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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Roosevelt Isaac, #118040,)
)
 Appellant,)
)
 vs.)
)
 South Carolina Department of)
 Corrections,)
)
 Respondent.)
 _____)

Docket No. 07-ALJ-04-0874-AP

ORDER OF DISMISSAL

RECEIVED
OCT 21 2013
SC Court of Appeals

This matter comes before the Administrative Law Court (ALC) pursuant to the appeal of Roosevelt Isaac, an inmate incarcerated with the Department of Corrections (DOC or Department) filed September 4, 2007. The Court file does not contain a certificate of service showing that the Appellant served the Department with the Notice of Appeal.

ALC Rule 59, provides

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.

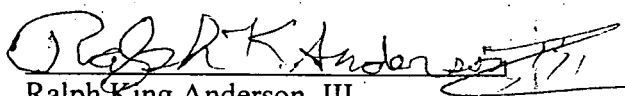
(emphasis added). Therefore, as set forth in Rule 59, the Department must be served with a copy of the Notice of Appeal within thirty (30) days of the Appellant's receipt of the final decision of the Department.

In this case, there is no evidence in the file that the Department was served with the notice of appeal within thirty (30) days of the Appellant's receipt of the Department's final decision. "The requirement of service of the notice of appeal is jurisdictional, i.e., if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice." Elam v. South Carolina Dept. of Transp., 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004). As set forth in Rule 59, the Appellant has not properly invoked the jurisdiction of this court

Pursuant to ALC Rule 62, an Administrative Law Judge may dismiss an appeal for failure to comply with the rules of procedure for appeals or for failure to comply with any time limits set forth in an appeal. Since there is no evidence the Appellant served Department with the notice of appeal within thirty (30) days of the Appellant's receipt of the Department's final decision as required by ALC Rule 59, I conclude *sua sponte* that this matter should be dismissed.

IT IS THEREFORE ORDERED that this appeal is dismissed.

AND IT IS SO ORDERED.



Ralph King Anderson, III
Chief Administrative Law Judge

April 11, 2012
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 11th day of April 2012

By: L. Sharon Tolson J.
Judicial Law Clerk

Received 6-10-2012

EXHIBIT-1 - 1-page

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Roosevelt Isaac

Appellant

-v-

SOUTH CAROLINA DEPARTMENT OF
CORRECTIONS

Respondents

DOCKET NO. 07-ALT-04-0274 AP

MOTION OF RECONSIDER WITH
DOCUMENT PROOF

ON APRIL 19, 2012 APPELLANT RECEIVED AN ORDER TO DISMISS THE ABOVE CASE FOR NOT FILING A CERTIFICATE OF SERVICE ON ALL PARTS, WHEN APPELLANT FILED HIS TIMELY MOTION UNDER RULE-60(A).

DURING THIS TIME APPELLANT HAD BEEN TRANSFERRED TO TWO OTHER INSTITUTIONS DURING THE MONTH AUGUST 18, 2007, AND APPELLANT WAS DENIED TO HAVE THE DOCUMENT NOTARIZED, THATS WHEN APPELLANT DATE THE DOCUMENT CERTIFICATE OF SERVICE.

EXHIBIT ATTACHED

1. A CERTIFICATE OF SERVICE:

7-2-2012

DATE

Roosevelt Isaac

Appellant

FILED

JUL - 6 2012

SC ADMIN LAW COURT
RECEIVED

OCT 21 2013

SC Court of Appeals

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 6th day of July, 2012

By: L. Hester Belsau, Jr.
Judicial Law Clerk

DENIED

Ralph King Anderson, III 7/6/12
Ralph King Anderson, III
Administrative Law Judge
Date

CERTIFICATE OF SERVICE

ROOSEVELT ISAC the appellant, hereby certify that a copy of the foregoing DOCUMENTS was served upon the court of appeals of receiving the ADMINISTRATIVE LAW COURT WAS THIS ISSUE DISMISSED ON ORDER OF APRIL 11, 2012. Please forgive me NOT sending IT the FIRST TIME. Three pages.

CASE NO. 2013-002094

Ms. Jenny Abbott Kitchings clerk of court

10-16-2013
DATE

Roosevelt Isac
Appellant

Sworn to and subscribed before me this
16 day of October 2013
J Franklin
Notary Republic for South Carolina
my commission expires 12-16-2014

RECEIVED
OCT 21 2013
SC Court of Appeals