

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from the Administrative Law Court
The Honorable S. Phillip Lenski, Administrative Law Judge
Docket No. 19-ALJ-18-0047-AP

CASE NO. 2019-001835

RECEIVED
DEC 09 2019
SC Court of Appeals

ALONZO JETER, III, APPELLANT,

V

SOUTH CAROLINA DEPARTMENT OF
SOCIAL SERVICES, RESPONDENT.

RECORD ON APPEAL

ALONZO C. JETER, III

Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

APPELLANT/ Pro se

CHAD A. MITCHELL, Esq.
SC Bar # 74730

SC Dept of Social Services
Office of General Counsel
P O Box 1520
1535 Confederate Avenue
Columbia, South Carolina 29202
(803) 898- 0755

ATTORNEY FOR RESPONDENT

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within this Record On Appeal submitted by Appellant, however the redundant
documents which were included within the Respondent’s Record On Appeal have
been omitted. Appellant is an indigent prisoner and is therefore at great strain and
disadvantage in providing costly copies)*

May 5, 2018

Alonzo C. Jeter, III 1
Perry Correctional Institution
Q2-A-108 / #282902
430 OAKLAWN ROAD
Pelzer, SC 29669

SC Dept. of Social Services
Attrn. SNAP - Fair Hearing
PO Box 17799
Greenville, SC 29606

RECEIVED

MAY 31 2018

P.C.I. MAILROOM

Re: Case No: 01978711 - Caseload ID: 381B15 - Cherokee Co.

Dear Sir or Madam:

I have received a notice notifying me that my household has received an over payment of SNAP benefits of \$3400.00 for period 11/2011 through 03/2013. The reason stated for the overpayment is that I plead guilty to a felony drug conviction in 10/2004 and I therefore was ineligible to receive SNAP benefits.

I did plead guilty to a conviction in 10/2004, however, this was a misdemeanor conviction and not a felony conviction. Please see SC Code of Laws statute 16-1-100 which verifies that the conviction was A Class A misdemeanor. See also SC Code of Laws statute 16-1-90 which enumerates the crimes that are classified as felonies.

I ask that you please correct this in your system and cancel this debt for overpayment. If your office still deems that I owe this overpayment, please notify me of how I may appeal this decision.

Thanks for your time, patience, and all that you do.

Regards,

~~Alenzo C. Jeter, III~~

Alenzo C. Jeter, III

JUL 04

3

July 3, 2018

Alonzo C. Jeter, III
Perry Correctional Institution
Q2-A-108/#282902
430 OAKLAWN ROAD
Pelzer, SC 29669

Cherokee County Dept. of Social Services
1434 N. Limestone St.
Gaffney, SC 29340

RECEIVED

JUL 06 2018

P.C.I. MAILROOM

Re: Case No. 01978711 - Case lead IO. 381B15 - Cherokee County

Dear Sir or Madam:

I have received a notice notifying me that my household has received an overpayment of SNAP benefits of \$3400.00 for period 11/2011 through 03/2013. The reason stated for the overpayment is that I pled guilty to a felony drug conviction in 10/2004, and I therefore was ineligible to receive SNAP benefits.

I did plead guilty to a conviction in 10/2004, however, this was a misdemeanor conviction and not a felony conviction. Please see SC Code of Laws statute 16-1-100, which verifies that the conviction was a Class A misdemeanor. See also SC Code of Laws statute 16-1-90 which enumerates the crimes that are classified as felonies.

I ask that you please correct this in your system and cancel this debt for overpayment. If your office still deems that I owe this overpayment, please notify me of how I may appeal this decision.

Page 1 of 2

Thank You for your assistance in this matter.

4

Regards, ~~Alonzo III~~
Alonzo C. Jeter, III

12/11/13

000 06

ALONZO JETER III
140 MALONE RD
GATNEY

SC 29341

CASE NO: 01978711
CASELOAD ID: 111333
COUNTY: CHEROKEE
PHONE NO: 8644872704

5

OVERPAYMENT DEMAND LETTER

DEAR ALONZO JETER

YOUR HOUSEHOLD HAS RECEIVED AN OVERPAYMENT OF BENEFITS IN THE FOLLOWING PROGRAM(S):
PROGRAM SNAP AMOUNT \$ 3400.00 FOR PERIOD 11/2011 THROUGH 03/2013
PROGRAM THIS OVERPAYMENT HAS BEEN CLASSIFIED AS CLIENT ERROR
PROGRAM AMOUNT FOR PERIOD
THIS OVERPAYMENT HAS BEEN CLASSIFIED AS

AN APPOINTMENT TO DISCUSS THIS OVERPAYMENT AND REPAYMENT OPTIONS HAS BEEN SCHEDULED FOR YOU WITH ***** ON ***** AT ***** AT THE ***** COUNTY DEPARTMENT OF SOCIAL SERVICES.

THE REASON FOR THE OVERPAYMENT IS YOU PLEAD GUILTY TO A FELONY DRUG CONVICTION IN 10/2004 AND YOU WERE NOT ELIGIBLE TO RECEIVE SNAP BENEFITS. THE OVERPAYMENT WAS CALCULATED ACCORDING TO PROGRAM REGULATIONS. IF WE OWED YOU BENEFITS FROM PAST MONTHS, WE HAVE REDUCED THE AMOUNT YOU OWE.

YOU MUST MAKE ARRANGEMENTS FOR REPAYMENT OF THIS OVERISSUANCE WITHIN 30 DAYS OF THE DATE OF THIS NOTICE. IF YOU ARE RECEIVING BENEFITS, WE WILL REDUCE YOUR BENEFIT AMOUNT BY 10 PERCENT OR \$ 10, WHICHEVER IS GREATER, EFFECTIVE FEBRUARY 2014. WE MAY COLLECT THIS OVERPAYMENT FROM ALL ADULTS THAT WERE INCLUDED IN YOUR CASE AT THE TIME THE OVERPAYMENT OCCURRED. WE MAY REDUCE YOUR OVERPAYMENT IF WE DETERMINE THAT YOU ARE UNABLE TO REPAY THIS AMOUNT.

IMPORTANT: IF YOU DO NOT PAY ON YOUR OVERPAYMENT, YOUR STATE OR FEDERAL INCOME TAX REFUND MAY BE INTERCEPTED AS PAYMENT AGAINST THE OVERPAYMENT. YOU CAN MAKE A WRITTEN AGREEMENT TO REPAY THE AMOUNT OF THE OVERPAYMENT PRIOR TO IT BEING REFERRED FOR TAX INTERCEPT. IN ADDITION, THE OVERPAYMENT MAY BE SENT TO OTHER COLLECTION AGENCIES WHO WILL USE VARIOUS COLLECTION METHODS TO COLLECT THE OVERPAYMENT. IF YOUR OVERPAYMENT BECOMES DELINQUENT, YOU MAY BE CHARGED ADDITIONAL PROCESSING FEES. YOU MAY ALSO RECEIVE ADDITIONAL DEMAND LETTERS.

