

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
14DHR06133

<p>Randolph Dugar Petitioner</p> <p>v.</p> <p>BRUNSWICK COUNTY DSS Respondent</p>	<p>FINAL DECISION GRANTING SUMMARY JUDGMENT FOR RESPONDENT</p>
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THIS MATTER is before the undersigned on Respondent's Motion for Summary Judgment.

IT APPEARING there is no issue of material fact bearing on the movant's right to recover based on undisputed and legally established facts, per N.C. Gen. Stat. §§ 105A-2(2)c. and 108A-79(c), and that Respondent is consequently entitled to judgment as a matter of law,

NOW THEREFORE, pursuant to Rule 56 of the North Carolina Rules of Civil Procedure, summary judgment is granted, and the Petition must be, and hereby is DISMISSED.

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 12th day of November, 2014.

J. Randolph Ward
Administrative Law Judge