THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Michael Biondo, Appellant,

v.

Crystal Russell, Respondent.

Appellate Case No. 2013-001055

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Appeal From Berkeley County
A. E. Morehead, III, Family Court Judge

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Unpublished Opinion No. 2014-UP-394
Submitted September 1, 2014 – Filed November 12, 2014

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AFFIRMED

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Michael Biondo, of Goose Creek, pro se.

H. Stanley Feldman, of Charleston, for Respondent.

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PER CURIAM: Michael Biondo appeals the family court's order dismissing his action for grandparent visitation of a minor child. On appeal, Biondo argues: (1) the family court erred in finding it lacked subject matter jurisdiction to adjudicate his claim; (2) the family court erred in awarding attorney's fees; (3) he is entitled to the protections of the South Carolina Whistleblower Act; and (4) the family court

should be reversed due to Crystal Russell's failure to file a respondent's brief. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to issue one: S.C. Code Ann. § 63-3-530(A)(33) (Supp. 2013) ("The family court has exclusive jurisdiction . . . to order visitation for the grandparent of a minor child *where either or both parents of the minor child is or are deceased, or are divorced, or are living separate and apart in different habitats . . . .*" (emphasis provided)).

2. As to issues two and three: *Gartside v. Gartside*, 383 S.C. 35, 43, 677 S.E.2d 621, 625 (Ct. App. 2009) ("But for a very few exceptional circumstances, an appellate court cannot address an issue unless it was raised to and ruled upon by the family court.").

3. As to issue four: Rule 208(a)(4), SCACR ("Upon the failure of respondent to timely file a brief, the appellate court may take such action as it deems proper.").

AFFIRMED.[1]

FEW, C.J., and THOMAS and LOCKEMY, JJ., concur.

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[1] We decide this case without oral argument pursuant to Rule 215, SCACR.