FAIR HEARING RIGHTS ARE EXPLAINED ON THE BACK OF THIS NOTICE.

IF YOU HAVE ANY QUESTIONS, CALL MS DANIEL AT 864-547-8114, EXTENSION .

COMMENTS:
PLEASE CALL MS DANIEL AS SOON AS POSSIBLE TO MAKE PAYMENT ARRANGEMENTS ON THIS DEBT.

41

ALONZO JETER III
14 MALONE RD
G/ NEY

SC 29341

12/10/13

000 07

CASE NO: 01978711
CASELOAD ID: 381B15
COUNTY: CHEROKEE
PHONE NO: 8644872704

6

DENIAL

DEAR MR. JETER,

YOUR APPLICATION FOR SNAP BENEFITS RECEIVED DECEMBER 09, 2013
HAS BEEN DENIED BECAUSE YOU WERE CONVICTED OF A CONTROLLED SUBSTANCE
ABUSE VIOLATION THAT OCCURRED AFTER AUGUST 22, 1996.
YOU MAY REAPPLY AT ANY TIME.

FAIR HEARING RIGHTS ARE EXPLAINED ON THE BACK OF THIS NOTICE.
IF YOU HAVE QUESTIONS, CALL 1-800-616-1309.

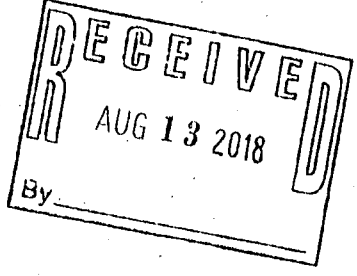
42

JU 08
7

August 8, 2018

Alonzo C Jeter, III
Perry Correctional Institution
Q2-A-108/#282902
430 OAKLAWN ROAD
Pelzer, SC 29669

S. Co. Dept. of Social Services
Office of Individual & Provider Rights
PO Box 1520
Columbia, SC 29202-1520



Dear Sir or Madam:

I am writing to you today in regards of my SNAP benefits' case. It is my aim and intention to have a \$3,400.00 debt for overpayment cancelled. I have recently become aware that I did not have a felony conviction at the time that I was deemed ineligible to receive the SNAP benefits.

I have mailed letters to Cherokee County Dept. of Social Services (Gaffney, SC) where my case originated and also to Greenville County Dept. of Social Services where I am under the impression that it is the Regional Office. However, both departments has failed to respond to my letters. I am enclosing a copy of those letters which were written and mailed on May 31, 2018 and July 6, 2018.

Please advise me of any hearing or other way that I can resolve this issue. If your office still deems that I owe this overpayment, please notify me of how I may appeal this decision.

Thank you for your assistance in this matter.

Sincerely, ~~Alonzo C Jeter, III~~
Alonzo C Jeter, III

Alonzo C. Jeter, III
Perry Correctional Institution
Q2-A-108/#282902
430 OAKLAWN ROAD
Pelzer, SC 29669

August 10, 2018

S.C. Dept. of Social Services
Office of Individual and Provider Rights
1535 Confederate Ave.
Columbia, SC 29201

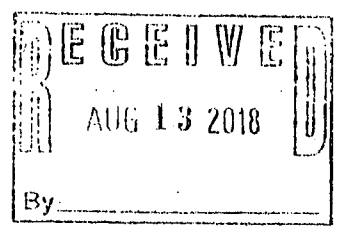
Dear Sir or Madam,

I am writing to you today seeking clarification in regards of the eligibility of SNAP Benefits to convicted drug felons.

- 1) Does a felony drug conviction cause a person to be ineligible for the rest of their life?
- 2) If the convicted offender has been deemed rehabilitated, is he/she then eligible?
- 3) Does Title 21 of United States Code § 862a and § 862 apply to South Carolinians? (21 U.S.C.A. § 862 and 21 U.S.C.A. § 862a)

Thanks for your time, attention, and all that you do.

Sincerely, ~~Alonzo~~
Alonzo C. Jeter, III



DSS SOUTH CAROLINA
DEPARTMENT of SOCIAL SERVICES



30 10
9

HENRY McMASTER, GOVERNOR
JOAN B. MEACHAM, ACTING STATE DIRECTOR

September 4, 2018

Mr. Alonzo Jeter, III
Inmate number 282902
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

Dear Mr. Jeter:

An appeal for a fair hearing must be requested within 90 days of the notice of adverse action. Records reflect that your overpayment demand letter was sent to you on or about December 11, 2013. However, you requested an appeal of this matter on August 13, 2018. Based on the foregoing information, your request for a fair hearing is untimely. As a result, this matter is dismissed.

A party whose case has been dismissed may request reinstatement of the case if he/she can show good cause. Such request must be made within ten (10) days of the dismissal. 10 S.C.Code Ann.Regs. 114-130(H) (Supp.2012)

Sincerely,

A handwritten signature in black ink, appearing to read "Deanene P. Thornwell", is written over a large, stylized oval graphic.

Deanene P. Thornwell, Director
Individual & Provider Rights

DT/ca

cc: Ms. Melissa Parker, Director, Cherokee County DSS
Ms. Toni Henderson, Benefit Integrity Claims

SOUTH CAROLINA DEPARTMENT OF)
SOCIAL SERVICES)

BEFORE THE)
OFFICE OF ADMINISTRATIVE)
HEARINGS)

Alonzo Jeter, III)
Case Number: 11-01978711-SNAP)

Claimant,)

vs.)

South Carolina Department of)
Social Services,)

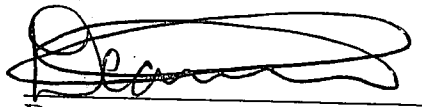
ORDER TO DISMISS

Respondent.)

This matter comes before me on a request for a hearing received by the Office of Administrative Hearings on August 13, 2018.

The client requested a hearing appealing an over-issuance of SNAP benefits which was established on or about December 11, 2013. The Petitioner failed to timely file his appeal request within 90 days of the established action. As a result, the hearing request will be dismissed.

IT IS THEREFORE ORDERED that the above request for hearing be DISMISSED.



Deanene P. Thornwell, Director
Individual and Provider Rights

Date:

9.5.18
Columbia, South Carolina

September 19, 2018

Alonzo C Jeter, III
Perry Correctional Institution
Q2-A-168/#282902
430 CARLAW ROAD
Pelzer, SC 29669

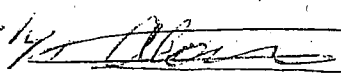
Deanene P. Thornwell, Director
S.C. Dept. of Social Services
Individual and Provider Rights
Office of Administrative Hearings
Post Office Box 1520
Columbia, SC 29202

RE: Alonzo C Jeter, III, v South Carolina Department of Social Services - Case No. 11-01978711-SN19P

Dear Ms. Thornwell,

Please find enclosed for filing, Affidavits of N.C. Merchant - Postal Director of Perry Correctional Institution and Certificate of Service for the same, in the above referenced case.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III
CLAIMANT

SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES

Alonzo C. Jeter, III
Case Number: 11-01978711-SNAP

Claimant,

vs.

