

COURT OF APPEALS OF THE STATE OF GEORGIA

**Aretha A. Townsend v. Mark Butler, Commissioner, Georgia
Department of Labor**

Townsend v. Butler · No. A16A1326 · Decided April 25, 2016

SUMMARY

The Georgia Court of Appeals dismissed Townsend's appeal from a Cobb County Superior Court order reviewing a Georgia Department of Labor decision. The court held that the appeal required an application for discretionary review under OCGA § 5-6-35(a)(1), and further noted that the appeal would have been untimely even if direct appeal were available.

OPINION

Aretha A. Townsend v. Mark Butler, Commissioner, Georgia Department of Labor

PER CURIAM.

Court of Appeals of the State of Georgia

ATLANTA, _____

April 12, 2016 The Court of Appeals hereby passes the following order:

A16A1326. ARETHA A. TOWNSEND v. MARK BUTLER, COMMISSIONER,

GEORGIA DEPARTMENT OF LABOR et al. Aretha A. Townsend filed a petition in Cobb County Superior Court seeking judicial review of an administrative ruling of the Department of Labor. On May 18, 2015, the court dismissed the petition as untimely. Townsend filed a motion for reconsideration from this ruling, which the court denied on July 14, 2015. Townsend filed a notice of appeal from this ruling. We lack jurisdiction. OCGA § 5-6-35 (a) (1) requires that appeals from orders of superior courts reviewing decisions of state administrative agencies must be made by application for discretionary review. See *Jamal v. Thurmond*, 263 Ga. App. 320 (587 SE2d 809)

(2003); *Dept. of Corrections v. Mack*, 217 Ga. App. 862 (459 SE2d 573) (1995).

Townsend's failure to file a discretionary application deprives us of jurisdiction over this appeal, which is hereby DISMISSED.¹ 1 Even if Townsend had a right of direct appeal, her appeal is untimely. A notice of appeal must be filed within 30 days after entry of an appealable order. OCGA § 5-6-38 (a). Although Townsend filed her notice of appeal within 30 days of the order denying her motion for reconsideration, a trial court's denial of a motion for reconsideration is not subject to direct appeal, and the filing of such a motion does not extend the time for appealing the underlying judgment. See *Bell v. Cohran*, 244 Ga. App. 510, 511 (536 SE2d 187) (2000). Court of Appeals of the State of Georgia 04/12/2016 Clerk's Office, Atlanta, _____ I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.
, Clerk.

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