

FILED

SEP 29 2014

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

SC ADMIN. LAW COURT

Jonathan Mathis, 220561,)
)
 Appellant,)
)
 v.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)
 _____)

Docket No.: 14-ALJ-04-0733-IJ
Grievance No.: PCI 0272-14

ORDER OF DISMISSAL

RECEIVED

OCT 24 2014

SC Court of Appeals

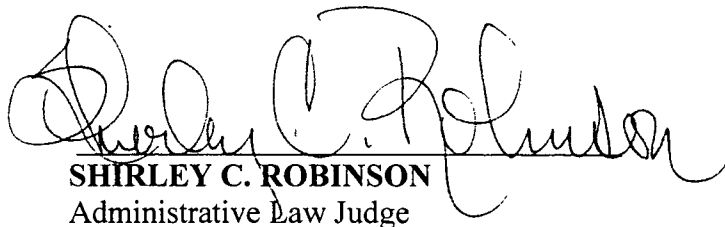
This matter is before the South Carolina Administrative Law Court (“ALC” or “Court”) pursuant to the Notice of Appeal filed on September 8, 2014 by Jonathan Mathis (“Appellant”), an inmate incarcerated with the South Carolina Department of Corrections (“Department”). Appellant asserts that he has filed multiple Step One Grievances with the Department challenging his disciplinary convictions of Possession of Escape Tools and/or Paraphernalia, Possession of Contraband and Possession of Any Communication Device and the Department has failed to respond to his grievances. Appellant’s initial filings reflect that Appellant has filed Request to Staff Member (“RTSM”) forms inquiring as to the status of these grievances. The latest response to Appellant’s RTSM appears to have been issued on July 22, 2014 and indicates that at least one of Appellant’s grievances was returned to him unprocessed for failure to follow proper Grievance Procedure and Appellant did not refile that grievance. Another grievance remains pending and the Department assured Appellant that he will receive a response once it has been processed. There is no indication that Appellant has received a final agency decision for any of the grievances associated with the disciplinary convictions listed above.

S.C. Code Ann. § 1-23-380(A) provides 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.”); Bennett v. S.C. Dep’t of Corr., 305 S.C. 310, 408 S.E.2d 230 (1991) (explaining that an administrative agency has the exclusive right to decide issues before it, subject only to appeal for judicial review of its decision following the exhaustion of administrative remedies).

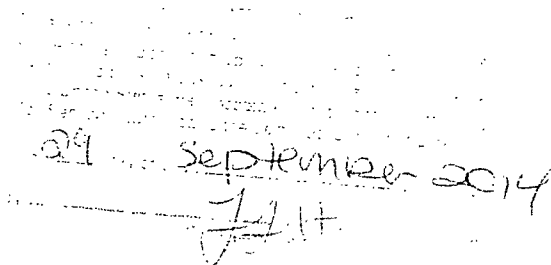
If Appellant's intent is to appeal a decision of the Department which jeopardizes his state-created liberty or property interests, he must first exhaust all administrative remedies. By failing to obtain a final decision from the Department, Appellant has failed to exhaust his administrative remedies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


SHIRLEY C. ROBINSON
Administrative Law Judge


September 27, 2014
Columbia, South Carolina


29 September 2014
J.H.