

**RECEIVED**

MAY 17 2019

SC Court of Appeals

Cynthia G. Aldaqqaq, Appellant,

v.

South Carolina Department of Employment and Workforce  
& IQOR Holdings US, LLC, Respondents.

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPELLANT CASE NO. 2018-001685

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Cynthia G. Aldaqqaq, Appellant,

V.

South Carolina Department of Employment and  
Workforce & IQOR Holdings US, LLC, Respondents.

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MAY 17 2019

SC Court of Appeals

May 13, 2019

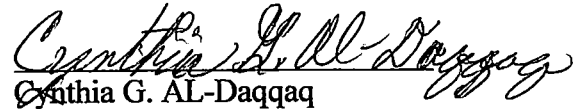
Sandra Bell Grooms, Esquire  
P.O. Box 8597  
Columbia, S.C. 29202

Steven A. Jordan, Esquire  
P.O. Box 8597  
Columbia, S.C. 29202

Michael Brian Magargle  
1301 Gervais Street, Suite 810  
Columbia, S.C. 29201

Respectfully submitted,

May 13, 2019

A handwritten signature in black ink, reading "Cynthia G. AL-Daqqaq". The signature is written in a cursive style with a horizontal line underneath the name.

Cynthia G. AL-Daqqaq

5933 Natures Drive

Las Vegas, NV 89122

(702)-908-1195

Self Representation

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPELLATE CASE NO. 2018-001685

**RECEIVED**

MAY 17 2019

SC Court of Appeals

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Cynthia G. Aldaqqaq, Appellant,

v.

South Carolina Department of Employment and  
Workforce & IQOR Holdings US, LLC, Respondents.

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I.

**Notice of Appellate Panel Decision**



05/08/2018

1566 1 MB 0.421

APP360  
P:1566 / T:7 / S:CYNTHIA G ALDAQQAQ  
5933 NATURES DR  
LAS VEGAS NV 89122-6111

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**NOTICE OF MAILING OF APPELLATE PANEL DECISION**

Attached is a copy of the final decision of SCDEW in this case. Any further appeal is to the South Carolina Administrative Law Court. To obtain judicial review of this decision, you must comply with the requirements of S.C. Code Ann. § 41-35-750 and the Rules of Procedure of the Administrative Law Court. The Court may require a filing fee.

The law requires that a Petition for Judicial Review must be filed with the Court and served on all parties and SCDEW within thirty (30) days from the mailing date of SCDEW's final decision (see the mailing date above).

The address of the Administrative Law Court is:

**S.C. Administrative Law Court  
Edgar A. Brown Building  
1205 Pendleton St., Ste. 224  
Columbia SC 29201**

Service of the Petition on SCDEW must be addressed and mailed to:

---

**Office of General Counsel  
S.C. Department of Employment and Workforce  
Post Office Box 8597  
Columbia SC 29202**

SCDEW cannot advise a party on any legal matter. For legal advice or assistance in filing an appeal to the Administrative Law Court, you should consult an attorney licensed to practice law in South Carolina.

## **Notice of Assignment**

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Cynthia G. Aldaqqaq,

Appellant,

vs.

South Carolina Department of  
Employment and Workforce and IQOR  
Holdings US, LLC,

Respondents.

NOTICE OF ASSIGNMENT

DOCKET NO. 18-ALJ-22-0211-AP

NOTICE IS GIVEN that a notice of appeal seeking review of agency action was filed on June 18, 2018. In accordance with S.C. Code Ann. § 1-23-570 (Supp. 2017), the **Honorable Shirley C. Robinson**, Administrative Law Judge, has been assigned to preside in this appeal. The Administrative Law Judge may be contacted by mail at 1205 Pendleton Street, Suite 224, Columbia, South Carolina 29201, and by telephone at (803) 734-0550. Pursuant to SCALC Rule 4A, all future filings must be filed directly with the above assigned Judge and shall include the docket number.

FURTHER, NOTICE IS GIVEN that the parties are required to meet the following deadlines, unless otherwise ordered by the assigned Administrative Law Judge:

- Record on Appeal** Due within twenty (20) days of the date of this Notice **(to be filed by the agency)**
- Appellant's Brief** Due within twenty (20) days after the Record on Appeal is filed
- Respondent's Brief** Due within twenty (20) days after the Appellant's Brief is filed
- Reply Brief** Due within ten (10) days after the Respondent's Brief is filed

The parties are directed to the relevant provisions of the Rules of Procedure regarding these deadlines and other requirements applicable to the appeal process. Rules of Procedure governing matters before the Court may be obtained from the Clerk of Court or on the Court's website, [www.sealc.net](http://www.sealc.net).

This the twenty-first of June 2018.

