

STATE OF NORTH CAROLINA
COUNTY OF SAMPSON

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
15 DOT 09852

<p>Thomas R Baggett Petitioner,</p> <p>v.</p> <p>NC DOT Respondent.</p>	<p>FINAL DECISION ORDER GRANTING SUMMARY JUDGMENT</p>
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THIS CAUSE coming before the undersigned Administrative Law Judge upon Respondent's Motion to Dismiss, or in the alternative, Motion for Summary Judgment filed on May 3, 2016; in addition, on May 4, 2016, the undersigned filed and served a Request for Response to Motion which allowed Petitioner to file a response to Respondent's Motions by no later than May 16, 2016; and, it appearing to the undersigned that, as of the date of this Order, Petitioner has not filed the requested response. After careful consideration of all matters of record, the undersigned has determined that there is no genuine issue as to any material fact, and, as such, the Respondent is entitled to Summary Judgment as a matter of law.

DECISION

1. The Motion for Summary Judgment is granted in favor of Respondent.
2. The Petitioner owes a debt to the Respondent.
3. The Respondent followed proper procedures to set-off debt owed to the Respondent.
4. Judgment hereby is entered for Respondent.
5. Due to the foregoing, the Respondent's Motion to Dismiss is rendered MOOT.
6. This decision is made under the authority of §G.S. 150B-34(e).

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 20th day of May, 2016.

David F Sutton
Administrative Law Judge