



# The South Carolina Court of Appeals

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August 23, 2017

The Honorable Jana E. Shealy  
1205 Pendleton Street  
Columbia SC 29201

## REMITTITUR

Re: Billie Mueller v. SCDEW (2)  
Lower Court Case No. 2015ALJ220497AP  
Appellate Case No. 2016-000037

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in cursive script that reads "Jenny A. Kitchings".

CLERK

Enclosure

cc: Billie D. Mueller  
E.B. "Trey" McLeod, III, Esquire

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

Billie D. Mueller, Appellant,

v.

South Carolina Department of Employment and  
Workforce, Respondent.

Appellate Case No. 2016-000037

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Appeal From The Administrative Law Court  
John D. McLeod, Administrative Law Judge

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Unpublished Opinion No. 2017-UP-333  
Submitted June 1, 2017 – Filed August 2, 2017

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**AFFIRMED**

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Billie D. Mueller, of Davis Station, pro se.

E.B. "Trey" McLeod, III, of The South Carolina  
Department of Employment and Workforce, of  
Columbia, for Respondent.

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**PER CURIAM:** Billie Mueller appeals the South Carolina Administrative Law Court's (ALC) order, affirming the Appellate Panel of the South Carolina Department of Employment and Workforce's (Appellate Panel) determination that Mueller's appeal was untimely. On appeal, Mueller argues (1) the ALC erred in

finding her appeal was untimely, (2) the ALC erred in finding she received the decision from the Appellate Panel in a timely manner, and (3) the hearing officer erred in determining severance payments and bonuses were not wages. We affirm<sup>1</sup> pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to issue 1: *Engaging & Guarding Laurens Cty.'s Env't v. S.C. Dep't of Health & Env'tl. Control*, 407 S.C. 334, 341, 755 S.E.2d 444, 448 (2014) ("[T]his [c]ourt's review is limited to determining whether the ALC's findings were supported by substantial evidence or were controlled by an error of law."); *Kiawah Dev. Partners, II v. S.C. Dep't of Health & Env'tl. Control*, 411 S.C. 16, 28, 766 S.E.2d 707, 715 (2014) ("In determining whether the ALC's decision was supported by substantial evidence, the [c]ourt need only find, looking at the entire record on appeal, evidence from which reasonable minds could reach the same conclusion as the ALC."); S.C. Code Ann. § 41-35-660 (Supp. 2016) ("The claimant or any other interested party may file an appeal from an initial determination, redetermination, or subsequent determination not later than ten days after the determination was mailed to his last known address.").

2. As to issues 2 and 3: *Brown v. S.C. Dep't of Health & Env'tl. Control*, 348 S.C. 507, 519, 560 S.E.2d 410, 417 (2002) ("[I]ssues not raised to and ruled on by the AL[C] are not preserved for appellate consideration.").

**AFFIRMED.**

**SHORT, WILLIAMS, and KONDUROS, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.