Ralph King Anderson, III  
Chief Administrative Law Judge

By: Jana E. Shealy  
Jana E. Shealy, Clerk  
Edgar A. Brown Building  
1205 Pendleton Street, Suite 224  
Columbia, South Carolina 29201

**FILED**

JUN 21 2018

**Order Granting Motion to Dismiss**

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Cynthia G. Aldaqqaq, )

Appellant, )

v. )

South Carolina Department of Employment )  
and Workforce and IQOR Holdings )  
US, LLC, )

Respondents. )

Docket No. 18-ALJ-22-0211-AP

**ORDER GRANTING  
MOTION TO DISMISS**

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed by Cynthia G. Aldaqqaq (Appellant) on June 18, 2018. Appellant is seeking judicial review of a final decision rendered by the South Carolina Department of Employment and Workforce's (Department's or Respondent's) Appellate Panel. The case was assigned to the undersigned on June 21, 2018. On July 6, 2018, the Department filed a motion requesting that the appeal be dismissed pursuant to S.C. Code Ann § 41-35-750 and ALC Rule 33. Specifically, the Department alleged that Appellant failed to timely file and serve the Notice of Appeal, therefore, this Court lacks jurisdiction over this appeal. As of today's date, Appellant has not filed a response to the Department's motion.

ALC Rule 33 provides in pertinent part that:

The notice of appeal from the final decision of an agency shall be filed with the Court and a copy served on each party and the agency whose final decision is the subject of the appeal...[i]n 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 mailing of the decision of the Department of Employment and Workforce Appellate Panel.

SCALC Rule 33.

In this instance, the Department mailed its decision to Appellant on May 8, 2018, and Appellant did not file an appeal until June 18, 2018, eleven days after the 30 days allowed by S.C. Code Ann § 41-35-750 and ALC Rule 33. The South Carolina Supreme Court has determined that the timely filing and service of the notice of appeal are jurisdictional requirements. See *Allison v.*

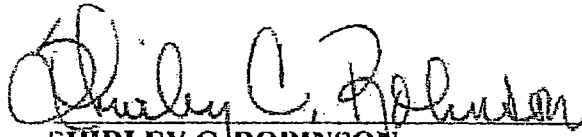
**FILED**

JUL 24 2018

*W.L. Gore & Assocs.*, 394 S.C. 185, 189, 714 S.E. 2d 547, 550 (2011) (“an appellate body may not extend the time to appeal”); *See also, 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 this Court does not have the authority to extend the appeal filing or service deadline, Appellant’s appeal must be dismissed.

**THEREFORE, IT IS HEREBY 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

July 24, 2018  
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the emergency Mail Service addressed to the party(ies) or their attorney(s).

This 24 day of July, 2018  
By [Signature]  
Judicial Law Clerk

## **Order Granting a Fee Waiver**

# The South Carolina Court of Appeals

Cynthia G. Aldaqqaq, Appellant,

v.

South Carolina Department of Employment and  
Workforce & IQOR Holdings US, LLC, Respondents.

Appellate Case No. 2018-001685

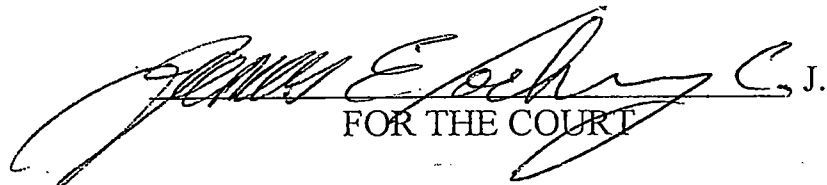
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## ORDER

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The motion to proceed *in forma pauperis* is granted pursuant to *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995) (permitting motions to proceed *in forma pauperis* where specifically authorized by statute); S.C. Code Ann. § 41-39-30 (Supp. 2017) ("An individual claiming benefits may not be charged a fee in a proceeding under Chapters 27 through 41 of this title by the department or its representatives or by a court or an officer, except an attorney, of it.").

  
FOR THE COURT

Columbia, South Carolina

cc:

Cynthia G. Aldaqqaq  
Sandra Bell Grooms, Esquire  
IQOR Holdings US, LLC

**FILED**

September 27, 2018

## **Order for Extension of Initial Brief**

# The South Carolina Court of Appeals

Cynthia G. Aldaqqaq, Appellant,

v.

South Carolina Department of Employment and  
Workforce & IQOR Holdings US, LLC, Respondents.

Appellate Case No. 2018-001685

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The Honorable Shirley C. Robinson  
Trial Court Case No. 2018ALJ220211AP

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ORDER

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The time for serving and filing the appellant's initial brief and designation of matter is hereby extended until November 14, 2018.

FOR THE COURT

BY V. Claire Allen, Deputy  
CLERK

Columbia, South Carolina

cc:  
Sandra Bell Grooms, Esquire  
IQOR Holdings US, LLC  
Cynthia G. Aldaqqaq

**FILED**

October 17, 2018

## **Order Granting Extension of Record of Appeal**

# The South Carolina Court of Appeals

Cynthia G. Aldaqqaq, Appellant,

v.

