

MAR 05 2014

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

SC ADMIN. LAW COURT

Julian Rochester, 171519, )  
)  
Appellant, )  
)  
v. )  
)  
South Carolina Department of Corrections, )  
)  
Respondent. )

Docket No.: 14-ALJ-04-0025-IJ  
Grievance No.: KCI 0886-13

ORDER OF DISMISSAL

2/3-7/14  
10: Am  
E K H  
Princy

This matter is before the South Carolina Administrative Law Court ("ALC" or "Court") pursuant to the Notice of Appeal filed on January 7, 2014 by Julian Rochester ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("Department"). On or about July 11, 2013, the Appellant filed a Step One Grievance with the Department asserting that the Department has incorrectly calculated his sentence max-out date. On August 13, 2013, a response to the Appellant's Step One Grievance was issued by the Warden explaining to the Appellant how his sentence had been calculated. Thereafter, the Appellant filed a Notice of Appeal with this Court challenging the Department's response to his Step One Grievance. There is nothing in the Record reflecting that the Appellant ever filed and received a response to a Step Two Grievance. *(They are 18-11 - Reg. at GPH.) page 3-4 (Lyng)*

S.C. Code Ann. § 1-23-380(A) states that "A party who has exhausted all administrative remedies available within the agency and who is aggrieved by a final decision in a contested case is entitled to judicial review..." See, Al-Shabazz v. State, 338 S.C. 354, 376, 527 S.E.2d 742, 754 (2000) ("An inmate may, however, seek review of the Department's final decision by an ALJ in a non-collateral or administrative matter"; citing, Bennett v. South Carolina Dep't of Corrections, 305 S.C. 310, 408 S.E.2d 230 (1991) (statutory requirements proffering administrative remedy and requiring exhaustion before seeking judicial review mean administrative agency has exclusive right to decide issues before it, subject only to appeal for judicial review of its decision.)).

If the Appellant's intent is to appeal a decision of the Department which jeopardizes his state-created liberty or property interests, he must first exhaust all administrative remedies. By failing to obtain a final decision from the Department, the Appellant has failed to exhaust his

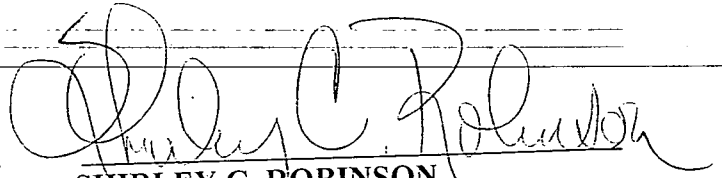
*Bob Cooper*

administrative remedies and has thus failed to meet the requirements of the Administrative Procedures Act for review by this Court.

Based upon the foregoing, **IT IS HEREBY ORDERED** that this appeal is **DISMISSED.**

**AND IT IS SO ORDERED.**

Took a pay off  
of Def. & protected  
conversations

  
**SHIRLEY C. ROBINSON**  
Administrative Law Judge

March 5, 2014  
Columbia, South Carolina

conflicts, she kin  
to Def. J.D. Robinson-Lt.

Whole received not put  
up by def. & she got  
Rec'd of it fast, before  
3-4-14 - demand for full  
recovered be put up 5 ps. & 11 ps.  
Cooks served blocked by Bayel  
& 1 ps. recusal. 7th one.

**CERTIFICATE OF SERVICE**  
This is to certify that the undersigned has this date  
served this order on the above and that either upon all  
parties to this cause by depositing proof thereof  
in the United States mail postage paid at the originating  
Mail Service addressed to the party(ies) or their attorney(s).  
This 5 day of March 2014  
By: JLR