

STATE OF NORTH CAROLINA
COUNTY OF PASQUOTANK

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
15 DHR 08222

<p>Ashley Cartwright Sr. Petitioner,</p> <p>v.</p> <p>NC Dept. of Health and Human Services Respondent.</p>	<p>FINAL DECISION ORDER OF DISMISSAL</p>
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THIS MATTER comes before the Honorable Donald W. Overby, Administrative Law Judge for consideration of Respondent's Motion for Summary Judgment filed with the Office of Administrative Hearings ("OAH") on April 7, 2016. Having reviewed the file and applicable law, and having listen to argument and presentation from Petitioner and Petitioner's parents, as well as Respondent, the Undersigned concludes as a matter of law that no genuine issue of material fact exists, and that summary judgment is appropriate in this contested case.

NOW THEREFORE, it is hereby ORDERD that Respondent's Motion for Summary Judgment is **ALLOWED** and this contested case is **DISMISSED with prejudice**.

NOTICE

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

Under N.C. Gen. Stat. § 150B-45, any party wishing to appeal this Final Decision 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 a Petition for Judicial Review within 30 days after being served with a written copy of this Final Decision.**

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. N.C. Gen. Stat. § 150B-46 describes the contents of the Petition for Judicial Review, and requires service of the Petition for Judicial Review on all parties. 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 15th day of June, 2016.

Donald W Overby
Administrative Law Judge