

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
13 DHR 10364

CLEVELAND OTIS DUNSTON, Petitioner, v. NORTH CAROLINA NURSE AIDE REGISTRY, Respondent.	FINAL DECISION GRANTING SUMMARY JUDGMENT AND NOTICE OF CLOSURE
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THIS MATTER comes before the Honorable Donald W. Overby for consideration of Respondent's Motion for Summary Judgment filed with the Office of Administrative Hearings ("OAH") on July 16, 2014. Having considered Respondent's Motion and other matters of record proper for consideration, it is concluded that no genuine issue of material fact exists and that summary judgment is appropriate. NOW THEREFORE it is hereby ORDERED that the Respondent's Motion for Summary Judgment is **ALLOWED**, and therefore this matter is **DISMISSED** with prejudice.

NOTICE

This is a Final Decision issued under the authority of N.C. Gen. Stat. § 150B-34.

Under the provisions of North Carolina General Statute § 150B-45, any party wishing to appeal the final decision of the Administrative Law Judge must file a Petition for Judicial Review in the Superior Court of the county where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, the county where the contested case which resulted in the final decision was filed. **The appealing party must file the petition within 30 days after being served with a written copy of the Administrative Law Judge's Final Decision.** In conformity with the Office of Administrative Hearings' rule, 26 N.C. Admin. Code 03.0102, and the Rules of Civil Procedure, N.C. General Statute 1A-1, Article 2, **this Final Decision was served on the parties the date it was placed in the mail as indicated by the date on the Certificate of Service attached to this Final Decision.** N.C. Gen. Stat. § 150B-46 describes the contents of the Petition and requires service of the Petition on all parties. Under N.C. Gen. Stat. § 150B-47, the Office of Administrative Hearings is required to file the official record in the contested case with the Clerk of Superior Court within 30 days of receipt of the Petition for Judicial Review. Consequently, a copy of the Petition for Judicial Review must be sent to the Office of Administrative Hearings at the time the appeal is initiated in order to ensure the timely filing of the record.

This the 6th day of October, 2014.

Donald W. Overby
Administrative Law Judge