

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

Appeal from South Carolina Administrative Law Court

S. Phillip Lenski, Administrative Law Judge

Docket Number. 13-ALJ-22-0588-AP

Cassandra D. Williams

Appellant.

v.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT,
South Carolina Department of Employment
and Workforce and City of Columbia

Respondent(s).

Notice of Appeal

Cassandra D. Williams (Appellant) appeals the order of the Honorable S. Phillip Lenski dated March 28, 2014. Appellant received written notice of entry of this order on March 31, 2014.

April 28, 2014

Cassandra D. Williams
116 Summerhill Dr,
Columbia, South Carolina 29203
(803)673-2072
Appellant pro se

W. Allen Nickle, III
1122 Lady St, Suite 260
South Carolina 29201
Attorney for City of Columbia (Respondent)
(803) 779-8080

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SC Court of Appeals

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 E. Garland
Judicial Law Clerk

March 28, 2014
Columbia, South Carolina

FILED

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**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Cassandra Williams,)	Docket No. 13-ALJ-22-0588-AP
)	
Appellant,)	
)	
v.)	ORDER OF DISMISSAL
)	
South Carolina Department of Employment)	
and Workforce and City of Columbia,)	
)	
Respondents.)	
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This matter is before the court on the appeal of Cassandra Williams (Appellant) filed on December 9, 2013. On January 27, 2014, the South Carolina Department of Employment and Workforce (Department) filed a Special and Limited Appearance and Motion to Dismiss. The Department cited S.C. Code Ann. § 41-35-750 and ALC Rule 33 which provide that an appeal must be filed within thirty (30) days from the date of mailing of the final decision of the Department. The Department attached its Appellate Panel Decision as Exhibit A to its Motion, showing that the decision was mailed on October 17, 2013. Because the Department's decision was mailed on October 17, 2013, the date for perfecting an appeal from the decision was November 18, 2013. Pursuant to the Notice of Assignment, the Appellant filed her Notice of Appeal on December 9, 2013 which is beyond the November 18, 2013 date for perfecting her appeal.

On February 4, 2014, the Appellant filed a Response to the Department's Motion to Dismiss. The Appellant claims that she filed and served her Notice of Appeal on November 8, 2013. Specifically, she claims that she faxed the Notice of Appeal to the court and mailed copies to the Department. The Appellant attached an affidavit by Shawn V. Farris attesting that the Appellant faxed the documents to the court on November 8, 2013. The Appellant also included a fax verification sheet showing that she successfully sent a fax to the court on November 8, 2013.

In reviewing the file, it appears that the Appellant did fax a copy of her Notice of Appeal to the court on November 8, 2013. The Notice of Appeal is dated November 8, 2013 and the fax information at the top of the page has a date stamp of November 8, 2013. The Appellant also

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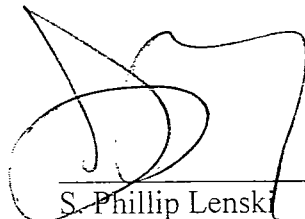
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included a fax cover sheet dated November 8, 2013. However, the Notice of Appeal was addressed to the Department. The court's address did not appear anywhere on the Notice of Appeal. Furthermore, the Notice of Appeal is presented in the form of a letter 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

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SC ADMIN. LAW COURT

THE STATE OF SOUTH CAROLINA

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Appeal from South Carolina Administrative Law Court

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ADMINISTRATIVE LAW COURT,
South Carolina Department of Employment
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Respondent(s).

Proof of Service

I certify that I have served the Notice of Appeal, Order of Dismissal and Order Denying the Motion to Reconsider Order Dismissing Appeal on Respondent(s) STATE OF SOUTH CAROLINA ADMINISTRATIVE LAW COURT, South Carolina Department of Employment and Workforce and the City of Columbia by depositing a copy of it in the United States Mail, postage prepaid, on April 28, 2014 addressed to S.C. Administrative Law Court Edgar A. Brown Building 1205 Pendleton St, Ste 224 Columbia, SC 29201, S.C. Department of Employment and Workforce Post Office Box 8597 Columbia, SC 29202, W.Allen Nickle, III 1122 Lady St, Suite 610 Columbia, SC 29201

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