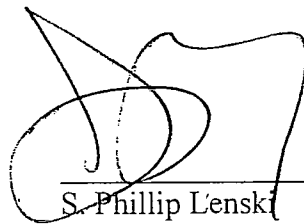


included a fax cover sheet dated November 8, 2013. However, the Notice of Appeal was addressed to the Department. The court's address did not appear anywhere on the Notice of Appeal. Furthermore, the Notice of Appeal is presented in the form of a letter and it is not readily apparent that the document is a Notice of Appeal. Finally, the only information included on the fax cover sheet is that it is addressed to "Susan Jana" and is from Cassandra Williams. The lack of information included with the Appellant's fax lead to a delay in the court's response to the Appellant. The court sent a memorandum to the Appellant on December 5, 2013 informing her that the court does not accept faxes documents to be filed with the court. Upon receiving the court's memorandum, the Appellant mailed her Notice of Appeal to the court on December 9, 2013. Because the court does not accept faxes as documents to be filed with the court, the actual date of filing for the Appellant's Notice of Appeal with the court is December 9, 2013. December 9, 2013 is not within thirty days from the date that the Department's decision was mailed to the Appellant.

Timely filing and service of a notice of appeal is a jurisdictional requirement and this court does not have the authority to extend or expand the time for filing such appeal. See *Mears v. Mears*, 287 S.C. 168, 337 S.E.2d 206 (1985); *State v. Brown*, 344 S.C. 302, 543 S.E.2d 568 (Ct. App. 2001). Because the Appellant failed to timely file her appeal, this court does not have jurisdiction to hear it. Pursuant to the Department's motion, this court concludes that this matter must be dismissed.

IT IS THEREFORE ORDERED that this appeal is **DISMISSED**.

AND IT IS SO ORDERED.



S. Phillip Lenski

Administrative Law Judge

February 28, 2014
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Leah E. Garland, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).

Leah Garland

Leah E. Garland
Law Clerk

February 20, 2014
Columbia, South Carolina

FILED

FEB 20 2014

SC ADMIN. LAW COURT