South Carolina Department of Employment and  
Workforce & IQOR Holdings US, LLC, Respondents.

Appellate Case No. 2018-001685

---

The Honorable Shirley C. Robinson  
Trial Court Case No. 2018ALJ220211AP

---

## ORDER

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The time for serving the record on appeal and filing the original proof of service is hereby extended until May 13, 2019.

FOR THE COURT

BY V. Claire Allen, Deputy  
CLERK

Columbia, South Carolina

cc:

Cynthia G. Aldaqqaq  
Sandra Bell Grooms, Esquire  
Steven A Jordan, Jr., Esquire  
Michael Brian Magargle, Esquire

**FILED**

April 19, 2019

**Motion to Dismiss**

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Cynthia G. Aldaqqaq, )  
Appellant, ) Docket No.18-ALJ-22-0211-AP  
vs. )  
South Carolina Department of )  
Employment and Workforce and IQOR )  
Holdings US LLC, )  
Respondents .. )

**PROOF OF SERVICE**

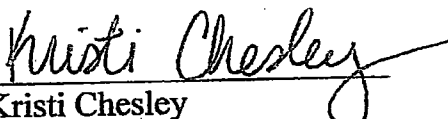
I hereby certify that I have served the Motion to Dismiss of the Respondent DEW in the above-captioned matter by depositing it in the United State Mail, postage prepaid, on July 6, 2018 to the below named parties at their addresses of record:

Cynthia G. Aldaqqaq  
5966 Natures Drive  
Las Vegas, NV 89122

IQOR Holdings US LLC  
PO Box 16560  
Clearwater, FL 33766

July 6, 2018

WRONG  
ADDRESS  
compare date  
of proof of  
service to  
date mailed  
in envelope.

  
Kristi Chesley  
Legal Assistant to Steven Jordan  
SC Department of Employment and Workforce  
Post Office Box 8597  
Columbia, SC 29202  
803.737.0395 (phone)  
803.737.0124 (fax)  
legal@dew.sc.gov

P.O. Box 995  
1550 Gadsden Street  
Columbia, SC 29202  
dew.sc.gov



Henry McMaster  
Governor

Cheryl M. Stanton  
Executive Director

---

P.O. Box 8597  
Columbia, South Carolina 29202  
(803) 737-2666  
FAX (803) 737-0124

July 6, 2018

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

Re: Cynthia G. Aldaqqaq v. South Carolina Department of  
Employment and Workforce and IQOR Holdings US LLC  
Docket Number: 18-ALJ-22-0211-AP

Dear Judge Robinson :

Enclosed is the Motion to Dismiss for Failure to File or Serve Notice within Thirty Days of the Respondent DEW in the above referenced case. Also enclosed is a Proof of Service to the other parties.

With kind regards, I am

Sincerely Yours,

A handwritten signature in cursive script that reads "Kristi Chesley".

Kristi Chesley  
Administrative Legal Assistant for  
Steven A. Jordan  
Attorney for South Carolina Department of  
Employment and Workforce

**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

Cynthia G. Aldaqqaq, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 South Carolina Department of )  
 Employment and Workforce, )  
 )  
 )  
 and )  
 )  
 IQOR Holdings US, LLC, )  
 )  
 Respondents. )  
 \_\_\_\_\_ )

Docket No. 18-ALJ-22-0211-AP

**MOTION TO DISMISS FOR  
FAILURE TO FILE OR SERVE  
NOTICE OF APPEAL WITHIN  
THIRTY DAYS OF FINAL AGENCY  
DECISION**

Respondent South Carolina Department of Employment and Workforce (the Department) moves this Court to dismiss Appellant Cynthia G. Aldaqqaq's appeal because Appellant failed to file her notice of appeal with this Court or serve the Department with her notice of appeal within thirty (30) days of mailing the final agency decision as required by S.C. Code Ann. § 41-35-750 and SCALC Rule 33. Consequently, this Court should grant this motion and dismiss Appellant's appeal for lack of appellate jurisdiction.

**I. Procedural history**

On May 8, 2018, the Department's Appellate Panel (Panel) mailed its decision in Appellant's case, affirming the Appeal Tribunal's finding that Appellant voluntarily left work without good cause attributable to the employment and indefinitely disqualifying

Appellant from receiving unemployment insurance (UI) benefits. *See Exhibit A, Panel Decision.* The Panel's decision notified Appellant of the statutory requirements and, specifically, the thirty-day deadline:

To obtain judicial review of this decision, you must comply with the requirements of S.C. Code Ann. § 41-35-750 and the Rules of Procedure of the Administrative Law Court. The Court may require a filing fee.

