

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Gary W. Stokes, Appellant,

v.

South Carolina Department of Employment and
Workforce and O'Charley's, LLC, Respondents.

Appellate Case No. 2014-001482

Appeal From The Administrative Law Court
John D. McLeod, Administrative Law Judge

Unpublished Opinion No. 2015-UP-231
Submitted April 1, 2015 – Filed May 6, 2015

AFFIRMED

Everett H. Garner, of Holler, Garner, Corbett, Ormond,
Plante & Dunn, of Columbia, for Appellant.

Derrick K. McFarland, of the South Carolina Department
of Employment and Workforce, of Columbia, for
Respondents.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following
authorities: *Stubbs v. S.C. Dep't of Emp't & Workforce*, 407 S.C. 288, 292, 755

S.E.2d 114, 116 (Ct. App. 2014) (explaining the Administrative Law Court (ALC) sits in its appellate capacity when hearing an appeal from a decision of the South Carolina Department of Employment and Workforce); *Atl. Coast Builders & Contractors, LLC v. Lewis*, 398 S.C. 323, 329, 730 S.E.2d 282, 285 (2012) (stating an appellate court may find an issue unpreserved even though the parties themselves do not argue issue preservation); *Home Med. Sys., Inc. v. S.C. Dep't of Revenue*, 382 S.C. 556, 562, 677 S.E.2d 582, 586 (2009) (stating issue preservation rules apply in administrative appeals); *id.* at 562-63, 677 S.E.2d at 586 (holding that if the ALC does not rule on an issue in its final order, a party must file a Rule 59(e), SCRCR, motion requesting a ruling to preserve the issue for this court's review); *Risher v. S.C. Dep't of Health & Envtl. Control*, 393 S.C. 198, 207-08, 712 S.E.2d 428, 433 (2011) (holding this court cannot address the merits of an issue not ruled upon by the ALC); *Young v. S.C. Dep't of Health & Envtl. Control*, 383 S.C. 452, 458, 680 S.E.2d 784, 787 (Ct. App. 2009) (recognizing the ALC generally cannot consider an issue not raised to and ruled upon by the administrative agency from which an appeal is taken); *Carson v. S.C. Dep't of Natural Res.*, 371 S.C. 114, 120-21, 638 S.E.2d 45, 48 (2002) (holding due process claims not raised to the administrative agency were not preserved for judicial review).

AFFIRMED.¹

THOMAS, KONDUROS, and GEATHERS, JJ., concur.

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