South Carolina Department of Social Services,
Respondent.

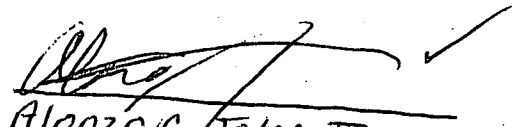
BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS

CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served Affidavits of N. C. Merchant - Postal Director of Perry Correctional Institution upon Respondent by depositing a copy of the same in the United States Mail, postage prepaid, by and through the Perry Correctional Institution mailroom this 19th day of September 2018, addressed to:

Deanene P. Thornwell, Director
S.C. Department of Social Services
Individual and Provider Rights
Office of Administrative Hearings
Post Office Box 1520
Columbia, SC 29202

Melissa Parker, Director
Cherokee County Dept. of Social Services
1434 N. Limestone St.
Gaffney, SC 29340


Alonzo C. Jeter, III
CLAIMANT

SWORN and Subscribed before me
this 19th day of September, 2018

Nancy C. Merchant
Notary Public for South Carolina
My Commission Expires: 1-23-2023

Perry Correctional Institution
430 OAKLAWN ROAD
Pelzer, SC 29669

Legal Correspondence
Re: Missed Deadlines

This is to verify that legal correspondence addressed to the following :

Deanene P. Thornwell
Director – SC DSS
P.O. Box 1520
Columbia, SC 29202

from:

Alonzo Jeter #282902
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

Was not sent out

Perry Correctional Institutional was on Statewide Institutional Lockdown status due to potentially hazardous weather from Hurricane Florence. The Institution was locked down from Tuesday September 11, 2018 through Monday September 17, 2018. During that time the inmates were not able to come to the mailroom.

N.C. Merchant
N.C. Merchant – Postal Director
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

September 18, 2018
Date

000 15
14

September 19, 2018

Alonzo C. Jeter, III
Perry Correctional Institution
430 Oaklawn Road
Pelzer, South Carolina 29669

Deanene P. Thornwell, *Director*
South Carolina Dept. Of Social Services
Individual & Provider Rights
Office of Administrative Hearings
Post Office Box 1520
Columbia, South Carolina 29202


RE: Motion to Reinstate Case - Case Number 11-01978711-SNAP

Dear Ms. Thornwell:

Please find enclosed for filing a '*Motion to Reinstate*' case along with '*Certificate of Service*' in the above referenced case.

Thank you for your assistance in this matter.

Sincerely,


Alonzo C. Jeter, III
CLAIMANT

SEP 24 2018

SOUTH CAROLINA DEPARTMENT OF)
SOCIAL SERVICES)

BEFORE THE)
OFFICE OF ADMINISTRATIVE)
HEARINGS)

Alonzo C. Jeter, III)
Case Number: 11-01978711-SNAP)

Claimant,)

vs.)

CERTIFICATE OF SERVICE)

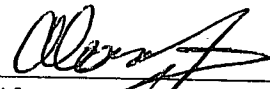
South Carolina Department of)
Social Services,)

Respondent.)

I, Alonzo C. Jeter, III, hereby certify that I have served 'Motion to Reinstate Case' on Respondent by depositing a copy of the same in the United States Mail, postage prepaid, by and through the Perry Correctional Institution mailroom this 19th day of September 2018, addressed to:

Deanene P. Thornwell, Director
South Carolina Department of Social Services
Individual and Provider Rights
Office of Administrative Hearings
Post Office Box 1520
Columbia, South Carolina 29202

Melissa Parker, Director
Cherokee County Dept. of Social Services
1434 N. Limestone St.
Gaffney, SC 29340



Alonzo C. Jeter, III
CLAIMANT

Perry Correctional Institution
430 Oaklawn Road
Pelzer, South Carolina 29669

SWORN and Subscribed before me
this 19 day of September, 2018

Jamara Conwell
Notary Public for South Carolina

My Commission Expires: ~~My~~ Commission Expires
September 25, 2023

SOUTH CAROLINA DEPARTMENT OF)
SOCIAL SERVICES)

BEFORE THE)
OFFICE OF ADMINISTRATIVE)
HEARINGS)

Alonzo C. Jeter, III)
Case Number: 11-01978711-SNAP)

Claimant,)

vs.)

MOTION TO REINSTATE CASE)

South Carolina Department of)
Social Services,)

Respondent.)

This matter comes before the Office of Administrative Hearings on a request for a hearing submitted by claimant on August 13, 2018.

The claimant requested a hearing appealing an over-issuance of SNAP benefits which was established on or about December 11, 2013. The Office of Administrative Hearings, Deanene P. Thornwell, Director, dismissed the request for the hearing deeming the request as untimely submitted. The Order of Dismissal was received by Claimant on September 7, 2018.

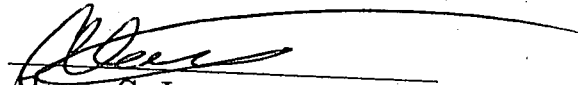
The Claimant now request and motions for a reinstatement of the case due to the following reasons:

- 1) The Claimant was indigent at the time his SNAP benefits where denied and therefore was unable to afford legal counsel to assist him in this matter.
- 2) The Claimant was unlearned and ignorant of South Carolina laws and statutes in regards of when drug convictions are considered to be "felony" drug convictions.
- 3) The Claimant just recently learned and became aware that the conviction in October 12, 2004, that was used to deny him SNAP benefit eligibility was in-fact not deemed to be a "felony" drug conviction, but was rather considered a misdemeanor conviction. S.C. Code Ann.16-1-100 which verifies that the conviction was a Class A misdemeanor. S.C. Code Ann. 16-1-90 which enumerates the crimes that are classified as felonies.

- 4) The Claimant had no way of knowing that the South Carolina Department of Social Services had made a mistake in interpreting their own eligibility rules and guidelines.
- 5) The Claimant should not be held liable for a mistake made by the South Carolina Department of Social Services' interpretation of their own eligibility rules and guidelines.

For these reasons the Claimant asks that this Office of Administrative Hearings would reinstate his case and grant him opportunity to dispute and have this debt for overpayment cancelled.

Respectfully Submitted,


Alonzo C. Jeter, III

CLAIMANT

This 19th day of September, 2018
at Pelzer, South Carolina.

006 19
18

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Receipt of Legal Correspondence Verification

This is to verify that legal correspondence from (Name and Address):

Deanene P. Thornwell
SC DSS
P.O. Box 1520
Columbia, SC 29202-1520

Addressed to (Inmate Name, SCDC#, and Address):

Alonzo Jeter #282902
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

was received and logged in on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log," at the _____ Correctional Mailroom on (Date) _____.

On (Date) _____, the above referenced correspondence was delivered to Inmate _____, SCDC # _____, and his signature was obtained on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log".

Additional Notes:

The above referenced correspondence was not logged in on SCDC Form 10-12, as there was no indication that the enclosed papers were "legal". The correspondence was, however, received on 9/7/2018 by Postal Specialist T. Conwell, and delivered to the Inmate in the evening mail on 9/7/2018.