The law requires that a Petition for Judicial Review must be filed with the Court and served on all parties and SCDEW within thirty (30) days from the mailing date of SCDEW's final decision (see the mailing date above).

Service of the Petition on SCDEW must be addressed and mailed to:

**Office of General Counsel  
S.C. Department of Employment and Workforce  
Post Office Box 8597  
Columbia SC 29202**

*Exhibit A* (emphasis in original).

On June 21, 2018, this Court issued a Notice of Assignment indicating Appellant filed a notice of appeal with the Court on June 18, 2018. Further, Appellant served the Department with her notice of appeal on June 14, 2018, as noted by the postmark on Appellant's letter to the Department. *See Exhibit B, Letter from Appellant with June 14, 2018 postmark.* Presumably, Appellant served Respondent IQOR Holdings US, LLC on June 14, 2018 as well.

**II. The ALC lacks jurisdiction due to Appellant's failure to meet statutory deadlines.**

This Court lacks jurisdiction to consider Appellant's appeal because Appellant failed to timely file the notice of appeal with this Court and failed to timely serve the Department with the notice of appeal. A party filing a notice of appeal requesting judicial review of the Panel's decision must file the notice of appeal with this Court within thirty (30) days of the mailing date of the Panel's decision. S.C. Code Ann. § 41-35-750; SCALC Rule 33. "Within thirty days from the date of mailing the [D]epartment's decision, a party to the proceeding whose benefit rights or whose employer account may be affected by the [D]epartment's decision may initiate an action in [this Court] against the [D]epartment for the review of its decision . . . ." § 41-35-750; see SCALC Rule 33 (explaining a party appealing the Department's decision "must" file the notice of appeal within thirty days "of the date of mailing of the decision").

Also, a party appealing the Panel's decision must serve the Department with the notice of appeal within the same thirty days. The appealing party "must" serve the notice of appeal "on the executive director or on a person designated by the Department within the time specified by this section." § 41-35-750; see SCALC Rule 33 (explaining in an appeal from the Panel's decision the appealing party "must" serve the Department with the notice of appeal "within thirty (30) days of the date of mailing of the decision" of the Panel). Additionally, SCALC Rule 5 states that "[a]ny document filed with the Court shall be served upon all parties to the proceeding." Under Rule 5, "[s]ervice shall be

made by delivery, by mail to the last known address, or as otherwise approved by the Court through administrative order.”

“The question of compliance with rules, regulations, and statutes governing an appeal is one of appellate jurisdiction.” *Allison v. W.L. Gore & Assocs.*, 394 S.C. 185, 188, 714 S.E.2d 547, 549 (2011). Consequently, the timely filing and service of the notice of appeal are jurisdictional requirements under Section 41-35-750, and the Court has no authority to extend the time in which the notice of intent to appeal must be served. *See Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985); *Allison*, 394 S.C. at 189, 714 S.E.2d at 550 (noting “an appellate body may not extend the time to appeal”).

In this case, the Panel mailed its decision on May 8, 2018, and Appellant’s statutory deadline for filing her notice of appeal with this Court and serving the Department with the notice of appeal was June 7, 2018. However, Appellant failed to file her notice of appeal with this Court until June 18, 2018, which exceeded the statutory deadline for filing by eleven days. *See Exhibit C, Notice of Assignment*. Also, Appellant failed to serve the Department with the notice of appeal until June 14, 2018, which exceeded the statutory deadline for service by seven days. *See Exhibit B, Letter from Appellant with June 14, 2018 postmark*. Thus, because Appellant failed to file and serve the notice of appeal within the statutory deadline, this Court lacks jurisdiction to hear this appeal. The Department respectfully submits this Court should dismiss this appeal pursuant to SCALC Rule 38 based on a lack of jurisdiction. *See generally Elam v. Dep’t of Trans.*, 361 S.C. 9, 15, 602 S.E.2d 772, 775 (2004) (“The requirement of service of the notice of appeal is jurisdictional, i.e., if a party misses the deadline, the appellate

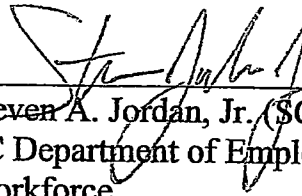
court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice.")

Although the Department recognizes Appellant is proceeding *pro se*, a *pro se* litigant is responsible "for complying with substantive and procedural requirements of the law." *State v. Burton*, 356 S.C. 259, 265, 589 S.E.2d 6, 9 (2003). Indeed, Appellant's *pro se* status does not excuse her failure to comply with rudimentary procedures, such as timely filing and serving the notice of appeal within statutory prescribed deadlines. Also, Appellant was aware of the deadline. The Panel's decision gave Appellant notice "[t]he law requires that a Petition for Judicial Review must be filed with the Court and served on all parties and [the Department] within thirty (30) days from the mailing date of [the Panel]'s final decision." As a result, Appellant had knowledge of the thirty-day deadline but, nonetheless, failed to comply.

