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MAY 28 2019

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

SC Court of Appeals

Johnnie Brown, 187755,

Docket No. 19-ALJ-15-0011-AP

Appellant,

vs.

ORDER

South Carolina Department of Probation,
Parole and Pardon Services,

Respondent.

This matter is before the South Carolina Administrative Law Court ("ALC" or "Court") pursuant to the Notice of Appeal filed by Johnnie Brown ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections. Appellant received the South Carolina Department of Probation, Parole and Pardon Services' ("Department") final decision denying his parole on January 29, 2018. On March 28, 2019, this Court issued an Order dismissing Appellant's appeal because it was not filed timely. On April 11, 2019, Appellant filed a motion requesting the appeal be reinstated for good cause. Along with the motion, Appellant submitted documentation showing the appeal was initially filed on February 14, 2019 but was returned by the ALC clerk's office because it was not filed on the appeal form mandated by ALC Rule 57. The clerk's office attached the correct form to the returned appeal and Appellant perfected his appeal on March 7, 2019 which was recorded as the filing date of the appeal.

Following review of the motion and attached exhibits, I find the motion must be denied. Although Appellant's initial notice of appeal was filed within 30 days of receipt of the agency's decision, ALC Rule 59 requires the notice to contain "a brief factual basis for each expressly and specifically asserted constitutional violation." The notice of appeal Appellant filed on February 14, 2019 simply states he is appealing the Board's denial of parole entered on January 23, 2019 and received on January 29, 2019 and gives no basis for appealing the decision. This court might have considered reinstating the appeal had Appellant's initial notice of appeal satisfied the requirements of Rule 59, but it does not therefore the motion is denied.

THEREFORE, IT IS HEREBY ORDERED that Appellant's motion requesting reinstatement of his appeal is **DENIED**.

FILED

MAY 07 2019

AND IT IS SO ORDERED.

Shirley C. Robinson
SHIRLEY C. ROBINSON
Administrative Law Judge

May 7, 2019
Columbia, South Carolina

[Faint, mostly illegible text, likely the body of a legal order or decision.]

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CERTIFICATE OF SERVICE
This is to certify that the undersigned has this date
served this order on the above entitled action upon all
parties to this case by depositing a copy hereof,
in the United States mail, postage paid, or in the emergency
mail service addressed to the party(ies) or their attorney(s).
This 7 day of May, 2019
By: [Signature]
Judicial Law Clerk

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