Nancy C. Merchant
Postal Director/Institution

September 10, 2018
Date

DSS SOUTH CAROLINA
DEPARTMENT of SOCIAL SERVICES

SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES
INDIVIDUAL AND PROVIDER RIGHTS
P.O. BOX 1520, COLUMBIA, SC 29202-1520

FIRST CLASS

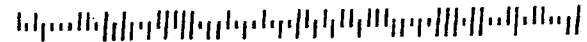
09/01/2018
USPS

\$00.40

2A/08

Mr. Alonzo Jeter, III
Inmate number 282902
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

HYX-SAB 29669



09-20
19

Alonzo C. Jeter, III 20
Tyger River Correctional Institution
U-9-216 / #282902
200 Prison Road
Enoree, SC 29335

October 25, 2018

Deanene P. Thornwell, Director
S.C. Dept. of Social Services
Individual and Provider Rights
Office of Administrative Hearings
P.O. Box 1520
Columbia, SC 29202

RECEIVED
OCT 24 2018
TYRGI MAILROOM

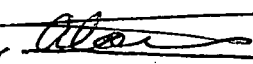
RE: Alonzo C. Jeter, III, v. S.C. Dept. of Social Services
Case No: 11-01978711-SNAP
Notice of Change of Address

Dear Ms. Thornwell:

I am writing to you today giving notification that my mailing address has changed. Please mail all future correspondence to:

Alonzo C. Jeter, III
Tyger River Correctional Institution
U-9-216 / #282902
200 Prison Road
Enoree, SC 29335

Thank you for your assistance in this matter.

Sincerely, 
Alonzo C. Jeter, III
CLAIMANT

cc: Melissa Parker, Director - Cherokee County DSS
FILE

21

SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES

BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS

Alonzo C. Jeter, III
Case Number: 11-01978711-SNAP

Claimant,

vs

South Carolina Department of Social Services

Respondent

CERTIFICATE OF SERVICE RECEIVED
OCT 24 2018
TYRCI MAILROOM

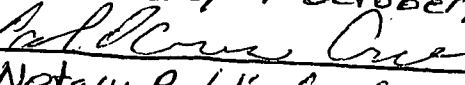
I, Alonzo C. Jeter, III, hereby certify that I have served the within letter which gives notice of Change of Address on Respondent by depositing a copy of the same in the U.S. Mail, postage prepaid, by and through the Tyger River Correctional Institution mailroom this 25 day of October, 2018, addressed to:

Deanene P. Thomwell, Director
S.C. Dept. of Social Services
Individual and Provider Rights
Office of Administrative Hearings
P.O. Box 1520
Columbia, SC 29202

Melissa Parker, Director
Cherokee County Dept. of Social Services
1434 N. Limestone St.
Gaffney, S.C. 29340


Alonzo C. Jeter, III
CLAIMANT

Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29335

SWORN and Subscribed before me
this 25 day of October, 2018

Notary Public for South Carolina
My Commission Expires: Dec 10, 2024

000 21
22

DSS SOUTH CAROLINA
DEPARTMENT of SOCIAL SERVICES



HENRY McMASTER, GOVERNOR
JOAN B. MEACHAM, ACTING STATE DIRECTOR

November 5, 2018

Mr. Alonzo Jeter, III
Inmate number 282902
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

Dear Mr. Jeter:

I am in receipt of your letter regarding the reinstatement of your case. On September 4, 2018, a letter and Order of Dismissal was sent to you dismissing your case because it was untimely filed. 10 S.C. Code Ann.Regs. 114-180 (C)(1)(a) states: "Request for hearing must be filed with the caseworker or OAH...within ninety (90) days of notice of the adverse action for Food Stamps."

As the September 4th letter states, our records indicate that your overpayment demand letter was sent to you on or about December 11, 2013. You requested an appeal of this matter on August 13, 2018. That is over 90 days after the notice of the adverse action for a Food Stamp case. Unfortunately, we are unable to hear your case because it is outside the timeframe allowed for appeal requests.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deanene P. Thornwell".

Deanene P. Thornwell, Director
Individual & Provider Rights

DSS SOUTH CAROLINA
DEPARTMENT of SOCIAL SERVICES

SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES
INDIVIDUAL AND PROVIDER RIGHTS
P.O. BOX 1520, COLUMBIA, SC 29202-1520

PRST 1ST CLASS

11/06/2018
US POSTAGE

FIRST-CLASS MAIL
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Alonzo Jeter, III
RECEIVED
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TYRC MAILROOM

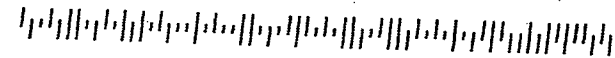
Mr. Alonzo Jeter, III
Inmate number 282902
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

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NOV 13 2018

PC.I. MAILROOM

JAUSGAB 29669



December 4, 2018

Alonzo C. Jeter, III 24
Tyger River Correctional Institution
U-9-216A/#282902
200 Prison Road
Enoree, SC 29335

Administrative Law Court
Office of the Clerk
1205 Pendleton Street, Suite 224
Columbia, SC 29201

RE: Alonzo C. Jeter, III, v South Carolina Department of Social Services


Dear Clerk,

Enclosed please find Notice of Appeal, Motion To Proceed In Forma Pauperis and Certificate of Service for filing.

Enclosed please also find copies of these said documents along with a self-addressed stamped envelope.

Please return to me file-stamped copies of these documents by way of the provided self-addressed stamped envelope.

Thank you for your assistance in this matter.

Sincerely, 
Alonzo C. Jeter, III
APPELLANT

FILED

DEC 07 2018

SC ADMIN. LAW COURT

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

25

Alonzo C Jeter, III, #282902

APPELLATE

VS

NOTICE OF APPEAL

SOUTH CAROLINA DEPARTMENT
OF SOCIAL SERVICES

RESPONDENT

Notice is hereby given that Alonzo C. Jeter, III, does hereby appeal the final decision of the South Carolina Department of Social Services dated November 5, 2018, and received on November 20, 2018, a copy of which is attached.

The Appellate asserts that he should not have been deemed ineligible to receive SNAP (Food Stamp) benefits, and furthermore his case should not have been dismissed even though Appellate discovered after 90 days that the Respondent erred in denying benefits.

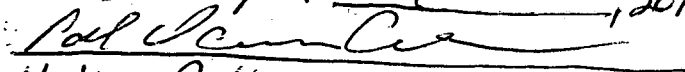
S/ 

Alonzo C. Jeter, III, #282902
200 Prison Road
Enoree, SC 29335

PROOF OF SERVICE

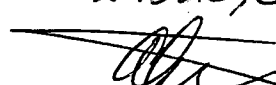
I hereby certify that I have served the Notice of Appeal on South Carolina Department of Social Services by depositing a copy of it in the United States Mail, postage prepaid, on December 4, 2018 by and through the interagency mail room at Tiger River Correctional Institution addressed to: South Carolina Department of Social Services, Individual and Provider Rights, PO Box 1520, Columbia, SC 29202-1520.

