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**FORM 14
DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

RECEIVED

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

JUN 27 2016

SC Court of Appeals

APPEAL FROM SOUTH CAROLINA
Administrative Law Court

Jana E. Shealy, Administrative Law Judge

Case No. 2016-000723

South Carolina Department of
Employment and Workforce,

Respondent,

v.

Guanna McCormick,

Appellant.

**DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

1. Order of March 3, 2016;
2. Letter stating "No transcript for proceeding" May 6, 2016;
3. Motion for Late Filing May 11, 2016;
4. Certificates of Service March 31, 2016;
5. Proof of Service of a Notice of Appeal June 22, 2016;
6. Letter to the Appellate Court Clerk filing Notice of Appeal June 22, 2016;

I certify that this designation contains no matter which is irrelevant to this appeal.

June 22, 2016

Guanna McCormick
176 Clydes Loop Road
Chesterfield SC 29709

FILED

MAR 03 2016

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

SC ADMIN. LAW COURT

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

RECEIVED

JUN 27 2016

SC Court of Appeals

Guanna McCormick,)
)
 Appellant,)
)
 vs.)
)
 South Carolina Department of Employment)
 and Workforce,)
)
 Respondent.)

**ORDER GRANTING
MOTION TO DISMISS**

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.¹

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

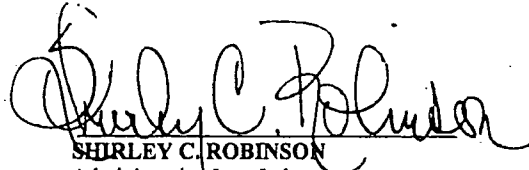
¹ This rule is consistent with timeframes set forth by section 41-35-750 of the South Carolina Code (Supp. 2015).

Office, Appellant supplied proof of service on December 19, 2015, after the expiration of the jurisdictional deadline. Appellant indicated on the Proof of Service form that on November 30, 2016, she served the Department with a copy of the Appellate Panel Decision, not the Notice of Appeal, which the Department denies ever receiving.

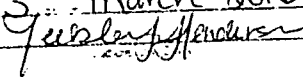
Pursuant to ALC Rule 38, an Administrative Law Judge may dismiss an appeal for failure to comply with the rules of procedure for appeals. Moreover, the South Carolina Supreme Court has determined that service of the notice of appeal upon the agency within the time period defined by statutory law is an appellate jurisdictional requirement that may not be waived by the Court. See Allison v. W.L. Gore & Assocs., 394 S.C. 185, 188-89, 714 S.E. 547, 549-50 (2011). See also, Thomas E. Skinner v. Westinghouse Electric Corp., 380 S.C. 91, 668 S.E.2d 795 (2008); Elam v. S.C. Dept. of Transp., 361 S.C. 9, 602 S.E.2d 772 (2004) ("If a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice."). Because Appellant did not serve the Notice of Appeal as required by statute and the ALC rule cited above, this Court lacks jurisdiction over this appeal.

IT IS THEREFORE ORDERED that the Department's Motion to Dismiss is **GRANTED** and this appeal is **DISMISSED**.

AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

March 3rd, 2016
Columbia, South Carolina

3 March 2016


STATE OF SOUTH CAROLINA
Administrative Law Court

Ralph K. Anderson, III
Chief Judge

Jana E. Cox Shealy
Clerk



PHONE: (803) 734-0550
FAX: (803) 734-6400
WEB: WWW.SCALC.NET

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JUN 27 2016

SC Court of Appeals

May 6, 2016

Jenny Kitchings, Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

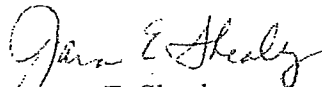
Re: Guanna McCormick v. South Carolina Department of Employment and Workforce
ALC Docket No. 15-ALJ-22-0584-AP
Appellate Case No. 2016-000723

Clerk Kitchings:

This is in response to a copy of a letter your office sent to the appellant in the above matter regarding the request for a transcript. This matter is heard in the appellate capacity of the ALC, therefore there is no transcript of the proceeding.

If you have any questions or need any other information, please let me know.

Sincerely,


Jana E. Shealy
Clerk

cc: Guanna McCormick
Sandra Bell Grooms, Esquire, SCDEW

MOTION TO ACCEPT
LATE FILING

IN THE MATTER OF)
GUANNA MCCORMICK,)
)
 APPELLANT,)
)
 VS.)
)
 SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT)
 AND WORKFORCE,)
)
 RESPONDENT.)

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

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SC Court of Appeals

Appellant, Guanna McCormick ("Appellant"), respectfully ask the South Carolina Administrative Law Court to accept late filing of a motion to appeal the final decision of the South Carolina Department of Employment and Workforce ("the Department") on her case which was filed on November 16, 2015. The Department alleged the Appellant failed to timely serve an appeal.

The Appellant supplied proof of service on December 19, 2015 which was after the expiration date. The Proof of Service form shows on November 30, 2015 the Department was served which they deny receiving.


Date: 5/11/2016

Guanna McCormick
176 Clydes Loop Rd
Chesterfield SC 29709

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

COPY

Guanna McCormick

Appellant/Petitioner,

vs.

South Carolina Department of
Employment and Workforce,

Respondent.

