



The South Carolina Court of Appeals

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June 29, 2016

The Honorable Jana E. Shealy
Edgar A. Brown Building
1205 Pendleton Street/ Ste 224
Columbia SC 29201

REMITTITUR

Re: Deonta Brinston v. SC Dept. of Criminal Justice
Lower Court Case No. 2014ALJ300540AP
Appellate Case No. 2015-000797

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Candy M. Kern-Fuller, Esquire
James M. Fennell, Esquire
Sarah Elizabeth Meadows, Esquire

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Deonta L. Brinston, Respondent,

v.

South Carolina Department of Criminal Justice,
Appellant.

Appellate Case No. 2015-000797

Appeal From The Administrative Law Court
Shirley C. Robinson, Administrative Law Judge

Unpublished Opinion No. 2016-UP-255
Submitted February 1, 2016 – Filed June 8, 2016

AFFIRMED

James M. Fennell, of the South Carolina Criminal Justice
Academy, of Columbia, for Appellant.

Candy M. Kern-Fuller and Sarah Elizabeth Meadows,
both of Upstate Law Group, LLC, of Easley, for
Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following
authorities:

1. We find Deonta Brinston timely served his notice of appeal to the administrative law court. *See* Rule 33, SCRPALC (stating a party must serve a copy of the notice of appeal from the final decision of an agency on each party and the agency within thirty days of receipt of the decision); Rule 5, SCRPALC ("Service is deemed complete upon mailing.").

2. We find the administrative law court did not err in reversing the decision of the Law Enforcement Training Council. *See* S.C. Code Ann. § 1-23-610(B) (Supp. 2015) (providing this court reviews a decision of the administrative law court to determine whether its decision is supported by substantial evidence or is arbitrary, capricious, or characterized by an abuse of discretion); *Doe v. S.C. Dep't of Disabilities & Special Needs*, 377 S.C. 346, 349, 660 S.E.2d 260, 262 (2008) (stating the appellate court must determine whether the circuit court, sitting in its appellate capacity, properly found the agency's findings of fact were not supported by substantial evidence); S.C. Code Ann. § 1-23-380(5)(f) (Supp. 2015) (stating a reviewing court may reverse or modify the decision of an agency when it is arbitrary or capricious or characterized by an abuse of discretion); S.C. Code Ann. § 1-23-380(5)(e) (Supp. 2015) (providing a reviewing court applies the substantial evidence rule, and an agency's decision will be upheld unless it is "clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record"); *McEachern v. S.C. Emp't Sec. Comm'n*, 370 S.C. 553, 557, 635 S.E.2d 644, 647 (Ct. App. 2006) ("Substantial evidence is evidence which, *considering the record as a whole*, would allow reasonable minds to reach the conclusion that the administrative agency reached." (emphasis added) (quoting *Merck v. S.C. Emp't Sec. Comm'n*, 290 S.C. 459, 461, 351 S.E.2d 338, 339 (1986)))

AFFIRMED.¹

HUFF, A.C.J., and KONDUROS and GEATHERS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.