SWORN and Subscribed before me
this 4th day of Dec. 2018



Notary Public for South Carolina

My Commission Expires: Dec. 10, 2024



Alonzo C. Jeter, III
#282902
200 Prison Road
Enoree, SC 29335

FILED

DEC 07 2018

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT


26

Alonzo C. Jeter, III
vs
SOUTH CAROLINA DEPARTMENT
OF SOCIAL SERVICES
RESPONDENT

MOTION TO PROCEED
IN FORMA PAUPERIS

I, Alonzo C. Jeter, III, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my motion, I declare under penalty of perjury that the following facts are true:

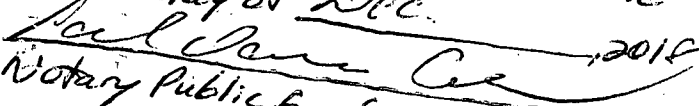
- 1) I am the Appellant in this action and I believe I am entitled to redress.
- 2) I am an incarcerated prisoner who is not earning any wages.
- 3) Because of my poverty, I am unable to pay the costs of the proceeding or give security therefor.

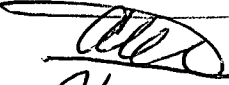

Alonzo C. Jeter, III
200 Prison Road
Enehee, SC 29335

PROOF OF SERVICE

I hereby certify that I have served the Motion To Proceed In Forma Pauperis on South Carolina Department of Social Services by depositing a copy of it in the United States Mail, postage prepaid, on December 4, 2018 by and through the interagency mail room at Tiger River Correctional Institution addressed to: South Carolina Department of Social Services, Individual and Provider Rights, PO Box 1520, Columbia, SC 29202-1520.

SWORN and Subscribed before me
this 4 day of DEC.


Notary Public for South Carolina
My Commission Expires: DEC. 10, 2024


Alonzo C. Jeter, III
200 Prison Road
Enehee, SC 29335

Administrative Law Court

Ralph K. Anderson, III
Chief Judge

Jana E. Cox Shealy
Clerk



PHONE: (803) 734-0550
FAX: (803) 734-6400
WEB: WWW.SCALC.NET

Memorandum

To: Alonzo C. Jeter, III, In Re: Alonzo C. Jeter, III v. South Carolina Department of Social Services
From: Clerk's Office, Administrative Law Court
Date: December 13, 2018
Re: Compliance with ALC Rule 33

The Administrative Law Court received an incomplete request for appeal on December 7, 2018.

Accordingly, your case will not be assigned until the following information is received from you:

- Filing Fee of \$25.00 in accordance with ALC Rule 71 (A Request to Waive Filing Fee is enclosed, which you may use.)
- The name, address and telephone number of the party requesting the appeal, and the name, address and telephone number of the attorney or other authorized representative, if any, representing that party
- A general statement of the grounds for appeal as provided in S.C. Code Ann. §1-23-380(A)(6). The grounds for appeal may be amended, supplemented or modified in the statement of issues in the brief required by Rule 37(B)(1)
- A copy of the entire signed final decision which is the subject of the appeal and the date received
- A copy of the request for a transcript
- A proof of service showing you sent your request for hearing to all parties. (A proof of service form is enclosed, which you may use.)
- Other: Mr. Jeter, I am returning your Motion to Proceed in Forma Pauperis and I have enclosed a Request for Waiver and Affidavit and Financial Statement which you may use.

CC: SC DSS

Please return the appropriate information within 10 days of the date of this Memorandum or your case will be returned to you unprocessed.

28

STATE OF SOUTH CAROLINA
Administrative Law Court
EDGAR A. BROWN BUILDING
1205 PENDLETON STREET, SUITE 224
COLUMBIA, SOUTH CAROLINA 29201

RECEIVED

DEC 21 2018

TYRGI MAIL ROOM

Alonzo C. Jeter, III
Tyger River Correctional Institution
U-9-216A/#282902
200 Prison Road
Enoree, SC 29335



U.S. POSTAGE >>> PITNEY BOWES



ZIP 29201 \$ 000.68⁰
02 1W
0001392766 DEC. 13. 2018

LEGAL MAIL

January 4, 2019

Alonzo C. Jeter, III
Tyger River Correctional Institution
U-9-216A/#282902
200 Prison Road
Enoree, SC 29335

JO. 22
29

Administrative Law Court
Office of the Clerk
1205 Pendleton Street, Suite 224
Columbia, SC 29201

RE: Alonzo C. Jeter, III, v South Carolina Department of Social Services

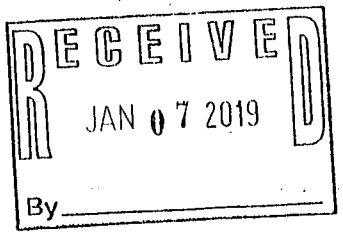
Dear Clerk,
Enclosed, please find a copy of the entire signed final decision, completed Request for Waiver and Affidavit and Financial Statement, and Certificate of Service.

Enclosed, please also find a copy of Certificate of Service along with a self-addressed stamped envelope. Please return to me a file-stamped copy of the Certificate of Service by way of the provided SASE.

Lastly, please note that no request for a transcript was submitted by me because I never had a hearing in this matter, therefore there is no transcript to be requested.

Thank you for your assistance in this matter.

Sincerely, Alonzo C. Jeter, III
Alonzo C. Jeter, III
APPELLANT



STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

00. 23
30

Alonzo C. Jeter, III

APPELLATE

VS

SOUTH CAROLINA DEPARTMENT
OF SOCIAL SERVICES

RESPONDENT

CERTIFICATE
OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served a copy of the entire signed final decision on South Carolina Department of Social Services by depositing a copy of the same in the United States Mail, postage prepaid, on January 4, 2019, by and through the interagency mail room at Tiger River Correctional Institution, addressed to: South Carolina Department of Social Services, Individual and Provider Rights, PO Box 1520, Columbia, SC 29202-1520.

SWORN and subscribed before me
this 3 day of JAN. 2019

Paul J. [Signature]

Notary Public for South Carolina

My Commission Expires: DEC. 10, 2024

[Signature]
Alonzo C. Jeter, III
200 Prison Road
Enoree, SC 29335

Administrative Law Court

Ralph K. Anderson, III
Chief Judge

Jana E. Cox Shealy
Clerk



PHONE: (803) 734-0550
FAX: (803) 734-6400
WEB: WWW.SCALC.NET

Second Memorandum

To: Alonzo C. Jeter, III, In Re: Alonzo C. Jeter, III v. South Carolina Department of Social Services

From: Clerk's Office, Administrative Law Court

Date: January 8, 2019

Re: Compliance with ALC Rule 33

The Administrative Law Court received an incomplete request for appeal on December 7, 2018.

