

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
H.W. Funderburk, Jr., Administrative Law Judge

Case No.: 18-ALJ-22-0275-AP

Appellate Case No. 2018-002107

Adrian Wilson, Appellant,

v.

South Carolina Department of Employment
and Workforce and Wateree Community Actions, Inc., Respondents.

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SC Court of Appeals

**Motion to Dismiss for Failure to File and Serve
Appellant's Initial Brief and Designation of Matter**

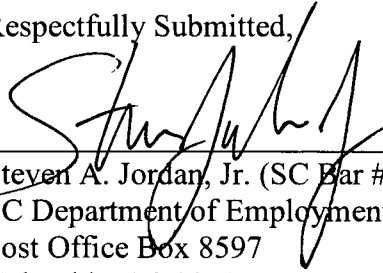
Respondent South Carolina Department of Employment and Workforce (the Department) moves this Court to dismiss Appellant Adrian Wilson's appeal pursuant to Rule 260(a), SCACR for failure to timely file and serve the Appellant's initial brief and designation of matter. In this appeal, Appellant seeks review of a decision by the Administrative Law Court (ALC). The ALC's order was dated October 24, 2018, and Appellant filed a notice of appeal, along with a motion to proceed in forma pauperis, with this Court on November 26, 2018. By order dated February 1, 2019, this Court granted Appellant's motion. In the cover letter accompanying the order, which was also dated February 1, 2019, the Court instructed Appellant she "must" serve

and file the Appellant's initial brief and designation of matter within thirty days from the date of the letter.

Pursuant to Rule 260(a), SCACR, the Court "shall" dismiss an appeal "[w]henver it appears that an appellant or petitioner has failed to comply with the requirements of [the appellate court rules]." Rule 208, SCACR and Rule 209, SCACR provide timelines for filing and serving the Appellant's initial brief and designation of matter. However, in this case, the Court allowed Appellant thirty days from the date it ruled on Appellant's motion to proceed in forma pauperis to file the Appellant's initial brief and designation of matter. Because the Court's order and cover letter were dated February 1, 2019, Appellant was required to file and serve the Appellant's initial brief and designation of matter by Monday, March 4, 2019. As of the date of this motion, Appellant has failed to file and serve the required documents and is over sixty days past the Court's deadline. Further, Appellant has failed to communicate with the Court or the Department to explain her extreme delay or request additional time.

Although Appellant is acting pro se in this appeal, she is nonetheless responsible for complying with the appellate court rules and orders from this Court, particularly when the Court has expressly ordered her to do something by a specific date. *See State v. Burton*, 356 S.C. 259, 265, 589 S.E.2d 6, 9 (2003) (recognizing a pro se litigant is responsible "for complying with substantive and procedural requirements of the law"). Accordingly, the Department respectfully requests this Court dismiss Appellant's appeal pursuant to Rule 260(a) for failure to file and serve the Appellant's initial brief and designation of matter.

Respectfully Submitted,



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

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

May 15, 2019

THE STATE OF SOUTH CAROLINA
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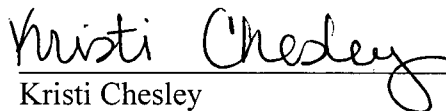
PROOF OF SERVICE

I certify that I have served the Motion to Dismiss for Failure to File and Serve Appellant's Initial Brief and Designation of Matter of the Respondent DEW on the parties in this case by depositing a copy of it in the United States Mail, postage prepaid, on May 15, 2019, addressed to the parties at their addresses of record:

Adrian Wilson
3739 Oakleaf Rd, Apt B
Columbia SC 29206

Wateree Community Actions
PO Box 8328
Columbia SC 29202

May 15, 2019



Kristi Chesley
Administrative Legal Assistant
South Carolina Department of Employment and
Workforce
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Executive Director

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May 15, 2018

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SC Court of Appeals

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

RE: Adrian Wilson v. South Carolina Department of
Employment and Workforce and Wateree Community Actions Inc.
Appellate Case No: 18-002107

Dear Ms. Kitchings:

Enclosed are the original and six copies of the Motion to Dismiss for Failure to File and Serve Appellant's Initial Brief and Designation of Matter 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.

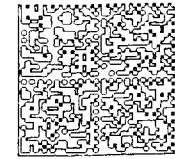
Sincerely,

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

SOUTH CAROLINA
DEPARTMENT OF EMPLOYMENT AND WORKFORCE
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The Honorable Jenny Abbott Kitchings
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