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SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

George O. Folks, #345833,)
)
 Appellant,)
)
 v.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)
)

Docket No. 22-ALJ-04-0298-AP

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (Court or ALC) pursuant to an appeal filed by George O. Folks (Appellant), an inmate housed with the South Carolina Department of Corrections (SCDC or Department).


Appellant filed a Notice of Appeal on November 14, 2022. Importantly, the Notice of Appeal does not indicate service on the Department; rather it reflects service on “McCormick, SC.” The case was nevertheless assigned on November 17, 2022. On January 24, 2023, the Department filed a Motion to Dismiss (Motion) because Appellant did not serve it with a copy of the Notice of Appeal. The Motion was supported by an affidavit of a Department employee attesting that the Department did not receive a copy of the Notice of Appeal. As of the date of this Order, Appellant has not filed a response to the Motion.

Appellant’s failure to serve a Notice of Appeal on the Department deprives this Court of jurisdiction to hear this matter. *See Hill v. S.C. Dep’t of Health & Envtl. Control*, 389 S.C. at 21, 698 S.E.2d at 623 (2010) (“The service of a notice of appeal is a jurisdictional requirement, and the time for service may not be extended by this Court.”). In *Al-Shabazz v. State*, the South Carolina Supreme Court, citing to then SCALC Rule 33, instructed that “[t]he inmate must file **and serve** a notice of appeal **upon specified parties** within thirty days of receipt of written notice of Department’s final decision.” 338 S.C. 354, 377, 527 S.E.2d 742, 754 (2000) (emphasis added). This same requirement is also set forth in SCALC Rule 59, which provides, in pertinent part: “The notice of appeal from the final decision to be heard by the Administrative Law Court **shall** be filed with the Court **and a copy served on each party, including the agency**, within thirty (30) days of receipt of the decision from which the appeal is taken.” (emphasis added). Pursuant to SCALC Rule 62, “[u]pon motion of any party, or on its own motion, an Administrative Law Judge may



dismiss an appeal . . . for failure to comply with any of the rules of procedure for appeals”
Because Appellant failed to serve the Department as required by the SCALC rules, this Court does
not have jurisdiction to hear this case. *See Hill*, 389 S.C. at 21, 698 S.E.2d at 623; SCALC Rule
33. Therefore,

IT IS HEREBY ORDERED that this appeal is **DISMISSED WITH PREJUDICE**.
AND IT IS SO ORDERED.



Ralph King Anderson, III
Chief Administrative Law Judge

February 15, 2023
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Kathryn M. Buckner, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).



Kathryn M. Buckner
Staff Attorney

February 15, 2023
Columbia, South Carolina