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MAR 28 2019

SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Lynn Jeffrey Chronister, #189827,

Appellant,

vs.

South Carolina Department of Probation,
Parole and Pardon Services,

Respondent.

Docket No. 19-ALJ-15-0004-AP

ORDER OF DISMISSAL

STATEMENT OF THE CASE

This case is before the Administrative Law Court (ALC or Court) pursuant to the appeal of Lynn Jeffrey Chronister (Appellant), an individual incarcerated with the South Carolina Department of Corrections. On January 24, 2019, the South Carolina Department of Probation, Parole and Pardon Services (Department) notified Appellant of its determination that he was denied parole. On February 11, 2019, Appellant submitted to the Department a request a rehearing. On February 15, 2019, the Department responded to Appellant advising that there is no rehearing/appeal process for the routine denial of parole; therefore, no action will be taken on his request. Appellant filed an appeal with the ALC on February 25, 2019. Appellant challenges the Board's denial of parole on the grounds that findings of fact in the Board's decision are not supported by the evidence.

S.C. Code Ann. § 1-23-600(D) (Supp. 2018) provides, "An administrative law judge shall not hear...an appeal involving the denial of parole to a potentially eligible inmate by the Department of Probation, Parole and Pardon Services." Thus, this Court's authority to review a decision of the Board is limited to determining if the Board followed the proper procedure and considered the relevant factors. Compton v. S.C. Dept. of Probation Pardon and Parole Services, 385 S.C. 476, 685 S.E.2d 175 (2009). If that procedure was followed, any decision of the Board constitutes a routine denial of parole which this Court has no jurisdiction to hear.

The Notice of Rejection dated January 24, 2019, states that the parole board considered the relevant factors in reaching its decision. Thus, this is a routine denial of parole, and the ALC has no authority to consider this appeal. Cooper v. S.C. Dept. of Probation Pardon and Parole Services, 377 S.C. 489, 66 S.E.2d 106 (2008).

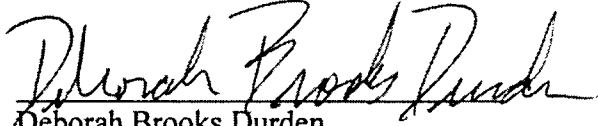
FILED

MAR 12 2019

SC ADMIN. LAW COURT

ORDER

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


Deborah Brooks Durden
Administrative Law Judge

March 12, 2019
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 12th day of March 2019

By: R.E. Gel
Judicial Law Clerk