

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Bernard Jackson, #210745,)
)
Appellant,)
)
v.)
)
South Carolina Department of Probation,)
Parole and Pardon Services,)
)
Respondent.)
_____)

Docket No. 24-ALJ-15-0008-AP

ORDER OF DISMISSAL

RECEIVED

SEP 13 2024

SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to an appeal filed on February 7, 2024 by Bernard Jackson (Appellant), an inmate in the custody of the South Carolina Department of Corrections (SCDC). On January 3, 2024, the South Carolina Department of Probation, Parole and Pardon Services (Department or Respondent) notified the Appellant of the South Carolina Parole Board's (Board) unanimous decision to deny the Appellant parole.

On February 7, 2024, the Appellant filed his Notice of Appeal with the court. On February 16, 2024 this matter was originally assigned to the Honorable Milton Kimpson. On March 27, 2024, the Respondent filed the Record on Appeal. On April 26, 2024, the Appellant filed his brief. On June 5, 2024, the Respondent filed its brief. On June 13, 2024, the court issued a Notice of Reassignment informing the parties that this case has been reassigned to the undersigned. On June 17, 2024, the Appellant filed his reply brief.


In accordance with the Rules of Procedure for the Administrative Law Court (SCALC) Rule 59, a "...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." The Respondent's final decision is dated January 3, 2024, however the Appellant did not file a Notice of Appeal with this court until February 7, 2024, more than thirty (30) days after the date of the Respondent's final decision. In this case, the Appellant has failed to timely appeal the Respondent's final decision.

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 *Mears v. Mears*,

The State of South Carolina
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Administrative Law Court

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 his Notice of Appeal with the court, this court does not have jurisdiction to hear it. Based on the foregoing,

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



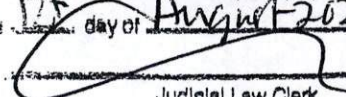
S. Phillip Lenski
Administrative Law Judge

August 12, 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 12 day of August 2024


Judicial Law Clerk