

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Charles Mitchell, #189424,)
)
 Appellant,)
)
 v.)
)
 South Carolina Department of Probation,)
 Parole and Pardon Services,)
)
 Respondent.)
 _____)

Docket No. 25-ALJ-15-0032-AP

ORDER OF DISMISSAL

RECEIVED

MAR 02 2026

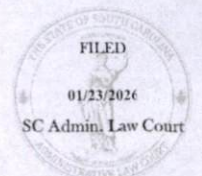
SC Court of Appeals

This matter is before the Administrative Law Court (ALC or Court) pursuant to an appeal filed by Charles Mitchell (Appellant), an inmate incarcerated with the South Carolina Department of Corrections. By letter dated March 26, 2025, the South Carolina Department of Probation, Parole and Pardon Services (Department) notified Appellant that the South Carolina Parole Board (Board) had denied him parole. On November 20, 2025, Appellant's Notice of Appeal was filed with the Court. Thereafter, on January 8, 2026, the Department filed a Motion to Dismiss arguing this appeal is untimely pursuant to Rule 59 of the Rules of Procedure for the Administrative Law Court (SCALC Rules).

This Court's limited jurisdiction to hear appeals from parole-denial decisions of the Department is derived from the Supreme Court of South Carolina's opinion in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000).¹ Pursuant to *Al-Shabazz*, an inmate seeking to appeal must file and serve a notice of appeal upon specified parties within thirty days of written notice of the Department's final decision. *Id.* at 377, 527 S.E.2d at 754; *see also* Rule 59, SCALCR (requiring filing and service upon each party within thirty days of receipt of the Department decision).² Appeal deadlines are jurisdictional in nature, and thus this Court has no authority to consider an

¹ See, e.g., *Furtick v. S.C. Dep't of Prob., Parole & Pardon Servs.*, 352 S.C. 594, 576 S.E.2d 146 (2003); *James v. S.C. Dep't of Prob., Parole, & Pardon Servs.*, 377 S.C. 564, 660 S.E.2d 288 (Ct. App. 2008).

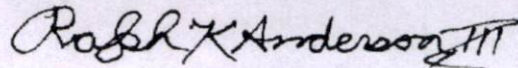
² See also S.C. Code Ann. § 1-23-600(E) (Supp. 2025) (providing that ALC appellate review "must be in the same manner as prescribed in Section 1-23-380 for judicial review of final agency decisions with the presiding administrative law judge exercising the same authority as the court of appeals"); S.C. Code Ann. § 1-23-380(1) (Supp. 2025) ("Proceedings for review are instituted by serving and filing notice of appeal as provided in the South Carolina Appellate Court Rules within thirty days after the final decision of the agency or, if a rehearing is requested, within thirty days after the decision is rendered.")



untimely appeal. *Hill v. S.C. Dep't of Health & Env't Control*, 389.S.C. 1, 21, 698 S.E.2d 612, 623 (2010).

Here, Appellant received the Department's final decision on April 11, 2025. Accordingly, Appellant was required to file Notice and Appeal upon the Department and this Court no later than May 11, 2025. Nonetheless, Appellant did not file his Notice of Appeal to this Court until November 20, 2025, months after the deadline. Since Appellant failed to meet the requirements to file and serve the Notice of Appeal, the Court has no jurisdiction to hear this appeal. *Allen v. S.C. Dep't of Corr.*, 439 S.C. 164, 886 S.E.2d 671 (2023) (ALC has jurisdiction over properly perfected appeals).

IT IS THEREFORE ORDERED that this matter is **DISMISSED WITH PREJUDICE**.
AND IT IS SO ORDERED.

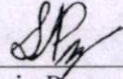


Ralph K. Anderson, III
Chief Administrative Law Judge

January 23, 2026
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

January 23, 2026
Columbia, South Carolina