### **III. Conclusion**

Because Appellant has not complied with Section 41-35-750 and SCALC Rule 33, this Court lacks appellate jurisdiction over this appeal. Therefore, the Department respectfully requests this Court dismiss Appellant's appeal with prejudice, pursuant to SCALC Rule 38, and hold all deadlines in abeyance pending resolution of this Motion.

Respectfully Submitted,



---

Steven A. Jordan, Jr. (SC Bar # 100314)  
SC Department of Employment and  
Workforce

Post Office Box 8597

Columbia, SC 29202

803.737.0395 (phone)

803.737.0124 (fax)

Legal@dew.sc.gov

**Attorney for Respondent SC Department of  
Employment and Workforce**

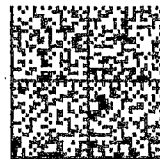
July 6, 2018

**P.O. Box 995  
Columbia, S.C. 29202**

**OFFICIAL BUSINESS**

**ADDRESS SERVICE REQUESTED**

Cynthia G. Aldaqaq  
5933 Natures Dr  
Las Vegas NV 89122



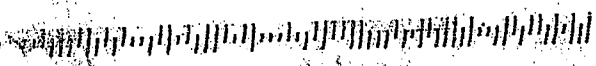
U.S. POSTAGE PITNEY BOWES



ZIP 29201 \$ 001.10<sup>0</sup>  
02 1W  
0001400941 JUL 19 2018



0003 11522111



**Response to Appellant's Motion for Rehearing**



P.O. Box 995  
1550 Gadsden Street  
Columbia, SC 29202  
dew.sc.gov



Henry McMaster  
Governor

Cheryl M. Stanton  
Executive Director

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P.O. Box 8597  
Columbia, South Carolina 29202  
(803) 737-0395  
FAX (803) 737-0124  
August 13, 2018

The Honorable Shirley Robinson  
SC Administrative Law Court  
Edgar A. Brown Building  
1205 Pendleton Street, Suite 224  
Columbia, SC 29201

Re: Cynthia G. Aldaqqaq v South Carolina Department of  
Employment and Workforce and IQOR Holdings US, LLC  
Docket Number: 18-ALJ-22-0211-AP

Dear Judge Robinson:

Enclosed is the original Response to Appellant's Motion for Rehearing in the  
above referenced case.

Also enclosed is a Certificate of Service to the parties.

If you have any questions, please contact me at the above number.

With kind regards, I am

Sincerely Yours,

A handwritten signature in black ink that reads "Kristi Chesley". The signature is written in a cursive, flowing style.

Kristi Chesley  
Administrative Legal Assistant for  
Steven Jordan  
Attorney for SC Department of Employment and Workforce  
[Legal@dew.sc.gov](mailto:Legal@dew.sc.gov)

Cynthia G. Aldaqqaq,

Appellant,

v.

South Carolina Department of  
Employment and Workforce and  
IQOR Holdings US, LLC,

Respondents.

) Docket No: 18-ALJ-22-0211

**RESPONSE TO APPELLANT'S  
MOTION FOR REHEARING**

By order dated July 24, 2018, this Court dismissed Appellant Cynthia G. Aldaqqaq's appeal because she failed to timely file and serve her notice of appeal from the underlying order. On August 2, 2018, Appellant filed a motion for rehearing from the Court's order, requesting the Court grant rehearing based on her personal circumstances. Respondent South Carolina Department of Employment and Workforce (the Department) respectfully requests this Court deny Appellant's motion.

**I. PROCEDURAL HISTORY**

On May 8, 2018, the Department's Appellate Panel (Panel) mailed its decision in Appellant's case, affirming the Appeal Tribunal's (Tribunal) finding that Appellant voluntarily left work without good cause attributable to the employment and indefinitely disqualifying Appellant from receiving unemployment insurance (UI) benefits. The Panel's decision notified Appellant of the statutory requirements and, specifically, the thirty-day deadline for filing and serving the notice of appeal.

On June 21, 2018, this Court issued a Notice of Assignment indicating Appellant filed a notice of appeal with the Court on June 18, 2018. Further, Appellant served the

Department with her notice of appeal on June 14, 2018, as noted by the postmark on Appellant's letter to the Department. Presumably, Appellant served Respondent IQOR Holdings US, LLC on June 14, 2018, as well.

On July 6, 2018, the Department filed a motion to dismiss Appellant's appeal because she failed to file and serve her notice of appeal within thirty days of the mailing date of the Panel's decision. Appellant did not file a response to the Department's motion. On July 24, 2018, this Court filed an order granting the Department's motion. This Court found it lacked authority to extend the time for filing and serving the notice of appeal and dismissed the appeal.