Accordingly, your case will not be assigned until the following information is received from you:

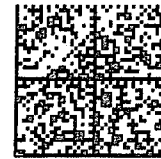
- _____ Filing Fee of \$25.00 in accordance with ALC Rule 71
(A Request to Waive Filing Fee is enclosed, which you may use.)
- _____ The name, address and telephone number of the party requesting the appeal, and the name, address and telephone number of the attorney or other authorized representative, if any, representing that party
- _____ A general statement of the grounds for appeal as provided in S.C. Code Ann. §1-23-380(A)(6). The grounds for appeal may be amended, supplemented or modified in the statement of issues in the brief required by Rule 37(B)(1)
- _____ A copy of the entire signed final decision which is the subject of the appeal and the date received
- _____ A copy of the request for a transcript
- _____ A proof of service showing you sent your request for hearing to all parties.
(A proof of service form is enclosed, which you may use.)
- X Other: Mr. Jeter, I am returning your Request for Waiver and Affidavit for you to have your signature Notarized.

CC: SC DSS

Please return the appropriate information within 10 days of the date of this Memorandum or your case will be returned to you unprocessed.

32

STATE OF SOUTH CAROLINA
Administrative Law Court
EDGAR A. BROWN BUILDING
1205 PENDLETON STREET, SUITE 224
COLUMBIA, SOUTH CAROLINA 29201



U.S. POSTAGE >> PITNEY BOWES



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RECEIVED

JAN 10 2019

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JAN 16 2019

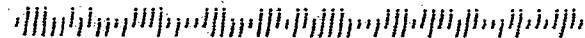
TYRCI MAILROOM

LEGAL MAIL

Alonzo Jeter, III
Inmate Number 282902
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

*Jeter
Perry*

2966938704 0099



January 22, 2019


Alonzo C. Jeter, III 33
Tyger River Correctional Institution
U-9-216B/#282902
200 Prison Road
Enoree, SC 29335

Jana Cox Shealy - Clerk
SC Administrative Law Court
1205 Pendleton St, Suite 224
Columbia, SC 29201

Dear Ms. Shealy:

Enclosed, please find a notarized and signed, my Request for Waiver and Affidavit.

Thank you for your assistance in this matter.

Sincerely, 

Alonzo C. Jeter, III

P.S. Please note that my mailing address has been changed to the above address. I received your last letter to me on January 18, 2019 due to the letter being mailed to my previous address at Perry Correctional in Pelzer, SC and it having to then be forwarded to my present address. Please correct this in your system and records.

Thanks.



Request for Waiver and Affidavit
SC Administrative Law Court
1205 Pendleton St., Suite 224, Columbia, SC 29201

Alonzo C. Jeter, III
Name of Requestor

Tyger River Correctional Institution
200 Prison Road
Address

Home Phone _____ Office or Cell Phone _____

Enoree SC 29335
City State Zip

I, Alonzo C Jeter, III (your name), being duly sworn, state that I am requesting a hearing before the Administrative Law Court and that as shown on the attached **Financial Statement**, I do not have the funds available to pay the costs of filing this action. Therefore, I request that the filing fee associated with this action be waived.

[Signature]
Signature of Requestor

Sworn to before me this
22nd day of JAN, 2019

[Signature]
Notary Public of South Carolina

My Commissions expires: Dec. 10, 2024

The section below to be completed by the Court

ORDER by the Court:

_____ Fee Waived (The action will be processed and assigned to a Judge.)

_____ Waiver Denied (The filing fee must be paid within 10 days of the receipt of this order.)

Ralph K. Anderson, III
Chief Judge

Date

Instructions - If you believe you are financially unable to pay the required filing fee in order to file a case with the Administrative Law Court, you will need to complete the Request for Waiver and Affidavit form and the Financial Statement form. (See ALC Rule 71). These forms must be completed in their entirety and must be signed by you and notarized by a Notary Public of South Carolina. The completed forms should be mailed to the Administrative Law Court at the address on the top of the forms, along with all of your documentation for filing your case. The Chief Judge will review your forms, and at his discretion, will either grant or deny your request to waive the filing fee. You will be notified in writing of his decision. If you have any questions regarding these forms, you may contact the Clerk's Office at (803) 734-0550.

35

Alonzo C. Jeter, III
Tyger River Correctional Institution
U-9-216B/#282902
200 Prison Road
Enoree, SC 29335

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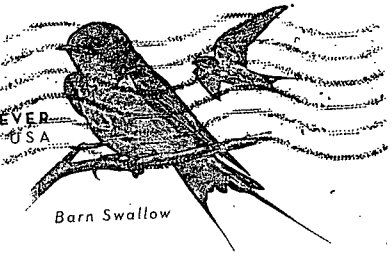
JAN 23 2019

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23 JAN 2019 10:23 AM

FOREVER
USA



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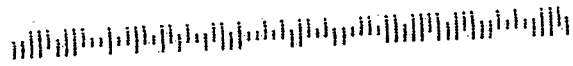
Jana Cox Shealy - Clerk
SC Administrative Law Court
1205 Pendleton St., Suite 201
Columbia, SC 29201

RECEIVED

JAN 25 2019

SC ADMIN. LAW COURT

29201-375574



DSS SOUTH CAROLINA
DEPARTMENT of SOCIAL SERVICES

HENRY McMASTER, GOVERNOR
JOAN B. MEACHAM, ACTING STATE DIRECTOR



00 40
36

January 25, 2019

Mr. Alonzo C. Jeter, III
Tyger River Correctional Institution
U-90216A/#282902
200 Prison Rd.
Enoree, SC 29335

Dear Mr. Jeter:

We have received your latest packet of information on your request for a hearing dated January 4, 2019.

As stated in previous correspondences dated September 4, 2018 and November 5, 2018, we are unable to conduct a hearing in this matter because of the time in which you were notified of the over payment, December 11, 2013, and the time in which you requested a hearing, which was August 13, 2018. Sir, we are bound by the South Carolina Regulation Codes, 10 S. C. Code Ann.Regs. 114-180 (C) (1) (a) which states: "Request for hearing must be filed with the caseworker or OAH...within ninety (90) days of notice of the adverse action for Food Stamps."

Because you requested a hearing more than the allotted ninety (90) days, we **WILL NOT** be able to grant you a hearing on this action.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deanene P. Thornwell".

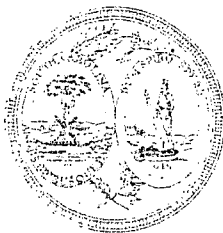
Deanene P. Thornwell, Director
Individual and Provider Rights

STATE OF SOUTH CAROLINA
Administrative Law Court

37

RALPH K. "TRIPP" ANDERSON, III
Chief Judge

JANA E. SHEALY
Clerk



(803) 734-0550
FAX: (803) 734-6400
WEB: WWW.SCALC.NET

Memorandum

To: Appellant
From: Clerk's Office, Administrative Law Court
Date: 1-30-19
Re: Compliance with ALC Special Appeals Rule

The Administrative Law Court received your information on 1-23-19
According to ALC Rule 59:

Any notice of appeal which is incomplete or not in compliance with this rule or Rule 71 will not be assigned to an administrative law judge until all required information is received and any applicable filing fee is processed.

