

**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**

John McGeary, Appellant,

v.

South Carolina Department of Motor Vehicles and South  
Carolina Department of Public Safety, Defendants,

Of whom South Carolina Department of Motor Vehicles  
is the Respondent.

Appellate Case No. 2011-200827

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Appeal From The Administrative Law Court  
Deborah Brooks Durden, Administrative Law Court  
Judge

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Unpublished Opinion No. 2012-UP-575  
Submitted September 3, 2012 – Filed October 24, 2012

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**AFFIRMED**

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Joseph M. McCulloch, Jr., and Kathy Ridenoure  
Schillaci, both of the Law Offices of Joseph M.  
McCulloch, Jr., of Columbia, for Appellant.

Philip S. Porter, Frank L. Valenta, Jr., and Linda Annette  
Grice, all of the South Carolina Department of Motor  
Vehicles, of Blythewood, for Respondent.

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**PER CURIAM:** John McGeary appeals an order issued by the Administrative Law Court (the ALC) affirming a decision of the Office of Motor Vehicle Hearings (the Office) sustaining the suspension of his driver's license. On appeal, McGeary contends the ALC erred in affirming (1) the Office's dismissal of his case because it amounted to improper burden shifting and (2) the Office's denial of his motion to reconsider. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:<sup>1</sup>

1. As to whether the ALC erred in finding the Office's dismissal did not amount to improper burden shifting: *Home Med. Sys., Inc. v. S.C. Dep't of Revenue*, 382 S.C. 556, 562, 677 S.E.2d 582, 586 (2009) ("As in other appellate matters, we require issue preservation in administrative appeals."); *Brown v. S.C. Dep't of Health & Env'tl. Control*, 348 S.C. 507, 519, 560 S.E.2d 410, 417 (2002) (noting an issue must be raised to and ruled upon by the agency to be preserved for appellate review).

2. As to whether the ALC erred in affirming the Office's denial of McGeary's motion for reconsideration: *Kleckley v. Nw. Nat'l Cas. Co.*, 338 S.C. 131, 138, 526 S.E.2d 218, 221 (2000) (noting an issue must be addressed by both the trial court and an intermediate appellate court to be properly preserved for review).

**AFFIRMED.**

**FEW, C.J., and WILLIAMS and PIEPER, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.