

**RECEIVED**

JAN 14 2016

**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

**SC Court of Appeals**

James Tinsley, #171943, )  
 )  
 Appellant, )  
 )  
 vs. )  
 )  
 South Carolina Department of Probation, )  
 Parole and Pardon Services, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

Docket No. 15-ALJ-15-0047-AP

**ORDER OF REMAND**

**FILED**

DEC 31 2015

**SC ADMIN. LAW COURT**

This matter is before the South Carolina Administrative Law Court (“ALC” or “Court”) pursuant to the Notice of Appeal filed August 31, 2015, by James Tinsley (“Appellant”), an inmate in the custody of the South Carolina Department of Corrections (“SCDC”). Appellant is appealing the decision of the South Carolina Department of Probation, Parole and Pardon Services (“Department”), which denied Appellant parole.

As noted in *Cooper v. S.C. Dep’t of Prob., Parole and Pardon Servs.*, 377 S.C. 489, 661 S.E.2d 106 (2008), an inmate “has no right to be paroled; however, [an inmate] does have a right to require the [Parole] Board to adhere to statutory requirements in rendering a decision.” *Id.* at 499, 661 S.E.2d at 112. The Parole Board must issue “orders that are sufficiently detailed for the ALC to conduct appellate review, limited to the Board’s adherence to section 24-21-640, of decisions denying parole.” *Id.* at 500, 661 S.E.2d at 112.

Here, the order issued by the Parole Board is not sufficiently detailed to allow this Court to review the issues raised by Appellant. In the Parole Board’s Findings of Fact sentence, the Board stated “Prior Criminal Record Indicates Poor Community Adjustment.” There is no identification of what in the prior criminal record indicates poor community adjustment. This broad generalization issued by the Parole Board is not sufficient to allow this Court to conduct a proper appellate review.

Further, as mentioned in *Cooper*:

Pursuant to the terms of APA, a final decision in an agency adjudication of a contested case "shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by **a concise and explicit statement of the underlying facts supporting the findings.**"

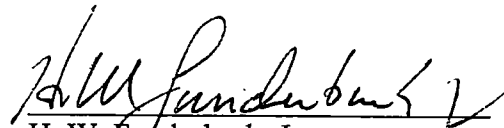
*Id.* (quoting S.C. Code Ann. § 1-23-350) (emphasis added).

Here, there was no concise and explicit statement of the underlying facts supporting the findings. This method and procedure of the Parole Board in rendering its decision does not allow proper appellate review of the issues raised by Appellant. It is therefore,

**ORDERED** that this case be **REMANDED** to the Parole Board for a parole hearing to be held within thirty (30) days of the date of this Order.<sup>1</sup>

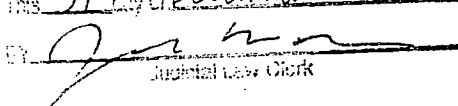
**AND IT IS SO ORDERED.**

Columbia, South Carolina  
December 31, 2015

  
H. W. Funderburk, Jr.  
Administrative Law Judge

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, postage paid, in the United States mail addressed to the party(ies) or their attorney(s).

this 31 day of December 2015  
BY   
Judicial Law Clerk

**FILED**  
DEC 31 2015  
SC ADMIN. LAW COURT

<sup>1</sup> The Court is aware that Appellant will be considered again for parole on or about May 27, 2016. This rehearing is in addition to any hearing that should be scheduled on or about May 27, 2016.