

STATE OF NORTH CAROLINA
COUNTY OF SAMPSON

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
14DST06724

<p>LLOYD MCRAE HERRING PETITIONER,</p> <p>V.</p> <p>NC DEPARTMENT OF STATE TREASURER RETIREMENT SYSTEMS DIVISION RESPONDENT.</p>	<p style="text-align: center;">FINAL DECISION ORDER GRANTING SUMMARY JUDGMENT FOR RESPONDENT</p>
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UPON CONSIDERATION of Respondent's Motion for Summary Judgment, together with its supporting affidavit, Petitioner's Response, and the oral arguments of both parties, for good cause shown, the undersigned hereby determines that there exists no genuine issue as to any material fact; therefore, Respondent is entitled to Summary Judgment as a matter of law.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Motion for Summary Judgment is granted in favor of Respondent.

Judgment hereby is entered for Respondent.

NOTICE

This is a final decision made under the authority of N.C.G.S. § 150B-34(e).

Under the provisions of N.C.G.S. § 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 in which the party resides. 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 03.012, and the Rules of Civil Procedure, N.C.G.S. § 1A-1, Article 2, this Final Decision was served on the parties the date it was placed in the mail as indicated on the date on the Certificate of Service attached to this Final Decision. N.C.G.S. § 150B-46 describes the contents of the Petition and requires service of the Petition on all parties. Under N.C.G.S. § 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 the 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 20th day of January, 2015.

J. Randall May
Administrative Law Judge