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SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Docket No. 23-ALJ-30-0111-IJ

Michael Carwane,)
)
Petitioner,)
)
v.)
)
South Carolina Department of Juvenile)
Justice,)
)
Respondent.)

ORDER DENYING MOTION FOR
RECONSIDERATION

This matter is before the Administrative Law Court (ALC or court) pursuant to a request for injunctive relief filed by Michael Carwane (Petitioner) on March 8, 2023. The Petitioner is requesting enforcement of subpoenas issued by the South Carolina State Employee Grievance Committee on February 13, 2023 to the South Carolina Department of Juvenile Justice (Respondent), State Accident Fund (SAF), Saluda Police Department, and Saluda County Administrator.¹

On April 4, 2023, the court contacted the parties for dates of availability to schedule a hearing. On April 5, 2023, the Saluda Police Department responded with an attachment of an incident report dated September 1, 2021 with the Petitioner as the named Complainant. The Saluda Police Department sent the court a subsequent email indicating that the incident report had previously been provided to the Petitioner. On April 5, 2023, the Respondent contacted the court after receiving a Notice of Assignment because the Petitioner had not served the Respondent with any pleading to the court. The court contacted the Petitioner to request he provide the court with an email address. The Petitioner was then added to the email with all the parties and the court emailed the ALC case file to the Respondent. The Petitioner responded to the court asking the court to explain why it was providing the documents in the ALC case file to the Respondent. The Petitioner did not respond to the court's email about dates of availability.

On April 10, 2023, SAF informed the court that the Petitioner had served identical

¹ Enclosed with the subpoena to the Saluda County Administrator is a signed response, dated February 27, 2023, from the Saluda County Administrator to the Petitioner informing him that Saluda County does not have any materials responsive to his request.

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subpoenas on the SAF and the Respondent pursuant to the Workers' Compensation Act and a complete response had already been provided to the Petitioner. On April 11, 2023 counsel for Saluda County informed the court that Saluda County has twice previously responded to the subpoena that it does not have any responsive materials. The Petitioner did not respond to any of the parties' emails.

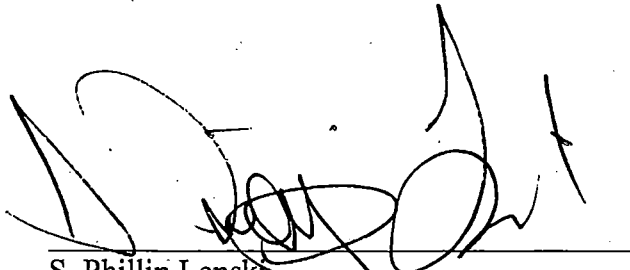
On April 14, 2023, the Respondent filed a response to the Petitioner's motion asking the court to deny the Petitioner's motion for the Petitioner's failure to properly serve the Respondent as is required by ALC Rule 11B; because the Petitioner failed to timely serve the subpoena on the Respondent; and because the information requested in the subpoena has been provided to the Petitioner. On April 21, 2023, the State Accident Fund (SAF) filed a response to the Petitioner's motion asking the court to deny the Petitioner's motion because the SAF has thrice previously provided the requested information to the Petitioner. The Petitioner did not file a reply to the responses.

On June 19, 2023, the court issued an Order of Dismissal, denying the Petitioner's Motions to Compel and dismissing the case. On June 29, 2023, the Petitioner filed an Appeal to Order of Dismissal with the court asking the court for an opportunity to present his facts at a formal hearing.² The Petitioner's appeal includes 26 exhibits, which consist of documents provided to the Petitioner by the Respondent, SAF, Saluda Police Department, and Saluda County Administrator in response to subpoenas and/or discovery requests.

Based on the foregoing,

IT IS HEREBY ORDERED that the Petitioner's Motion for Reconsideration is **DENIED** and this case is hereby **DISMISSED**.

AND IT IS SO ORDERED.



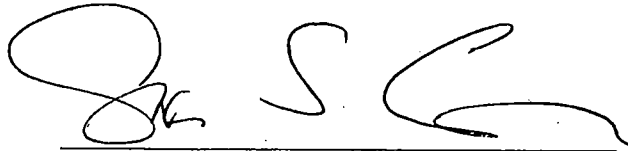
S. Phillip Lenski
Administrative Law Judge

July 19, 2023
Columbia, South Carolina

² The court is treating the Petitioner's Appeal as a Motion for Reconsideration pursuant to ALC Rule 29D.

CERTIFICATE OF SERVICE

I, Erika S. Easler, 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).



Erika S. Easler
Judicial Law Clerk

July 19, 2023
Columbia, South Carolina

