process protections.

The presumption of delivery based solely on the absence of returned mail is rebutted in this case by both judicial findings and factual evidence, including the certified letter's misdelivery to an unknown third party at an outdated address. Therefore, it is reasonable and constitutionally necessary to conclude that the notice did not reach the Appellant as required.

CONCLUSION

The South Carolina Department of Education's efforts to provide notice were constitutionally and procedurally deficient. The agency's reliance on presumed delivery and failure to take corrective action following actual knowledge of misdelivery deprived Appellant of due process. All relevant arguments and supporting evidence were raised timely, admitted into the record, and are preserved for appellate review. Respondent's mischaracterizations and reliance on undocumented procedures fail to overcome these constitutional and statutory deficiencies. The record confirms misdelivery, procedural failures, and a lack of constitutionally sufficient notice. Appellant was deprived of a meaningful opportunity to be heard, and Respondents' defenses are unsupported by the record, contrary to established law. For these reasons, Appellant respectfully requests that the Court reverse the Administrative Law Court's decision and find that valid notice and an opportunity to be heard were not afforded in this matter. Moreover, Appellant respectfully requests that the court reverse the decision of the Administrative Law Court and reinstate the Appellant's educator certification.

Respectfully submitted,



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October 16, 2025