

**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**

Scott Hess, Appellant,

v.

South Carolina Criminal Justice Academy, Respondent.

Appellate Case No. 2021-001353

Appeal From The Administrative Law Court
Harold W. Funderburk, Jr., Administrative Law Judge

Unpublished Opinion No. 2023-UP-395
Heard September 13, 2023 – Filed December 13, 2023

REVERSED AND REMANDED

Ryan Kyle Hicks, of Cromer Babb Porter & Hicks, LLC,
of Columbia, for Appellant.

Bradley Joseph Young and James M. Fennell, both of
S.C. Criminal Justice Academy, of Columbia, for
Respondent.

PER CURIAM: Scott Hess appeals an order issued by the Administrative Law Court (ALC) dismissing his petition for judicial review of a final decision of the Law Enforcement Training Counsel (LETC) of the South Carolina Criminal Justice Academy (SCCJA) which stated it based its dismissal on Hess's failure to

file and serve a brief within the time allotted by the South Carolina ALC Rules. We reverse and remand in accordance with the following authorities: *Hillig v. Comm'r of Internal Revenue*, 916 F.2d 171, 174 (4th Cir. 1990) ("A dismissal sanction is usually inappropriate when it unjustly penalizes a blameless client for the attorney's behavior."); *See generally Operation of the Trial Courts During the Coronavirus Emergency (As Amended June 15, 2021)* (S.C. Sup. Ct. Order dated April 3, 2020).

REVERSED AND REMANDED.

MCDONALD and VINSON, JJ., and LOCKEMY, A.J., concur.