Accordingly, your case will not be assigned until the following information is received:

- You must use the attached Notice of Appeal form to submit your appeal (See ALC Rule 57 and 59).
- A copy of the final decision which is the subject of the appeal (i.e., Step 2 Grievance Form from the DOC or the final decision from PPS) pursuant to ALC Rule 59(C).
- A brief factual basis for each expressly and specifically asserted constitutional violation in accordance with ALC Rule 59(B).
- The Notice of Appeal form you submitted must be signed and dated.
- Filing Fee of \$25 in accordance with ALC Rule 71 for your 4th and subsequent appeal this calendar year.

Other: *The ALC has no relative forms for DOC appeals.*

Please return the appropriate information within 10 days of the date of this Memorandum or your case will be returned to you unprocessed.

38

STATE OF SOUTH CAROLINA
Administrative Law Court
EDGAR A. BROWN BUILDING
1205 PENDLETON STREET, SUITE 224
COLUMBIA, SOUTH CAROLINA 29201

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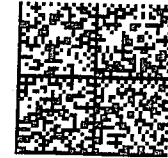
FEB 05 2019

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ALONZO JETER, 282902
TYRCI
200 PRISON RD
ENOREE, SC 29335

LEGAL MAIL

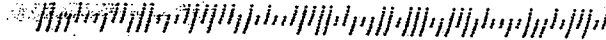


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0001392766 JAN 31 2019

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February 6, 2019

Alonzo C. Jeter, III 39
Tyger River Correctional Institution
U-9-216B/#282902
200 Prison Road
Enoree, SC 29335

Administrative Law Court
Office of the Clerk
1205 Pendleton Street, Suite 224
Columbia, SC 29201

RE: Alonzo C. Jeter, III, v South Carolina Department of
Social Services

Dear Clerk:

Enclosed, please find, notarized and signed, my Request for Waiver and Affidavit.

Please note that this is my second attempt in mailing this document to you. It was received in your office on Jan. 25, 2019, after my mailing it to you on Jan. 22, 2019. It seems from the memorandum that you sent as an attachment with the return of this document, that you have construed it as I am attempting to file another appeal. Additionally, you noted that this is my 4th or subsequent appeal I have filed this calendar year. However, I have never in my entire lifetime filed but one other appeal with this Court, and that was an appeal of the final decision of SC Dept. of Probation, Parole and Pardon Services, I filed this Notice of Appeal on August 19, 2016, and Judge Durden rendered a decision by order dated and filed January 26, 2017. I have filed no other appeals with this court since then.

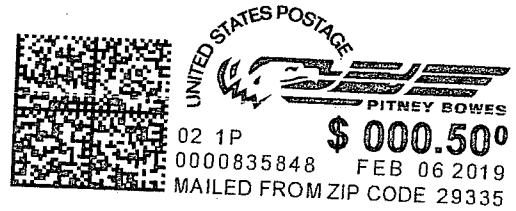
I am now seeking to file a Notice of Appeal in this above referenced case. You have all other documents needed for the filing of this appeal in your office. Thank you for your time, attention, and all that you do.

Sincerely, 
Alonzo C. Jeter, III

40

Alonzo C. Jeter, III
Tyger River Correctional Institution
U-9-216B/282902
200 Prison Road
Enece, SC 29335

GREENVILLE
SC 296
06 FEB '19
PM 11



RECEIVED

FEB 06 2019

TYRCI MAILROOM

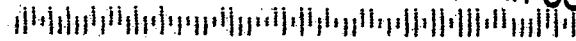
Administrative Law Court
Office of the Clerk
1205 Pendleton Street, Suite 224
Columbia, SC 29201

RECEIVED

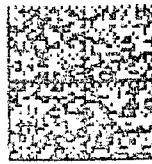
FEB 08 2019

SC ADMIN. LAW COURT

29201-375574



SC ADMINISTRATIVE LAW COURT
EDGAR BROWN BUILDING
1205 PENDLETON STREET
SUITE 224
COLUMBIA, S.C. 29201



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FEB 19 2019

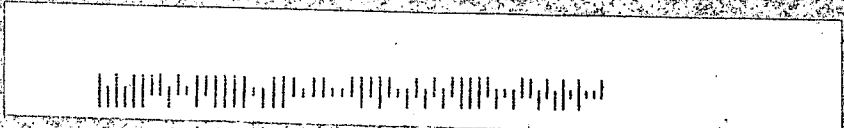
PCI MAILROOM
RECEIVED

FEB 22 2019

TYRGI MAILROOM

Alonzo Jeter, III
Inmate Number 282902
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

*Jeter
Perry*



February 25, 2019

Alonzo C. Jeter, III 42
Tyger River Correctional Institution
U-9-216B/#282902
200 Prison Road
Enoree, SC 29335

Administrative Law Court
Attn: Clerk's Office - Susan
1205 Pendleton Street, Suite 224
Columbia, SC 29201

RE: Alonzo C. Jeter, III, v South Carolina Department of
Social Service

Dear Clerk; Ms. Susan.

Enclosed, please find all documents in regards of my filing appeal in this action. Included with these documents is the notarized and signed Request for Waiver and Affidavit, which I have attempted to provide you with but was not making it to your office. I am sending the cover letters and returned envelopes from those prior attempts for confirmation purposes.

Any such delays were due to the mail being forwarded from Perry Correctional Institution to my present address here at Tyger River Correctional.

Enclosed also is a Certificate of Service which is intended for verification that I have placed these documents in the hands of Tyger River mailroom personnel for mailing to you today as there has been a delay in the processing of mail at the institution lately. Also is a copy of Certificate and a SASE for flat stamped return copy to me.
Thank You for your time, attention, and understanding in this matter. Sincerely, Alonzo C. Jeter, III

Alonzo C. Jeter, III

FILED

FEB 25 2019

SC ADMIN. LAW COURT

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

43

Alonzo C. Jeter, III
APPELLATE

VS

SOUTH CAROLINA DEPARTMENT
OF SOCIAL SERVICES
RESPONDENT

CERTIFICATE
OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have returned the Notice of Appeal, copy of the entire signed Final decision of the South Carolina Department of Social Services, Certificates of Services of each, notarized and signed Request for Waiver and Affidavit, and documents which confirm that I have attempted to provide the Court with the notarized and signed Request for Waiver and Affidavit on prior occasions. I have returned the above documents to the Administrative Law Court by depositing a copy of the same (Original Notice of Appeal and Certificates of Services) in the United States Mail, postage prepaid, on February 25, 2019, by and through the interagency mail room at Tyger River Correctional Institution, addressed to: South Carolina Administrative Law Court, 1205 Pendleton Street, Suite 224, Columbia, South Carolina 29201.

