

Circuit Court for Anne Arundel County  
Case No.: C-02-CV-24-000566

UNREPORTED\*

IN THE APPELLATE COURT

OF MARYLAND

No. 1022

September Term, 2024

---

IN THE MATTER OF  
JOSEPH SCHMITT, *et al.*

---

Wells, C.J.,  
Friedman,  
Woodward, Patrick L.  
(Senior Judge, Specially Assigned),

JJ.

---

PER CURIAM

---

Filed: August 13, 2025

\*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

In March 2023, Appellants Joseph and Brandi Schmitt filed an administrative action with the Maryland Insurance Administration against Appellees Garrison Property and Casualty Insurance Company, and United Services Automobile Association (“USAA”). The Schmitts’ claim related to payments for property damage to their home that occurred in March 2018. The Administration issued its decision on July 10, 2023, finding that Garrison had made proper payments on the Schmitts’ claim and that USAA was not the property’s insurer on the date of loss.

The Schmitts timely requested a *de novo* hearing before the Office of Administrative Hearings (“OAH”). *See* Md. Code Ann., Ins. § 27-1001(f). The parties cross-filed motions for summary decision, and a hearing was held before an administrative law judge (“ALJ”). On January 17, 2024, the ALJ found that the Schmitts’ claim was, in fact, barred by the statute of limitations and entered summary decision in favor of Garrison and USAA. The Schmitts functionally moved for reconsideration on January 29, 2024, which the ALJ denied on March 13, 2024.

A few days before the ALJ denied their motion, on March 5, 2024, the Schmitts petitioned the Circuit Court for Anne Arundel County for judicial review. Garrison and USAA separately moved to dismiss the petition as untimely because it was filed more than 30 days after the ALJ’s decision. The court ultimately granted the motions and dismissed the petition as untimely. This appeal followed.

We review the granting of a motion to dismiss for legal correctness. *Harris v. McKenzie*, 241 Md. App. 672, 678 (2019). Maryland Rule 7-203(a) sets the deadline for

seeking judicial review of an administrative order or action. It requires the petition to be filed within 30 days after the latest of:

1. the date of the order or action for which review is sought;
2. the date the administrative agency sent notice of the order or action to the petitioner, if notice was required by law to be sent to the petitioner; or
3. the date the petitioner received notice of the agency’s order or action, if notice was required by law to be received by the petitioner.

In insurance disputes, an ALJ is required by law to mail to each party a copy of their final decision. Md. Code Ann., Ins. § 2-215(d)(1); *Centre Ins. Co. v. J.T.W.*, 397 Md. 71, 88 (2007). Here, the ALJ’s final decision was issued and mailed to the Schmitts on January 17, 2024. They therefore had until February 16, 2024, to petition for judicial review. *See* Md. Rule 7-203(a)(1). To be sure, the Schmitts claim they tried to file in-person their petition on the deadline, but the courthouse was already closed for the day when they arrived. But in Maryland, “[a] pleading or paper is filed by *actual delivery* to the clerk.” *Bond v. Slavin*, 157 Md. App. 340, 351 (2004) (emphasis in original) (cleaned up). That did not happen until March 5, 2024. The circuit court therefore did not err in dismissing the Schmitts’ petition as untimely.

**JUDGMENT OF THE CIRCUIT  
COURT FOR ANNE ARUNDEL  
COUNTY AFFIRMED. COSTS TO  
BE PAID BY APPELLANT.**