

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Patrick Geard Strozier, #119519,)
)
Appellant,)
vs.)
)
South Carolina Department of Corrections,)
)
Respondent.)

Docket No.: 16-ALJ-04-0303-AP

ORDER OF DISMISSAL

RECEIVED

APR 24 2017

SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed April 11, 2016, by Patrick Geard Strozier (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department). The Appellant appeals the decision of the Department denying his grievance in which Appellant alleges that the Department has improperly calculated his earned work credits and that is affecting his parole eligibility. On July 25, 2016, the Department filed a Motion to Dismiss on the grounds that the Appellant failed to file his initial brief in a timely manner.

Pursuant to ALC Rule 60, unless otherwise ordered, the Appellant was required to file a brief with the court and to serve the same on all parties "within ninety (90) days after the date of assignment." ALC Rule 54 provides that "[a]ny document, pleading, motion, brief or memorandum or other paper filed with the Court shall be served upon all parties to the proceeding." The date of assignment in this case was April 20, 2016. Under ALC Rule 60, the brief was due on or before July 19, 2016. The Appellant timely filed his initial brief and an "appeal record" with the court on July 18, 2016.¹ However, the Appellant's brief did not include a Certificate of Service indicating that he mailed his brief to the Department as required by ALC Rule 54.

Rule 62, ALC Rules, entitled "Dismissal of Appeal" provides:

Upon motion of any party, or on its own motion, an Administrative Law Judge may dismiss an appeal for failure to comply with any of the rules of procedure for appeals, including the failure to comply with any of the time limits provided by this section (V)....

¹ Even though the brief was not received by the court until July 21, 2016, it was received by the Board Prisoner Correctional Institution's Mailroom on July 18, 2016.

JUL 29 2016

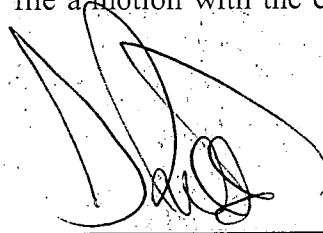
SC ADMIN. LAW COURT

Because the Appellant's brief was timely filed but not served, the court denies the Department's Motion to Dismiss on the basis that the Appellant failed to file his brief. As the Appellant has failed to provide the court with a Certificate of Service indicating service of his brief on the Department, the court nevertheless, dismisses the case. The Appellant failed to comply with rules of procedure for appeals by failing to serve a copy of his initial brief on the Department. Therefore, pursuant to ALC Rules 54 and 62, this matter is hereby **DISMISSED**.

~~Based on the foregoing, it is hereby~~ **ORDERED** ~~that the Department's Motion to Dismiss is~~ **DENIED** although the appeal is still **DISMISSED WITHOUT PREJUDICE**.

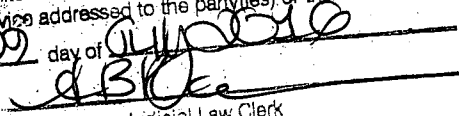
It is further **ORDERED** that if the Appellant provides the court and the Department with proof that he complied with ALC Rules 54 and 62 by both filing with the court and serving the Department with his brief, the Appellant may file a motion with the court asking that it reopen and/or reconsider the matter.

AND IT IS SO ORDERED.



S. Phillip Lenski
Administrative Law Judge

July 29, 2016
Columbia, South Carolina

CERTIFICATE OF SERVICE
I am 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,
in the United States Mail, postage paid, or in the Interagency
Mail Service addressed to the party(ies) or their attorney(s).
This 29 day of July, 2016

Judicial Law Clerk

FILED

JUL 29 2016

SC ADMIN. LAW COURT

STATE OF SOUTH CAROLINA

Administrative Law Court

S. Phillip Lenski
Administrative Law Judge



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July 29, 2016

Patrick Geard Strozier, #119519
Broad River Correctional Institution
4460 Broad River Road
Columbia, SC 29210

RE: *Patrick Geard Strozier, #119519 v. S.C. Dept. of Corrections*
Docket No. 16-ALC-04-0303-AP

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APR 24 2017

SC Court of Appeals

Dear Mr. Strozier:

Enclosed please find a copy of the Order of Dismissal in the above-referenced matters. The case was dismissed because it does not appear that you complied with ALC Rules 52 and 60 which require not only that your brief be filed but also, that it be served on the Department. As indicated by the order, it is being dismissed without prejudice which means that if you are able to provide the court and the Department with proof of service of your brief on the Department, you may file a motion with the court to reopen and/or reconsider your appeal.

Since we believe that you may have submitted your original documents to the court, we are returning a copy of them to you in the event that you need them in the future. Under cover of this letter, we are providing the Department with a copy of the order as well as your brief.

Very truly yours,

A handwritten signature in black ink, appearing to read "Amy B. Rothschild".

Amy B. Rothschild, Staff Counsel to
The Hon. S. Phillip Lenski

Enclosures

cc: Annie Rumler, Esquire (w/enclosures)
South Carolina Department of Corrections
4444 Broad River Road
Columbia, SC 29221