

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

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SC Court of Appeals

Jerome Curry, [REDACTED] )  
 )  
 Appellant, )  
 )  
 vs. )  
 )  
 South Carolina Department of Corrections, )  
 )  
 Respondent. )

Docket No. 24-ALJ-04-0511-IJ

ORDER GRANTING  
RESPONDENT'S MOTION TO  
DISMISS

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed on July 11, 2024 by Jerome Curry (Appellant), an inmate in the custody of the South Carolina Department of Corrections (Department or Respondent). After the Appellant's Step 1 Grievance was unprocessed and returned, he filed a Notice of Appeal with the court. The Appellant is appealing the denial of his grievance in which he claims that has been found guilty of fifty-three (53) disciplinary charges and is requesting his Level 2 ME custody back. The Appellant is not appealing a disciplinary hearing conviction for which he lost good time credit or failed to earn good time credit or because his sentence, sentence related credits or custody status have been erroneously calculated.

On September 19, 2024, the Department filed a Motion to Dismiss for the Appellant's failure to timely file and serve his Notice of Appeal. 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 the parties to the case within thirty (30) days from the date of the written notice of the final decision of the Department. The Appellant filed a Notice of Appeal with the court on July 11, 2024, however the Appellant received his returned Step 1 Grievance on May 15, 2024, more than thirty (30) days from the date of the written notice. On September 30, 2024, the Appellant filed a response to the Department's Motion to Dismiss asking the court to strike the Department's Motion to Dismiss as a sham and to grant his appeal.

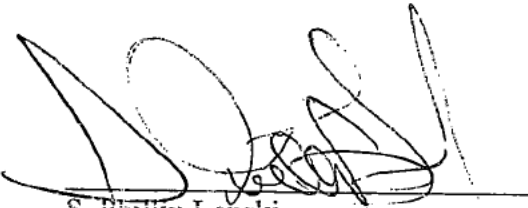
Timely filing and service of a notice of appeal is a jurisdictional requirement and this court does not have the authority to extend or expand the time for filing such appeal. See *Mears v.*

State of South Carolina  
FILED  
OCT 07 2024  
Administrative Law Court

*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. Pursuant to the Department's motion, this court concludes that this matter must be dismissed.

**IT IS THEREFORE ORDERED** that the Department's Motion to Dismiss is **GRANTED** and this appeal is hereby **DISMISSED**.

**AND IT IS SO ORDERED.**



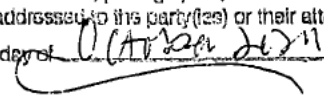
S. Philip Lenski  
Administrative Law Judge

October 7, 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 this party(ies) or their attorney(s).

This 7<sup>th</sup> day of October 2024

  
Judicial Law Clerk