

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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**APPEAL FROM THE ADMINISTRATIVE LAW COURT**

**DEBORAH BROOKS DURDEN ADMINISTRATIVE LAW JUDGE**

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**Case No. 17 ALJ 08-0318-AP**

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**Robert Levin,**

**Appellant,**

**v.**

**South Carolina Department  
of Health and Human  
Services,**

**Respondent.**

**RECEIVED**

JUL 26 2018

SC Court of Appeals

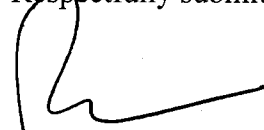
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**PROTECTIVE NOTICE OF APPEAL**

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Robert Levin appeals the order of the Honorable Deborah Brooks Durden dated June 20, 2018. Appellant received written notice of entry of this Order on June 25, 2018. This notice of appeal is protective because the Order remands Levin's claim for a speech device back to the Department of Health and Human Services, thus, it is not a final order. The State Medicaid Manual provides at 2903.2(A) that "A conclusive decision in the name of the State agency shall be made by the hearing authority" and that "Remanding the case to the local unit for further consideration is not a substitute for 'definitive and final administrative action.'"

Respectfully submitted,



Patricia Logan Harrison  
47 Rosemond Road  
Cleveland, South Carolina 29635  
803 360 5555  
[pharrison@loganharrisonlaw.com](mailto:pharrison@loganharrisonlaw.com)

Attorney for Appellant

July 23, 2018

Other Counsel of Record:

Damon C. Wlodarczyk  
Riley, Pope and Laney LLC  
P.O. Box 11412  
Columbia, South Carolina 29211

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CERTIFICATE OF SERVICE

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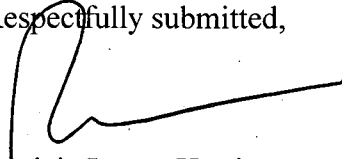
I certify that on this date, I served a copy of the Protective Notice of Appeal in this action,  
dated July 23, 2018 on:

Damon C. Wlodarczyk  
Riley, Pope and Laney LLC  
P.O. Box 11412  
Columbia, South Carolina 29211  
Attorney for the South Carolina Department of Health and Human Services

Administrative Law Court  
Edgar A. Brown Building  
1205 Pendleton Street  
Suite 224  
Columbia, South Carolina 29201

by mail, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, to the addresses listed above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Patricia Logan Harrison', written over the typed name.

Patricia Logan Harrison  
47 Rosemond Road  
Cleveland, South Carolina 29635  
803 360 5555  
[pharrison@loganharrisonlaw.com](mailto:pharrison@loganharrisonlaw.com)

Attorney for Appellant

July 23, 2018

**PATRICIA LOGAN HARRISON  
ATTORNEY AT LAW  
611 HOLLY STREET  
COLUMBIA, SOUTH CAROLINA 29205**

TELEPHONE (803) 256-2017

FAX (803) 256-2213

July 23, 2018

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

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SC Court of Appeals

Re: **Robert Levin v. SCDHHS**  
**ALC Docket No. 17-ALJ-08-0318-AP**

Dear Ms. Kitchens:

Enclosed are the original and a copy of the *Protective Notice of Appeal* in the above case. Also enclosed is the Certificate of Service. Please clock the copies of the *Notice*, this letter and the Certificate of Service and return in the addressed, stamped envelope.

Thank you for your consideration of this matter.

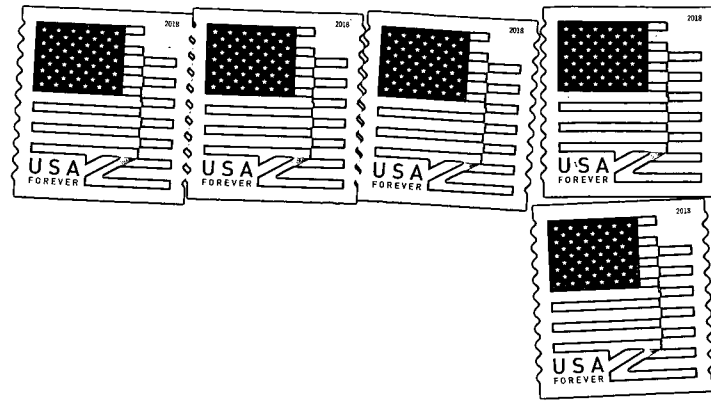
Sincerely yours,



Patricia Logan Harrison  
Counsel for Appellant

c: Damon C. Wlodarczyk, Esq.  
South Carolina Administrative Law Court

PLH:jnh



PATRICIA L. HARRISON  
ATTORNEY AT LAW  
611 HOLLY STREET  
COLUMBIA, SOUTH CAROLINA 29205

TO:

The Honorable Jenny Abbott Kitching  
Clerk of Court  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, South Carolina 29211

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