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SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Mark Hamilton, 196804,

Docket No. 19-ALJ-15-0008-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 Mark Hamilton ("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