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SC Court of Appeals

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Merrick Lavaughn Crosby,

Appellant,

vs.

South Carolina Department of Motor
Vehicles,

Respondent.

Docket No. 18-ALJ-21-0061-AP

**ORDER DENYING APPELLANT'S
MOTION FOR RECONSIDERATION**

This matter is before the Administrative Law Court (ALC or Court) pursuant to the motion of Appellant, Merrick Lavaughn Crosby, seeking reconsideration of this Court's May 15, 2018 Order. In his motion, Crosby stated that he did not receive the order until the week of May 28, 2018, when he communicated with counsel for Respondent South Carolina Department of Motor Vehicles (Respondent).

On May 15, 2018, this Court issued an Order of Dismissal granting Respondent's Motion to Dismiss on the ground that Crosby failed to obtain a transcript of the hearing as required by this Court's rules. On May 29, 2018, counsel for Respondent e-mailed this Court stating that its communications with Crosby reflect that he was never served with the May 15, 2018 Order of Dismissal. On May 29, 2018, this Court mailed the Order of Dismissal with a newly-dated Certificate of Service to Crosby and Respondent.

Although, the ALC mistakenly misdirected the Order of Dismissal when attempting to serve Crosby and, upon notification, mailed the Order later with a newly-dated Certificate of Service, it must deny Crosby's motion for reconsideration and maintain closure of this matter. Because Crosby was served the Order of Dismissal before the date his drivers' license is to be suspended, and because the time for appealing ALC orders to the S.C. Court of Appeals runs from the time the order is **received**, he has not been prejudiced by being served with the Order fourteen days later than when it was first issued. Rule 203(b)(6) SCACR (emphasis added). Therefore,

803-734-1890
Judge order

FILED

June 11, 2018
SC ADMIN. LAW COURT

IT IS HEREBY ORDERED that Appellant's Motion for Reconsideration is **DENIED**.
AND IT IS SO ORDERED.

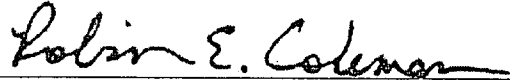


Deborah Brooks Durden
Administrative Law Judge

June 11, 2018
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Robin E. Coleman, 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).



Robin E. Coleman
Judicial Aide to Deborah Brooks Durden

June 11, 2018
Columbia, South Carolina

FILED

June 11, 2018

SC ADMIN. LAW COURT