Subsequently, on August 2, 2018, Appellant filed a motion for rehearing. Appellant requested rehearing because, at the time of her hearing before the Tribunal, she was "surprised by her [eighty-seven] year old sister's health declining rapidly." (App. Motion p.1). Appellant also claimed she omitted "vital information" during her hearing before the Appeal Tribunal (Tribunal) because she was "disoriented" during the hearing after discovering her sister's medical issue. (App. Motion p.2). Finally, Appellant requested this Court allow her to "submit the vital information" she omitted during the hearing before the Tribunal. (App. Motion p.2).

**II. THIS COURT LACKS APPELLATE JURISDICTION OVER THIS APPEAL BECAUSE APPELLANT FAILED TO TIMELY FILE AND SERVE HER NOTICE OF APPEAL.**

The Department respectfully submits this Court should deny Appellant's motion for rehearing because, as explained by the Court in its order dated July 24, 2018, Appellant failed to timely file and serve her notice of appeal, which robbed the Court of

appellate jurisdiction. In her motion for rehearing, Appellant does not dispute this Court's finding that she failed to timely file and serve her notice of appeal and, instead, merely requests rehearing due to her personal circumstances. However, Appellant's failure to timely file and serve the notice of appeal is a jurisdictional issue, and respectfully, this Court lacks authority to extend the time for filing and serving the notice of appeal.

“The question of compliance with rules, regulations, and statutes governing an appeal is one of appellate jurisdiction.” *Allison v. W.L. Gore & Assocs.*, 394 S.C. 185, 188, 714 S.E.2d 547, 549 (2011). The timely filing and service of the notice of appeal are jurisdictional requirements under section 41-35-750, and the Court has no authority to extend the time in which the notice of intent to appeal must be filed and served. *See Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985); *Allison*, 394 S.C. at 189, 714 S.E.2d at 550 (noting “an appellate body may not extend the time to appeal”). Consequently, regardless of Appellant's personal circumstances, her failure to timely file and serve the notice of appeal robs this Court of appellate jurisdiction, and the Court “has no authority or discretion to ‘rescue’ [Appellant] by extending or ignoring the deadline.” *See Elam v. Dep’t of Trans.*, 361 S.C. 9, 15, 602 S.E.2d 772, 775 (2004). Thus, the Department respectfully submits this Court should deny Appellant's motion for rehearing.

Even if this Court had discretion to extend the time for filing and serving the notice of appeal, Appellant's motion gives no basis for this Court to reinstate her appeal. In her motion, Appellant requests rehearing because she “omitted much vital information” during her hearing on April 4, 2018, before the Tribunal due to a family

medical issue.<sup>1</sup> (App. Motion p.2). Appellant ultimately requests this Court allow her "to submit the vital information." (App. Motion p.2).

However, Appellant provides no explanation for how her family circumstances that allegedly caused her difficulty before the Tribunal prevented her from appealing to this Court within the statutory deadline.<sup>2</sup> Also, Appellant fails to explain why she neglected to respond to the Department's motion to dismiss. Accordingly, even if this Court had the discretion or authority to extend the time for filing and serving the notice of appeal, the Department respectfully submits this Court should deny Appellant's motion for rehearing because it lacks any reasonable basis for granting rehearing.<sup>3</sup>

### III. CONCLUSION

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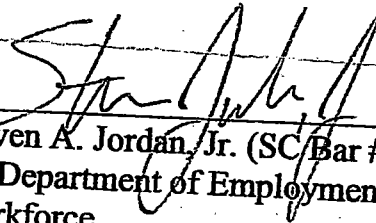
<sup>1</sup> The Department notes Appellant makes the assertion regarding family medical issues for the first time in her motion for rehearing. Although she now claims she omitted evidence during the Tribunal hearing due to receiving bad news about her sister's medical condition, when appealing to the Panel, Appellant made different claims. In her appeal to the Panel, Appellant asserted she omitted evidence because she was "frustrated" when her Tribunal hearing started late due to the employer's failure to answer the first telephone call. *See Gatewood v. S.C. Dep't of Corr.*, 416 S.C. 304, 324, 785 S.E.2d 600, 611 (Ct. App. 2016) ("An issue that is not raised to an administrative agency is not preserved for appellate review by the ALC.").

<sup>2</sup> The statutory deadline for Appellant to timely file and serve her notice of appeal was June 7, 2018, which was approximately sixty-four days after Appellant's family circumstances allegedly prevented her from offering evidence to the Tribunal.

<sup>3</sup> With regard to Appellant's request to submit evidence to this Court, under the limited standard of review proscribed by section 1-23-380(5) of the South Carolina Code (Supp. 2017), this Court is not allowed to receive additional evidence from the parties. It is axiomatic that the parties to an appeal may not present new evidence, which was never presented to the lower decision-making body, to an appellate court for consideration. *See* SCALC Rule 36(B)(2) (requiring a record on appeal to include the "evidence received or considered" by the lower tribunal); SCALC Rule 36(G) ("The Administrative Law Judge will not consider any fact which does not appear in the Record."); Rule 210(c), SCACR (explaining a record on appeal "shall not, however, include matter which was not presented to the lower court or tribunal"). Thus, Appellant's request to introduce new evidence before this Court would be improper even if her appeal had not been dismissed.

