

STATE OF NORTH CAROLINA
COUNTY OF BERTIE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
14 OSP 02493

<p>SHANEDA L. GILLIAM, Petitioner,</p> <p>v.</p> <p>NC DEPARTMENT OF PUBLIC SAFETY, DIVISION OF ADULT CORRECTION, 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 presiding, for consideration of Respondent’s Motion to Dismiss and in the Alternative Motion for Summary Judgment filed electronically with the Office of Administrative Hearings (“OAH”) on October 9, 2014, with a hard copy being filed with OAH on October 10, 2014. A Request for Response to Motion was sent from OAH to Petitioner on October 9, 2014, giving her until October 17, 2014 to respond. This contested case is set for hearing on the merits on October 24, 2014 in Greenville, North Carolina.

Petitioner has failed to respond to the motion. Likewise Petitioner failed to respond to discovery served on her by the Respondent on May 15, 2014, and therefore those matters are deemed admitted.

Based upon the foregoing, and having considered matters of record appropriate for consideration, it is concluded as a matter of law that no genuine issue of material fact exists and that summary judgment is appropriate.

NOW THEREFORE, Respondent’s Motion for Summary Judgment is ALLOWED and this contested case 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.

IT IS SO ORDERED.

This the 21st day of October, 2014.

Donald W. Overby
Administrative Law Judge