

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alonzo Jeter, III,)
)
 Appellant,)
)
 vs.)
)
 South Carolina Department of Social)
 Services,)
)
 Respondent.)
 _____)

Docket No. 19-ALJ-18-0047-AP

ORDER DENYING APPELLANT'S
MOTION FOR REHEARING

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OCT 31 2019

SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to a Motion for Rehearing filed by Alonzo Jeter, III (Appellant) on September 25, 2019, seeking reconsideration of the court's Final Order in this matter. Specifically, the Appellant claims that he was not afforded time to file a Reply brief to the Respondent's brief and that the Motion to Dismiss/Motion for Summary Judgment he filed on August 2, 2019 stayed the time limit for him to file an Appellant's brief. In support of his argument, the Appellant references ALC Rule 37, which states that an appellant may file a reply brief within ten (10) days after the Respondent's brief, and Rule 34, which states that a motion to dismiss an appeal shall stay the time limits until the motion is decided.

In accordance with ALC Rule 4B, if a document is filed by mail, the date of filing is the date of mailing. Pursuant to this rule, the date of filing for the Respondent's Motion to Amend Record on Appeal, Motion to File Brief Late, and Brief of Respondent is September 3, 2019. Therefore, in accordance with ALC Rule 37, the Appellant had until September 18, 2019 to file his reply brief. On September 16, 2019, the Appellant filed a Return to Motions to Amend Record on Appeal and to File Brief Late. The court did not issue its Final Decision until September 20, 2019, which provided the Appellant more than fifteen (15) days to file a reply brief.

Additionally, the Appellant argues that pursuant to ALC Rule 34, his Motion to Dismiss/Motion for Summary Judgment should have stayed the time limit for the Appellant's brief. However, in this case, the Appellant filed his Appellant's Brief with the court on June 20, 2019 and filed a Motion to Dismiss/Motion for Summary Judgment with the court on August 2,

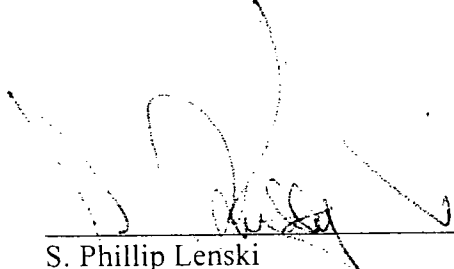
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2019. Therefore, this argument is without merit.

After careful consideration of the Appellant's Request for Rehearing, the court is unable to discover any material fact or principle of law that has been either overlooked or disregarded, and hence, finds no basis for granting rehearing. Accordingly, the Motion for Rehearing is **DENIED.**

AND IT IS SO ORDERED.



S. Phillip Lenski
Administrative Law Judge

October 16, 2019
Columbia, SC

CERTIFICATE OF SERVICE

I, the undersigned, do hereby 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 interagency mail service addressed to the party(ies) or their attorney(s).

16 day of October 2019

Deputy Law Clerk