Based on the foregoing, the Department respectfully requests this Court deny Appellant's motion for rehearing because she failed to timely file and serve her notice of appeal, which robbed the Court of appellate jurisdiction.

Respectfully Submitted,



Steven A. Jordan, Jr. (SC Bar # 100314)  
SC Department of Employment and  
Workforce  
Post Office Box 8597  
Columbia, SC 29202  
803.737.0395 (phone)  
803.737.0124 (fax)  
Legal@dew.sc.gov

**Attorney for Respondent SC Department of  
Employment and Workforce**

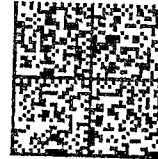
August 13, 2018

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Columbia, S.C. 29202**

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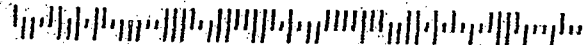
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Cynthia G. Aldaqqaq  
5933 Natures Dr  
Las Vegas, NC 89122

CYY-SMP 89122



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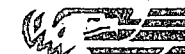
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Las Vegas, NV 89122

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**Return to Appellant's Motion for Extension of time to File Record On Appeal**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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

Case No: 18-ALJ-22-0211-AP

Appellate Case Number: 2018-001685

Cynthia G. Aldaqqaq,

Appellant,

v.

South Carolina Department of Employment  
and Workforce and IQOR Holdings US LLC,

Respondent (s).


PROOF OF SERVICE

I certify that I have served the Return to Appellant's Motion for Extension of Time to File the Record on Appeal of the Respondent DEW on the parties in this case by depositing a copy of it in the United States Mail, postage prepaid, on March 18, 2019, addressed to the parties at their addresses of record:

Cynthia G. Aldaqqaq  
5933 Natures Dr.  
Las Vegas, NV 89122

Brian Magargle  
1301 Gervais St, Ste 810  
Columbia SC 29201

March 18, 2019

  
Kristi Chesley  
Administrative Legal Assistant  
South Carolina Department of Employment and  
Workforce  
Post Office Box 8597  
Columbia, South Carolina 29202  
(803) 737-0395

P.O. Box 995  
1550 Gadsden Street  
Columbia, SC 29202  
dew.sc.gov



Henry McMaster  
Governor

Jamie Suber  
Acting Executive Director

---

Post Office Box 8597  
Columbia, SC 29202  
Telephone: (803) 737-2666  
Fax: (803) 737-0124

March 18, 2018

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

RE: Cynthia G. Aldaqqaq v. South Carolina Department of  
Employment and Workforce and IQOR Holdings US, LLC  
Appellate Case No: 18-001685

Dear Ms. Kitchings:

Enclosed are the original and six copies of the Return to Appellant's Motion for Extension of Time to File the Record on Appeal of Respondent South Carolina Department of Employment and Workforce. A Proof of Service is also included in this packet.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kristi Chesley".

Kristi Chesley  
Administrative Legal Assistant for  
Steven A. Jordan  
Attorney for Respondent South Carolina  
Department of Employment and Workforce

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

---

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

Case No.: 18-ALJ-22-0211-AP

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Appellate Case No. 2018-001685

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Cynthia G. Aldaqqaq,

Appellant,

v.

South Carolina Department of Employment  
and Workforce & IQOR Holdings US, LLC,

Respondents.

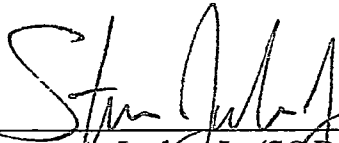
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**RETURN TO APPELLANT'S MOTION FOR EXTENSION OF  
TIME TO FILE THE RECORD ON APPEAL**

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Respondent South Carolina Department of Employment and Workforce (the Department) submits this return to Appellant Cynthia G. Aldaqqaq's motion for extension of time to file the record on appeal. Although Appellant's motion contains no explanation for why Appellant was unable to file the record on appeal within the original timeline, the Department consents to a reasonable extension because this is Appellant's first request. However, the Department notes it would oppose any future, additional extensions. Constructing the record on appeal is mostly clerical in nature and should require only a minimal time commitment from Appellant.

