

# The South Carolina Court of Appeals

Susie Henley, (Deceased) Employee/Claimant,  
Appellant,

v.

Otis Spunkmeyer Holdings, Inc., Employer and Trumbull  
Insurance Company, Carrier/Defendants, Respondents.

Appellate Case No. 2019-000661

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## ORDER

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Appellant's notice of appeal indicates Appellant received the underlying decision on March 19, 2019. Appellant provided proof the Workers' Compensation Commission was served with the notice of appeal on April 25, 2019. Because Appellant failed to timely serve the Workers' Compensation Commission, the motions to dismiss are granted. *See* Rule 203(b)(6), SCACR ("When a statute allows a decision of the administrative law court or agency (administrative tribunal) to be appealed directly to the Supreme Court or the Court of Appeals, the notice of appeal shall be served on the agency, the administrative law court (if it has been involved in the case) and all parties of record within thirty (30) days after receipt of the decision."); *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14–15, 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."). The remittitur will be sent as required by Rule 221(b), SCACR.

  
FOR THE COURT

Columbia, South Carolina

**FILED**

July 2, 2019

cc:

Joyce Farr Cheeks, Esquire

Angela Mundi George, Esquire

Helen F Hiser, Esquire

Robert Jamison Tinsley, Jr., Esquire