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SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Jeffery Adrian Simpson, #282574,)
)
 Appellant,)
)
 v.)
)
 South Carolina Department of Corrections,)
)
)
 Respondent.)
)
 _____)

Docket No. 25-ALJ-04-0705-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 October 8, 2025 by Jeffery Adrian Simpson (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 denied, the Appellant filed an appeal with the court appealing his conviction of Possession of a weapon (811).

On December 5, 2025, the Department filed a Motion to Dismiss because the Appellant failed to exhaust his administrative remedies and as a result, the Appellant did not receive a final agency decision. The Department argues that because the Appellant did not file a Step 2 Grievance and therefore did not obtain a final decision from the Department, the Appellant has failed to exhaust his administrative remedies and thus failed to meet the requirements of the Administrative Procedures Act for review by this court. As of the date of this Order, the Appellant has not filed a response to the Department's Motion to Dismiss.¹

DISCUSSION

The Administrative Procedures Act (the Act) confers the jurisdiction of this court upon a party who has exhausted all administrative remedies available within an agency and who is aggrieved by a final decision in a contested case. *See* S.C. Code Ann. § 1-23-380. Interpreting the language of the Act, the South Carolina Supreme Court has determined "judicial review is appropriate where there is an appeal from a final agency order . . ." and relief to be generally

¹ *See* Rules 61 and 7, SCALCR, which provide that if a party opposes a motion, the party must file a written response and that failure of a party to timely file a response may be deemed a consent by that party to the relief sought in the motion.



unavailable "where one has not exhausted administrative remedies." *Garris v. Governing Bd. of South Carolina Reinsurance Facility*, 319 S.C. 388, 390, 461 S.E.2d 819, 821 (1995).

In failing to obtain a final decision from the Department, the Appellant failed to exhaust his administrative remedies and, as such, has failed to meet the requirements of the Act to confer the jurisdiction of this court. Therefore, based on the foregoing,

IT IS HERBY ORDERED that the Respondent's Motion to Dismiss is **GRANTED** and this appeal is **DISMISSED**.

AND IT IS SO ORDERED.



S. Phillip Lenski
Administrative Law Judge

December 30, 2025
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 30 day of December, 2025

Judicial Law Clerk