

explain its reasoning." It is clear counsel failed to provide any authority of law or explain any reasoning behind his groundless statements.

Also notice Counsel states the sole issue on appeal is whether the Administrative Law Judge erred. Consider the Record on Appeal clearly proves Appellant raises issues of due process violation in both Agency grievances and before the ALC. Appellant argues this is an issue for review by this Appeals Court. Note cases like Trimmer v. S.C. Dept. of Labor, 405 S.C. 239, 746 S.E.2d 491 (S.C. App. 2013) holding agency decisions are arbitrary if governed by no fixed rules or standards. See MRI at Balfair, L.L.C. v. SCDEH, 394 S.C. 567, 664 S.E.2d 471 (S.C. 2008) holding agency decisions must be supported by substantial evidence. Also note S.C. Code Ann. § 1-23-350 where agency must provide facts and evidence on which decisions are based. The federal courts have addressed this issue too, see Nader v. Blair, 549 F.3d 953 (4th Cir. 2008) "under the Accordi Doctrine, when an agency fails to follow its own procedures or regulations, that agency's actions are generally invalid." or see J. N. S. v. Yuch-Shiao Yang, 117 S.Ct. 350 (1996) holding reasonableness of agency actions can be gauged by reference to the agency's policies and practices. Carefully consider neither the Agency nor the ALJ has mentioned any S.C.D.C. policies to support their bare conclusions.

Conclusion and Relief

Whereas S.C. Code Ann. § 1-23-610 indicates a reviewing court must base its decisions on the record as a whole and the evidence documents requested by Appellant are clearly relevant to matters of this case, it would seem necessary that this Honorable Court make its own assessment of the items requested in Appellant's Designation of the Matter.

Therefore Appellant asks the designation not be struck and that the Court issue order that the Agency and the

AHC promptly forward to the Court and the appellant copies of the complete record on appeal so that a proper, fair and just hearing of the issues at bar may be had.

Notice authority for appellant's request for copies is allowed under Agency Policy OP-21.04 section 32.5 "The inmate will have access to portions of his or her records considered by the I.C.C. This principle of law pertains to all agency documents under various agency policies under due process requirements; note holding of Goldberg v. Kelly, 397 U.S. 254 (1970), "... evidence used to prove the states case must be disclosed to the individual so that he/she has an opportunity to show it is untrue."

Such Order to timely produce would aid this Court's prompt and just determination of issues and allow appellant to receive the evidence/information essential to his case that the Agency and ALJ have thus far unlawfully denied him.

Date: 1/23/2015

Respectfully Submitted,

Anthony Erving

Anthony Erving, Appellant Pro Se
Kershaw Correctional Inst.
4848 Goldmine Hwy.
Kershaw, S. C. 29067

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JAN 28 2015

SC Court of Appeals

The State of South Carolina
In the Court of Appeals

Appeal from the Administrative Law Court
Carolyn C. Matthews, ALJ

Lower Case No. 14-ALJ-04-0444-IJ.
Appellate Case No. 2014-002173

Anthony Erwing # 220446 _____ Appellant,
vs.
S.C.D.C. _____ Respondent,

Certificate of Service

I, Anthony Erwing, Appellant Pro Se, hereby certify that on today's date I placed with mail service personell a Response to the Respondant's Motion to Strike to be delivered to the Appeal's Court and the Respondant at: Clerk, S.C. Court of Appeals P.O. Box 11629 Columbia, S.C. 29211 and General Counsel S.C.D.C. P.O. Box 21787 Columbia, S.C. 29211

Date: 1/23/2015

Respectfully Submitted,
Anthony Er

Anthony Erwing # 220446
KRCI N
4848 Goldmine Hwy.
Kershaw, S.C. 29067

RECEIVED

JAN 28 2015

SC Court of Appeals

Notice: Final Request

Attn. Jenny Abbott Kitchings
Clerk S.C. Court of Appeals
P.O. Box 11629

Reference: Appeal Case No. 2014-002173
Anthony Erving v. S.C.D.C.

Ms. Kitchings,

Notice Appellant has requested "locked-in" copies sent to your office of multiple court filings, he has supplied "Appellant Copy" and self-addressed, stamped envelopes per request by your office. To date none of his filings have been returned to him and in some cases it has been over 90 days; this has caused prejudice to some of the appellant subsequent filings.

Appellant reasonably believes the Clerk has an "imperative duty" in law to provide litigants such service in a timely manner. Note he has "no other adequate means to obtain the desired relief" and the "Clerk can only exercise her discretion in one way"; therefore if this Appellant does not receive said "locked-in" copies within 10 (ten) business days of the date of this notice he intends to file Writ of Mandamus in an effort to prevent further prejudice to his cause by your continued negligence.

Please do not make this action necessary. Thank you, in advance for your prompt compliance with my request.

Date: 1/23/2015 Signed: Anthony Erving Pro Se Appellant

Anthony Erving #220446
4848 Goldmine Hwy.
Kershaw, S.C. 29067

y Ewing # 220446

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W.S.C. 29067

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Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
P.O. Box 11629

Columbia, S.C. 29211

Inter-Agency Mail

RECEIVED

JAN 23 2015

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MAILROOM

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JAN 28 2015

SC Court of Appeals