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

CERTIFICATE OF SERVICE

RECEIVED

JUN 27 2016

SC Court of Appeals

I hereby certify that I am the Guanna McCormick (Appellant/Petitioner/Respondent) in the above-captioned matter and that on the 13 day of May, 2016, in Chesterfield (city), South Carolina, I served a copy of the forgoing Motion to Acceptate Filing of Briefs (type of document) on the following person(s) by depositing the same in the United States Mail, postage paid, and addressed as follows:

ATTN: JANA SHEAR

The SC Court of Appeals

Name

1220 Senate St

Address

Columbia SC 29201

City/State/Zip

Name

Address

City/State/Zip

Name

Address

City/State/Zip

Name

Address

City/State/Zip

Guanna McCormick
(Print Name)

Guanna McCormick
(Signature)

176 Lydeshoop Rd
(Street)

Chesterfield SC 29709
(City, State, Zip Code)

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Guanna McCormick,

Appellant/Petitioner,

vs.

South Carolina Department of
Employment and Workforce

Respondent.

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

CERTIFICATE OF SERVICE

RECEIVED

JUN 27 2016

SC Court of Appeals

I hereby certify that I am the Appellant (Appellant/Petitioner/Respondent) in the above-captioned matter and that on the 31 day of March, 2016, in Chesterfield (city), South Carolina, I served a copy of the forgoing Notice of Appeal (type of document) on the following person(s) by depositing the same in the United States Mail, postage paid, and addressed as follows:

~~Honorable Shirley Robinson~~
SC Administrative Law Court

Name
1205 Randleton Street Ste 224
Address
Columbia SC 29201
City/State/Zip

Name
Address
City/State/Zip

Name
Address
City/State/Zip

Name
Address
City/State/Zip

Guanna McCormick
(Print Name)

Guanna McCormick
(Signature)

176 Clydes Loop Rd.
(Street)

Chesterfield, SC 29709
(City, State, Zip Code)

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Gwanna McCormick,

Appellant/Petitioner,

vs.

South Carolina Department of
Employment and Workforce

Respondent.

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

CERTIFICATE OF SERVICE

RECEIVED

JUN 27 2016

SC Court of Appeals

I hereby certify that I am the Appellant (Appellant/Petitioner/Respondent) in the above-captioned matter and that on the 31 day of March, 2016, in Chesterfield (city), South Carolina, I served a copy of the forgoing Notice of Appeal (type of document) on the following person(s) by depositing the same in the United States Mail, postage paid, and addressed as follows:

SC Court of Appeals

Jana E. Shealy

Name

1220 Senate Street

Address

Columbia SC 29201

City/State/Zip

Name

Address

City/State/Zip

Name

Address

City/State/Zip

Name

Address

City/State/Zip

Gwanina McCormick
(Print Name)

Gwanina McCormick
(Signature)

176 Clydes Loop Rd
(Street)

Chesterfield, S.C. 29709
(City, State, Zip Code)

FORM 6
NOTICE OF APPEAL FROM ADMINISTRATIVE TRIBUNAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

RECEIVED

JUN 27 2016

SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Shirley C. Robinson, Administrative Law Judge

Case No. 15-ALJ-22-0584-AP

Guanna McCormick

Respondent,

v.

South Carolina Department of
Employment and Workforce,

Appellant.

NOTICE OF APPEAL

Guanna McCormick appeals the decision of the Honorable Shirley C. Robinson dated March 3, 2016. Appellant received a copy of this decision on or around March 9, 2016.

June 22, 2016

Guanna McCormick
176 Clydes Loop Rd
Chesterfield SC 29709
Appellant

Other Counsel of Record:
Sandra Bell Grooms
1550 Gadson Street
Columbia SC 29201
Attorney for Respondent

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

RECEIVED

JUN 27 2016

APPEAL FROM SOUTH CAROLINA
Administrative Law Court

SC Court of Appeals

Shirley C. Robinson, Administrative Law Judge

Case No. 2016-000723

Guanna McCormick,
Appellant,

v.

Sandra Bell Grooms, Esquire
South Carolina Department of
Employment and Workforce,
Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on South Carolina Department of Employment and Workforce by depositing a copy of it in the United States Mail, postage prepaid, on June 22, 2016 addressed to the attorney of record, Sandra Bell Grooms, 1550 Gadson Street, Columbia, South Carolina 29201.

June 22, 2016

Guanna McCormick
176 Clydes Loop Rd
Chesterfield, South Carolina 29709
Appellant

FORM 8
LETTER TO THE APPELLATE COURT CLERK
FILING THE NOTICE OF APPEAL

June 22, 2016

RECEIVED

JUN 27 2016

SC Court of Appeals

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

RE: Guanna McCormick, Appellant, v. South Carolina Department of
Employment and Workforce, Respondent, Case No. 2016-CP-00-000723

Dear Ms. Kitchings :

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondent.
- (2) A copy of the order which is to be challenged on appeal.
- (3) A filing fee of \$100.* (paid)

Sincerely,



Guanna McCormick
176 Clydes Loop Rd
Chesterfield, SC 29709
Appellant

cc: Sandra Bell Grooms
1550 Gadson Street
Columbia SC 29201
Attorney for Respondent