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**SC Court of Appeals**

**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

Jerome Owens, 299108,

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

Docket No. 18-ALJ-04-0458-AP

Grievance No.: ACI 007-18

**ORDER OF DISMISSAL  
(*Sua Sponte*)**

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to the Notice of Appeal filed on September 13, 2018 by Jerome Owens (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department). Appellant is appealing the Department's final decision on his grievance appeal that he received on August 3, 2018.

ALC Rule 59 sets forth, in relevant part, that:

The 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. (emphasis added).

SCALC Rule 59.

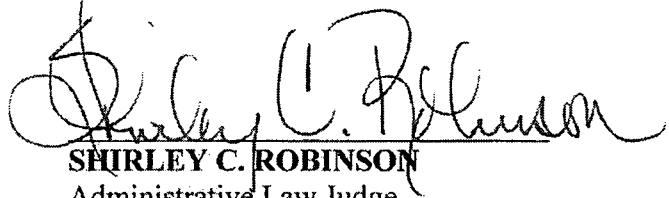
In this instance, Appellant received the Department's final decision on August 3, 2018, but he did not file the Notice of Appeal with the ALC until September 13, 2018, past the 30 days allowed by ALC Rule 59. Because this Court does not have the authority to extend the appeal filing or service deadline, Appellant's appeal must be dismissed. *See, e.g., Sadico of Greenville, Inc. v. Greenville County Bd. of Zoning Appeals*, 340 S.C. 57, 59, 530 S.E.2d 383, 384 (2000) ("[S]ervice of the Notice of Appeal is a jurisdictional requirement, and this Court has no authority to extend or expand the time in which the Notice of Appeal must be served.") *citing Mears v. Mears*, 287 S.C. 168, 337 S.E.2d 206 (1985); *See also Burnett v. S.C. State Highway Dep't*, 252 S.C. 568, 167 S.E.2d 571 (1969). Furthermore, pursuant to *Al-Shabazz v. State*, the ALC sits in an appellate capacity when reviewing final decisions of the Department regarding inmate matters, and to perfect an appeal, "[t]he inmate *must file and serve* a notice of appeal upon specified parties

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within thirty days of receipt of written notice of [the] Department's final decision." 338 S.C. 354,  
377, 527; S.E.2d 742, 754 (2000) (emphasis added).

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

  
**SHIRLEY C. ROBINSON**  
Administrative Law Judge

15<sup>th</sup>  
November 14, 2018 --  
Columbia, South Carolina

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

This 15 day of November 2018  
By: [Signature]  
Judicial Law Clerk