

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Mustafa El Shabazz Bey,

Appellant,

vs.

South Carolina Department of Social
Services,

Respondent.

Docket No. 25-ALJ-18-0423-AP

ORDER OF DISMISSAL

RECEIVED

Aug 21 2026

SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the notice of appeal filed on December 31, 2025 by Mustafa El Shabazz Bey (Appellant). The Appellant is appealing the South Carolina Department of Social Services (Department or Respondent) Office of Administrative Hearings' final decision dated November 6, 2025, disqualifying the Appellant from participation in the Supplemental Nutrition Assistance Program (SNAP) for twelve (12) months for committing an Intentional Program Violation (IPV) by failing to report a felony-drug conviction. In addition, the Department determined that the Appellant will continue to be permanently ineligible from participation in SNAP in South Carolina as a result of the drug conviction, as South Carolina has not enacted legislation allowing individuals convicted of drug-related felonies to receive SNAP benefits.

On January 30, 2026, the court sent the parties the Notice of Assignment notifying the parties that this case had been assigned to an administrative law judge and informing the parties of the deadlines the parties are required to meet unless otherwise ordered by the assigned judge. The court informed the parties that the Record on Appeal (ROA) is due within forty-five (45) days of the date of the notice of assignment, the Appellant's brief is due within thirty (30) days after the ROA is filed and the Respondent's brief is due within thirty (30) days after the Appellant's brief is filed.

On February 10, 2026, the Appellant filed his brief with the court.¹ On March 27, 2026, after the Department failed to timely file the Record on Appeal, the court issued an Order for

¹ The Appellant's brief did not include a proof of service indicating that the Appellant had served all parties with a copy.



Record on Appeal giving the Department an additional twenty (20) days to file the ROA with the court. On April 8, 2026, the Department filed the ROA with the court. On June 30, 2026, the court issued an Order for Respondent's Brief giving the Department twenty (20) days to file a brief with court. On July 20, 2026, the Department filed a Motion to Vacate and Motion to Dismiss requesting an Order from the court vacating the court's Order for Respondent's Brief and dismissing this case because the Appellant's failed to serve the Department with his brief. On July 23, 2026, the Appellant filed a Response to the Respondent's motions asking the court to deny the Department's motions and to permit the Appellant to perfect service. On July 28, 2026, the court issued an Order Denying the Department's motions and giving the Appellant five (5) days to serve the Department with a copy of his brief. The court gave the Department twenty (20) days from the date the Department received the Appellant's brief to file the Respondent's brief.

On August 18, 2026, the Department contacted the court via email and informed the court that an incorrect Record on Appeal had been filed with the court because the Appellant had not served the Department with a copy of his Notice of Appeal. Therefore, insufficient identifying case information had been provided to the Department's Office of Administrative Hearings for the Record on Appeal.

In accordance with subsection 1-23-380(1) of the South Carolina Code (Supp. 2021) and Rule 33A, SCALCR, the notice of appeal from a final agency decision must be filed with the court and a copy served on all parties within thirty (30) days of receipt of the final decision. In this case, the final agency decision is dated November 6, 2025, therefore pursuant to S.C Code Ann. § 1-23-380(1) and Rule 33A, SCALCR, the Appellant was required to file an appeal with court and to also serve the appeal upon all parties no later than December 8, 2025.² The Appellant filed his Notice of Appeal with the court on or about December 31, 2025, after the thirty (30) day statutory deadline to appeal.³

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.*

² Thirty (30) days from November 6, 2025 is December 6, 2025 which is a Saturday. Therefore, pursuant to Rule 3A, SCALCR, the period for filing runs until the end of the next day that is neither a Saturday nor Sunday.

³ On December 31, 2025, still after the appeal deadline, the Appellant filed an incomplete Notice of Appeal with the court. On January 6, 2026, the court sent the Appellant a memorandum informing him that his request was incomplete and would not be assigned to an administrative law judge until the court received required information. On January 20, 2026, the Appellant provided the court with the required documents and on January 30, 2026, the appeal was assigned to the undersigned judge.

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 his appeal with the court and serve all parties, this court does not have jurisdiction to hear it and this court concludes that this matter must be dismissed.⁴ Based on the foregoing,

IT IS HEREBY ORDERED that this appeal is **DISMISSED**.

AND IT IS SO ORDERED.



S. Phillip Lenski
Administrative Law Judge

August 20, 2026
Columbia, South Carolina

⁴ The court is concerned that it had to dismiss this matter *sua sponte*. The Appellant's appeal was filed nearly a month after the statutory deadline had expired. Furthermore, by the Department's own admission, the Appellant failed to serve a copy of his appeal upon the Department. Either of these failures by the Appellant – untimely filing and failing to serve a party – render the Appellant's appeal incomplete and untimely, and therefore, deny this court jurisdiction to adjudicate it. The failure of the Department to raise either of these in a Motion to Dismiss is troubling.

CERTIFICATE OF SERVICE

I, Erika S. Easler, 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).

A handwritten signature in black ink, appearing to read "Erika S. Easler", written over a horizontal line.

Erika S. Easler
Judicial Law Clerk

August 20, 2026
Columbia, South Carolina

