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SEP 25 2024

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alonza Dennis, #128392,)
)
 Appellant,)
)
 v.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)

Docket No. 24-ALJ-04-0450-AP

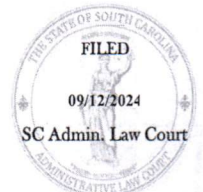
ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (Court or ALC) pursuant to an appeal filed by Alonza Dennis (Appellant), an inmate incarcerated in the South Carolina Department of Corrections (SCDC or Department).

Appellant filed a Notice of Appeal on June 4, 2024. Importantly, the Notice of Appeal does not indicate service on the Department. The case was nevertheless assigned on June 20, 2024. On August 26, 2024, the Department filed a Motion to Dismiss (Motion) because Appellant did not serve it with a copy of the Notice of Appeal. The Motion was supported by an affidavit of a Department employee attesting that the Department did not receive a copy of the Notice of Appeal. As of the date of this Order, Appellant has not filed a response to the Motion.

On September 3, 2024, Appellant filed an affidavit attesting he "mail[ed] a copy of the notice of appeal to the office of general counsel. I made a mistake and stated in the notice of appeal that I serve the clerk's office." However, this affidavit did not contain a proof of service indicating the address to which Appellant mailed the notice of appeal. Accordingly, even if the Court considered Appellant's affidavit, he did not establish that he properly served the notice of appeal upon the Department because he did not provide the address on which he purportedly served the notice of appeal.

Appellant's failure to serve a Notice of Appeal on the Department deprives this Court of jurisdiction to hear this matter. *See Hill v. S.C. Dep't of Health & Envtl. Control*, 389 S.C. at 21, 698 S.E.2d at 623 (2010) ("The service of a notice of appeal is a jurisdictional requirement, and the time for service may not be extended by this Court."). In *Al-Shabazz v. State*, the South Carolina Supreme Court, citing to then SCALC Rule 33, instructed that "[t]he inmate must file and serve a notice of appeal upon specified parties within thirty days of receipt of written



notice of Department's final decision." 338 S.C. 354, 377, 527 S.E.2d 742, 754 (2000) (emphasis added). This same requirement is also set forth in SCALC Rule 59, which provides, in pertinent part: "The 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." (emphasis added). Pursuant to SCALC Rule 62, "[u]pon motion of any party, or on its own motion, an Administrative Law Judge may dismiss an appeal . . . for failure to comply with any of the rules of procedure for appeals" Because Department has established that Appellant failed to serve it as required by the SCALC rules, this Court does not have jurisdiction to hear this case. *See Hill*, 389 S.C. at 21, 698 S.E.2d at 623; SCALC Rule 59. Therefore,

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



Ralph King Anderson, III
Chief Administrative Law Judge

September 12, 2024
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Stephanie Perez, 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).



Stephanie Perez
Judicial Law Clerk

September 12, 2024
Columbia, South Carolina