

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Robert M. Ardis,

Appellant,

vs.

South Carolina Department of Employment
and Workforce and Sykes Enterprises, Inc.,

Respondents.

Docket No. 20-ALJ-22-0070-AP

ORDER DENYING MOTIONS

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Sep 15 2020

SC Court of Appeals

This matter came before the South Carolina Administrative Law Court (ALC or Court) pursuant to a Motion to Dismiss for Lack of Jurisdiction filed by the South Carolina Department of Employment and Workforce (Department or Respondent) in response to an appeal filed by Robert M. Ardis (Appellant) seeking to obtain judicial review of a final Department decision denying unemployment insurance benefits pursuant to S.C. Code Ann. § 41-35-750 (Supp. 2019).

The Department filed its Motion to Dismiss by mail on April 9, 2020, and served both Appellant and Employer by mail. The Department contended that the Notice of Appeal was not served on the Department either by mail or by personal delivery. This contention was supported by an affidavit provided by the Department's legal assistant. Appellant responded via email to the Department's Motion to Dismiss on April 13, 2020.

After considering the Motion to Dismiss and Appellant's informal response, the Court issued an Order Granting Respondent's Motion to Dismiss on May 18, 2020. It determined that, because Appellant did not comply with the statutes and rules governing appeal to the ALC, his notice of appeal was untimely. Consequently, the Court does not have jurisdiction to hear this appeal.

After the Court's Order Granting Respondent's Motion to Dismiss was issued, Appellant filed the following motions with the Court (Emergency Motions), serving the same on the Department via e-mail, contrary to the provisions of SCALC Rule 5:

1. Emergency Motion for Reconsideration, and to Schedule Emergency Contested Hearing, and for Other Relief on May 26, 2020;

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JUN 17 2020

SC ADMIN. LAW COURT

2. Emergency Motion to Vacate Order of Dismissal, and to Schedule Emergency Contested Hearing, and for Other Relief on May 26, 2020;
3. First Amended Motion for Reconsideration, and to Schedule Emergency Contested Hearing, and for Other Relief on June 12, 2020;
4. First Amended Motion to Vacate Order of Dismissal, and to Schedule Emergency Contested Hearing, and for Other Relief on June 12, 2020;
5. Second Amended Motion for Reconsideration, and to Schedule Emergency Contested Hearing, and for Other Relief on June 15, 2020; and
6. Second Amended Motion to Vacate Order of Dismissal, and to Schedule Emergency Contested Hearing, and for Other Relief on June 15, 2020.

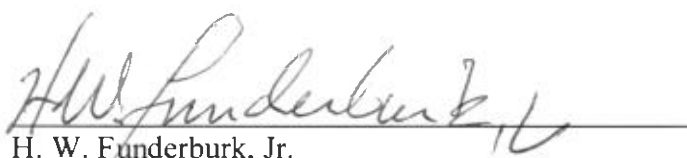
For the same reasons provided in the Court's Order Granting Respondent's Motion to Dismiss, filed May 18, 2020, this Court does not have jurisdiction to hear this appeal or consider Appellant's subsequent Emergency Motions, nor can the ALC conduct a Contested Case Hearing on a claim for unemployment compensation. (*See* SC Code Ann. § 41-35-690 and 700 (Supp. 2019).)

It is therefore,

ORDERED that Appellant's Emergency Motions are Denied and this Appeal is hereby **DISMISSED WITH PREJUDICE**¹.

AND IT IS SO ORDERED

June 17, 2020
Columbia, South Carolina


H. W. Funderburk, Jr.
Administrative Law Judge

¹ Appellant may appeal this decision pursuant to the South Carolina Appellate Court Rules and SCALC Rule 41.

CERTIFICATE OF SERVICE

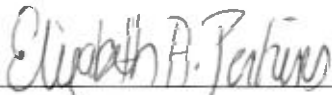
I, Elizabeth A. Perkins, hereby certify that I have this date served the enclosed **Order Denying Motions** upon all parties to this case by depositing a copy hereof, in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).

Robert M. Ardis
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Petitioner

Steven Jordan, Esquire
SC Dept. of Employment & Workforce
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Columbia, SC 29202
Counsel for Respondent SCDEW

Sykes Enterprises, Inc.
PO Box 16560
Clearwater, FL 33766

June 17, 2020
Columbia, South Carolina



Elizabeth A. Perkins
Judicial Law Clerk

FILED

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SC ADMIN. LAW COURT

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.: 20-ALJ-22-0070-AP

Appellate Case No. 2020-000981

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Robert M. Ardis,

Appellant,

v.

South Carolina Department of Employment and
Workforce and Sykes Enterprises, Inc.,

Respondents,

COMPLIANCE WITH ORDER OF COURT

Pursuant to the August 28, 2020, letter of this Honorable Court I hereby provide a copy of the Order of the Administrative Law Court which is being Appealed. This Order is being filed in Compliance with the Order of this Court.

September 15, 2020

/s/ Robert Michael Ardis
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