

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Sonny Rourke, #350597,)
)
Appellant,)
)
vs.)
)
South Carolina Department of Corrections,)
)
Respondent.)
_____)

Docket No. 16-ALJ-04-0437-AP

Grievance No. TCI 462-15

RECEIVED

JUL 01 2016

ORDER OF DISMISSAL
SC Court of Appeals

FILED

JUN 06 2016

SC ADMIN. LAW COURT

This matter is before the South Carolina Administrative Law Court (“ALC”) pursuant to the Notice of Appeal filed May 23, 2016, by Sonny Rourke (“Appellant”), an inmate in the custody of the South Carolina Department of Corrections (“SCDC”).¹

Appellant appeals a denial of a grievance in which he complained about SCDC policy, specifically policy relating to the use of chemical munitions. The ALC is not the forum by which an inmate can challenge this policy. Consequently, the ALC cannot and should not extend its jurisdiction over an internal prison matter. *See Al-Shabazz v. State*, 338 S.C. 354, 382, 527 S.E. 2d 742, 757 (2000) (citing *Pruitt v. State*, 274 S.C. 565, 567-68, 266 S.E.2d 779, 780 (1980)) and *Howard v. S.C. Dep’t of Corr.*, 399 S.C. 618, 733 S.E.2d 211 (2012).


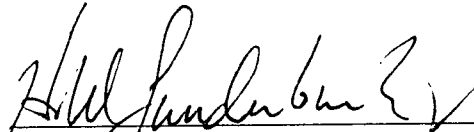
Under *Slezak v. S.C. Dep’t of Corr.*, 361 S.C. 327, 331, 605 S.E. 2d 506, 508 (2004), the ALC is to have jurisdiction of all properly perfected inmate appeals but “[s]ummary dismissal may be appropriate where the inmate’s grievance does not implicate a state created liberty or property interest.”

¹Appellant has failed to properly serve his notice of appeal before the ALC. According to the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000), an “inmate must file and serve a notice of appeal upon specified parties within thirty days of receipt of written notice of Department’s final decision.” *Id.* at 377, 527 S.E.2d at 754. SCALC Rule 59 further provides that “[t]he notice of appeal from the final decision to be heard by the Administrative Law Court shall be filed with the Court and a copy served on each party, including the agency, within thirty (30) days of receipt of the decision from which the appeal is taken.”

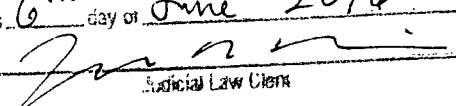
It is therefore,

ORDERED that this appeal is **DISMISSED**.
AND IT IS SO ORDERED.

Columbia, South Carolina
June 6, 2016



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 thereof,
in the United States mail, postage paid, or in the Interagency
Mail Service addressed to the party(ies) or their attorney(s).

This 6th day of June 2016
By: 
Judicial Law Clerk

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