Respectfully Submitted,



---

Steven A. Jordan, Jr. (SC Bar # 100314)  
SC Department of Employment and Workforce  
Post Office Box 8597  
Columbia, SC 29202  
803.737.0395 (phone)  
803.737.0124 (fax)  
Legal@dew.sc.gov

**Attorney for Respondent SC Department of  
Employment and Workforce**

April 18, 2019

**Order Denying Appellant's Motion for Reconsideration**

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Cynthia G. Aldaqqaq, ) Docket No. 18-ALJ-22-0211-AP  
)  
Appellant, )  
)  
v. ) **ORDER DENYING APPELLANT'S**  
) **MOTION FOR RECONSIDERATION**  
)  
South Carolina Department of Employment )  
and Workforce & IQOR Holdings US, LLC, )  
)  
Respondents: )  
\_\_\_\_\_ )

This matter is before the South Carolina Administrative Law Court ("ALC" or "Court") pursuant to the Notice of Appeal filed by Cynthia G. Aldaqqaq ("Appellant") on June 18, 2018. Appellant is seeking judicial review of a final determination rendered by the South Carolina Department of Employment and Workforce's ("Department") Appellate Panel. On July 6, 2018, the Department filed a motion requesting this appeal be dismissed pursuant to S.C. Code Ann. § 41-35-750 and SCALC Rule 33. Appellant did not file a response to the Department's motion. On July 24, 2018, this Court issued an Order granting the Department's motion to dismiss the appeal.

On August 2, 2018, Appellant filed a motion requesting that this Court reconsider its final decision to dismiss this appeal. The Department filed a response in opposition to Appellant's motion on August 13, 2018. In Appellant's request for rehearing, she recounts the recent loss of her sister, and this court's condolences goes out to her. However, the fact remains that Appellant did not timely file and serve her Notice of Appeal, and the ALC simply does not have jurisdiction to address the appeal. *See 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."). Therefore, Appellant's request for reconsideration is denied.

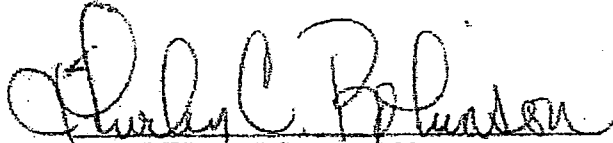
Based upon the foregoing,

**IT IS THEREFORE ORDERED** that the Appellant's Motion for Reconsideration is **DENIED.**

**FILED**

AUG 16 2018

AND IT IS SO ORDERED.



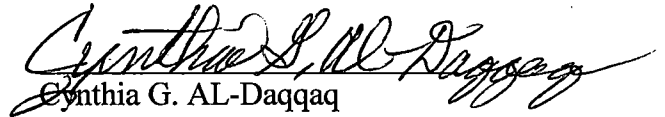
SHIRLEY C. ROBINSON  
Administrative Law Judge

August 16, 2018  
Columbia, South Carolina

CERTIFICATE OF SERVICE  
I hereby certify that the undersigned has in a date  
vested order in the above entitled action, upon an  
order to this cause by depositing a copy thereof  
in United States mail, postage paid, or by the emergency  
Service addressed to the parties, by their attorneys,  
16 day of August 2018  
J. J. H.  
Judicial Law Clerk

Respectfully submitted,

May 13, 2019

A handwritten signature in black ink, appearing to read 'Cynthia G. AL-Daqqaq', written in a cursive style.

Cynthia G. AL-Daqqaq  
5933 Natures Drive  
Las Vegas, NV 89122  
(702)-908-1195  
Self Representation

**FORM 16**  
**CERTIFICATE OF COUNSEL OF RECORD ON APPEAL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

\_\_\_\_\_  
APPELLANT CASE NO. 2018-001685

\_\_\_\_\_  
Cynthia G. Aldaqqaq, Appellant,

v.

South Carolina Department of Employment and  
Workforce & IQOR Holdings US, LLC, Respondents.

**RECEIVED**  
MAY 17 2019  
SC Court of Appeals

\_\_\_\_\_  
CERTIFICATE OF COUNSEL

\_\_\_\_\_  
Appellant certify that the Record On Appeal, contains  
all material proposed to be included by Appellant and not  
any other material.

I certify that I served the Certificate of Counsel, of  
the Record On Appeal, by depositing it in the United  
States mail, postage prepaid on May 13, 2019, to the  
below named parties at their addresses of record.

May 13, 2019

Sandra Bell Grooms, Esquire

P.O. Box 8597

Columbia, S.C. 29202

Steven A. Jordan, Esquire

P.O. Box 8597

Columbia, S.C. 29202

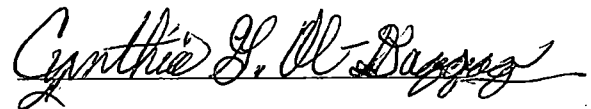
Michael Brian Magargle

1301 Gervais Street, Suite 810

Columbia, S.C. 29201

Respectfully submitted,

May 13, 2019



Cynthia G. AL-Daqqaq

5933 Natures Drive

Las Vegas, NV 89122

(702)-908-1195

Self Representation