

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

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SC Court of Appeals

Roger Curtis, #143635,)
)
Appellant,)
)
v.)
)
South Carolina Department of Probation,)
Parole and Pardon Services,)
)
Respondent.)
_____)

Docket No. 23-ALJ-15-0025-A

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (the ALC or the Court) pursuant to an appeal filed by Roger Curtis (Appellant), an inmate incarcerated with the South Carolina Department of Corrections. By letter dated May 24, 2023, the South Carolina Department of Probation, Parole and Pardon Services (Department) notified Appellant that the South Carolina Parole Board (Board) denied him parole. In a letter dated June 2, 2023, Appellant asked for a rehearing. The Department denied Appellant a rehearing in a letter dated July 11, 2023. Appellant received the letter on July 18, 2023. Thereafter, on August 31, 2023, Appellant filed a Notice of Appeal with the Court seeking review of the Board’s denial of parole.

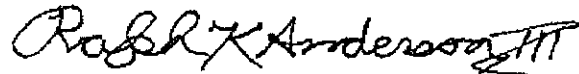
On November 7, 2023, the Department filed the Record on Appeal. Thereafter, on December 12, 2023, Appellant filed his brief. On January 3, 2024, the Department filed its Brief and Motion to Dismiss.

Pursuant to the Rules of Procedure for the Administrative Law Court (SCALC Rules), an inmate must file an appeal from a decision of the Department within thirty days of receipt of the decision. SCALC Rule 59. In this case, Appellant received the Department’s letter denying his request for a rehearing on July 18, 2023. Thirty days from July 18, 2023 was August 17, 2023. Appellant did not file an appeal until August 31st. Therefore, because Appellant did not file and serve his notice of appeal by August 17, 2023, his appeal is untimely. SCALC Rule 59. Our courts have held that “[t]he service of a notice of appeal is a jurisdictional requirement, and the time for service may not be extended” by the court. *Hill v. S.C. Dep’t of Health & Env’t Control*, 389 S.C. 1, 21, 698 S.E.2d 612, 623 (2010); *see also Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) (“Service of the notice of intent to appeal is a jurisdictional requirement, and this Court

has no authority to extend or expand the time in which the notice of intent to appeal must be served.”). Therefore, because Appellant’s appeal was untimely, this Court does not have jurisdiction to address his claim and this case must be dismissed. *See id.*

ORDER

IT IS THEREFORE ORDERED that this matter is **DISMISSED WITH PREJUDICE.**
AND IT IS SO ORDERED.



Ralph K. Anderson, III
Chief Administrative Law Judge

January 11, 2024
Columbia, South Carolina