

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Wallace R. Shirley,

Appellant,

vs.

South Carolina Budget and Control Board,
Employee Insurance Program,

Respondent.

Docket No. 10-ALJ-30-0705-AP

ORDER OF DISMISSAL

This matter is before me on the appeal of Wallace R. Shirley (Appellant) filed on September 17, 2010. On November 1, 2010, the Respondent filed the Record on Appeal. The Brief of Appellant was due thirty (30) days after the Record was filed. The Appellant requested, and was granted, an additional sixty (60) days, or until February 1, 2011, in which to file his Brief. However, as of the date of this Order of Dismissal, the Appellant's Brief has not been received.

Pursuant to ALC Rule 38, an Administrative Law Judge may dismiss an appeal for failure to comply with the rules of procedure for appeals or for failure to comply with any time limits set forth in an appeal. This delay is well beyond the time period set forth in the Rules of Procedure for the Administrative Law Court. As the Appellant has been afforded ample time to file his Brief, was given a sixty day extension, and has not notified the ALC of any extenuating circumstances regarding failure to file the Appellant's Brief, I conclude that this matter should be dismissed sua sponte.

IT IS THEREFORE ORDERED that this appeal is DISMISSED.

AND IT IS SO ORDERED.

Ralph King Anderson, III
Chief Administrative Law Judge

February 24, 2011
Columbia, South Carolina

FILED

February 24, 2011

SC ADMIN. LAW COURT