

**FILED**

MAR 03 2016

**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

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**SC ADMIN. LAW COURT**

Guanna McCormick,

APR 03 2016

Docket No.: 15-ALJ-22-0584-AP

Appellant, **SC Court of Appeals**

**ORDER GRANTING  
MOTION TO DISMISS**

vs.

South Carolina Department of Employment  
and Workforce,

Respondent.

This matter is before the South Carolina Administrative Law Court (“the ALC” or “the Court”) pursuant to a Notice of Appeal filed by Guanna McCormick (“Appellant”) on November 16, 2015, seeking judicial review of a final decision rendered by the South Carolina Department of Employment and Workforce’s (“the Department’s” or “Respondent’s”) Appellate Panel. The case was assigned to the undersigned on January 7, 2016, and an Order Governing Procedure was mailed to the parties the same day. Subsequently, on January 27, 2016, the Department filed a motion requesting that the appeal be dismissed pursuant to ALC Rule 33. Specifically, the Department alleges Appellant failed to timely serve the Notice of Appeal in this matter and, therefore, this Court lacks jurisdiction over this appeal. On February 6, 2016, Appellant filed a response to the Department’s motion arguing that she filed paperwork each time she was asked.

ALC Rule 33 provides in part that:

In appeals from decisions of the Department of Employment and Workforce, the notice of appeal must be filed and served within thirty (30) days of the date of the decision of the Department of Employment and Workforce Appellate Panel.<sup>1</sup>

In this case, the final decision of the Department’s Appellate Panel was mailed to Appellant on October 27, 2015. Pursuant to ALC Rule 33, Appellant’s Notice of Appeal must have been filed with the Court and served upon the Department no later than November 26, 2015. Appellant timely filed her appeal with the Court on November 16, 2015. However, the Notice contained no proof of service. Following a memorandum to that effect issued to Appellant by the ALC Clerk’s

<sup>1</sup> This rule is consistent with timeframes set forth by section 41-35-750 of the South Carolina Code (Supp. 2015).

