

STATE OF NORTH CAROLINA
COUNTY OF WILSON

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
16 DHR 06066

<p>James Edward Johnson, Jr., Petitioner,</p> <p>v.</p> <p>NCDHHS, Respondent.</p>	<p>FINAL DECISION</p>
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A Petition for a Contested Case Hearing was filed in the North Carolina Office of Administrative Hearings on June 13, 2016, contesting Respondent's entry of a finding of "Neglect" in the Health Care Personnel Registry. Respondent filed a Motion for Summary Judgment on September 20, 2016, and Petitioner filed a response thereto on September 30, 2016.

Based upon consideration of the motion, the response thereto, and a review of the exhibits and documents submitted by the parties, there is no genuine issue of material fact, and Respondent is entitled to judgment as a matter of law. Pursuant to Rule 56 of the Rules of Civil Procedure it is therefore ordered that summary judgment be entered in favor of Respondent.

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 5th day of October, 2016.

Philip E. Berger, Jr.
Administrative Law Judge