

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Gregory Collins, #347252, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 South Carolina Department of Corrections, )  
 )  
 Respondent. )

Docket No. 24-ALJ-04-0124-IJ

ORDER OF DISMISSAL

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SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed on January 25, 2024 by Gregory Collins (Appellant), an inmate in the custody of the South Carolina Department of Corrections (Respondent or Department). After the Appellant's Step 1 Grievance was filed and returned the Appellant filed an appeal with the court appealing the Department's denial of his grievance as untimely because it was not submitted within fifteen (15) days of the payroll date error in accordance with Department policy.

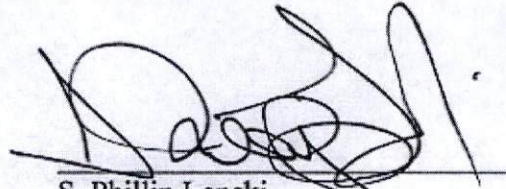
On June 4, 2024, the Department filed a Motion to Dismiss for the Appellant's failure to timely file and serve his Notice of Appeal on the Department. In support of its motion, the Department cites SCALC Rules 54, 59 and 62, which provide that an appeal must be filed and served upon all parties to the case within thirty (30) days from the date of the written notice of the Department's final decision. In this case, the Appellant received the Department's Final Decision on December 18, 2023, therefore the date for perfecting an appeal from the Department's decision was January 17, 2024. The Appellant filed and served his Notice of Appeal on January 25, 2024, which is more than thirty (30) days after he received the Department's final decision. On June 10, 2024, the Appellant filed a response to the Department's Motion to Dismiss stating that he did not receive a copy of his Step 1 Grievance until January 17, 2024 and that the December 18, 2023 date on his Notice of Appeal is a typographical error and should not be grounds for a dismissal of South Carolina

However, timely filing and service of a notice of appeal is a jurisdictional requirement and this court does not have the authority to extend or expand the time for filing such appeal. See

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*Mears v. Mears*, 287 S.C. 168, 337 S.E.2d 206 (1985); *State v. Brown*, 344 S.C. 302, 543 S.E.2d 568 (Ct. App. 2001). Therefore, because the Appellant failed to timely file and serve his Notice of Appeal, this court does not have jurisdiction to hear it and this court concludes that this matter must be dismissed.

**IT IS THEREFORE ORDERED** that this appeal is **DISMISSED**.  
**AND IT IS SO ORDERED.**



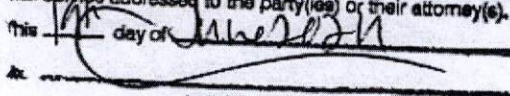
S. Phillip Lenski  
Administrative Law Judge

June 19, 2024  
Columbia, South Carolina

**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States Mail, postage paid, or in the interagency Mail Service addressed to the party(ies) or their attorney(s).

This 19 day of June

  
Judicial Law Clerk