SWORN and Subscribed before me
this 26 day of FEB, 2019

Paul [Signature]
Notary Public for South Carolina
My Commission Expires: DEC. 10, 2024

[Signature]
Alonzo C. Jeter, III
200 Prison Road
Enoree, SC 29335

FILED

FEB 25 2019

SC ADMIN. LAW COURT

STATE OF SOUTH CAROLINA
Administrative Law Court
EDGAR A. BROWN BUILDING
1205 PENDLETON STREET, SUITE 224
COLUMBIA, SOUTH CAROLINA 29201

RECEIVED

UM MAR 12 2019

TYRER ROOM

Alonzo Jeter, III
Tyger River Correctional Institution
U-9-216B/#282902
200 Prison Road
Enoree, SC 29335

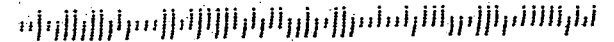


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45

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alonzo Jeter, III,)
)
 Appellant,)
)
 v.)
)
 South Carolina Department)
 Of Social Services,)
)
 Respondent.)
)

MOTION TO DISMISS

Docket No. 19-ALJ-18-0047-AP

TO: Alonzo Jeter, III and The Honorable Sebastien Phillip Lenski

YOU WILL PLEASE TAKE NOTICE that the Respondent, South Carolina Department of Social Services, by and through its undersigned counsel, opposes the Petitioner's appeal to the Administrative Law Court.

1. Appellant, Alonzo Jeter, received an Overpayment Demand Letter dated 12/11/2013, which includes an explanation of the Fair Hearing Rights on the back of said letter.
2. He did not request an appeal until May 31, 2018, over 4 years after the letter was sent. This information was provided by his own admission in a letter to the Office of Individual and Provider Rights dated August 8, 2018.
3. An appeal for a Fair Hearing must be requested within 90 days of the notice of adverse action.
4. On September 4, 2018, the Office of Individual and Provider Rights denied his request for appeal.
5. Due to Mr. Jeter's untimely request for an appeal, the Respondent requests the Administrative Law Court dismiss the appellant, Alonzo Jeter, III's appeal.

Respectfully submitted,

Chad A. Mitchell 5/8/2019

Chad A. Mitchell, Esq. SC Bar #74730
Assistant General Counsel
SCDSS Office of General Counsel
P.O. Box 1520
1535 Confederate Avenue
Columbia, SC 29202
(office) 803-898-0755
(fax)803-898-7245
chad.mitchell@dss.sc.gov

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alonzo Jeter, III,)
)
 Appellant,)
)
 v.)
)
 South Carolina Department)
 Of Social Services,)
)
 Respondent.)
)

CERTIFICATE OF SERVICE

Docket No. 19-ALJ-18-0047-AP

I, Chad Mitchell, do hereby certify that Respondent's Motion to Dismiss attached hereto, was mailed, by first class, with proper postage, by placing in the US Postal Service, to the following:

Mr. Alonzo Jeter, III
Tyger River Correctional Institution
U-90216A/282902
200 Prison Road
Enoree, SC 29335

5/8/2019
Date

Chad A. Mitchell
Chad A. Mitchell

COPY 48

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alonzo Jeter, III,
APPELLANT,
VS

RETURN TO RESPONDENT'S
MOTION TO DISMISS

South Carolina Department
of Social Services,
RESPONDENT.

Docket No. 19-ALJ-18-0047-AP

The Appellant, Alonzo Jeter, III, opposes the Respondent's Motion To Dismiss. Appellant will show the Court the following reasons why Respondent's Motion To Dismiss should not be granted. Respectfully:

1. Respondent's motion is untimely as the motion should have been filed before the forty-five (45) day deadline period as prescribed in the rules of the Administrative Law Court. SCALC Rule 37. Respondent's motion to Dismiss and its accompanying Certificate of Service are both dated May 8, 2019. The date of the Notice of Assignment of this case is dated March 7, 2019. Pursuant to the rules of the Administrative Law Court, SCALC Rule 37, this motion has not been timely served.
2. There exists genuine issues of material facts which require review by this Court.
3. There exists newly/after discovered evidence and facts that would further substantiate the need for this Court's review.
4. This appeal presents novel questions of law
5. Respondent's assertions and contentions which it has placed into and formed as a Motion to Dismiss should have rather been included in its Brief, as that would have been the proper avenue for such argument.

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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alonzo Jeter, III,
APPELLANT,

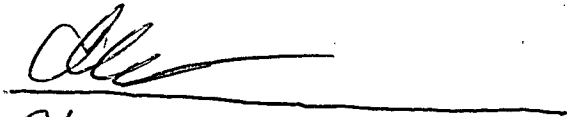
VS

South Carolina Department
of Social Services,
RESPONDENT.

CERTIFICATE OF
SERVICE

Docket No. 19-ALJ-18-0047-AP

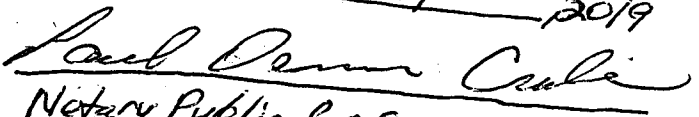
I, Alonzo Jeter, III, hereby certify that I have served a copy of the Return To Respondent's Motion To Dismiss upon the Respondent by placing the same inside of a postage prepaid envelope and placing the same in the hands of Tyger River Correctional Institution's mail room personnel for mailing via the United States Mail on this 17th day of May, 2019, addressed as follows: Cnd A. Mitchell, Esq., SCOSS Office of General Counsel, PO Box 1520, 1535 Confederate Avenue, Columbia, South Carolina 29202.



Alonzo Jeter, III
APPELLANT

Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29335

SWORN and Subscribed before me
this 17th day of MAY 2019



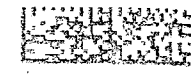
Notary Public for South Carolina
My Commission Expires: Dec. 16, 2024

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MAY 17 2019

SC ADMIN. LAW COURT

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MAY 16 2019
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DSS SOUTH CAROLINA
DEPARTMENT of SOCIAL SERVICES

SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES
INDIVIDUAL AND PROVIDER RIGHTS
P.O. BOX 1520, COLUMBIA, SC 29202-1520

Mr. Alonzo C. Jeter, III
Inmate Number 282902
Tyger River Correctional Institution
200 Prison Rd.
Enoree, SC 29335

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

52
COPY

Alonzo Jeter, III
APPELLANT

VS

South Carolina Department
of Social Services

RESPONDENT

MOTION TO DISMISS
Pursuant to SCALC Rule 38

Docket No. 19-ALJ-18-0047-AP

COMES NOW the Appellant, Alonzo Jeter, III, whom moves this Honorable Court for an order of dismissal and Judgment in favor of the Appellant in the above captioned case. This motion is filed pursuant to SCALC Rule 38, and is based on the following grounds.

THRESHOLD MATTER

As a threshold matter, the Respondent in this case has defaulted by failing to file a timely Record on Appeal.

Pursuant to SCALC Rule 37, the Record on Appeal is to be filed by the agency and is due within forty-five (45) days of the date of the Notice of Assignment. The Notice of Assignment in this case is dated, March 7, 2019, and therefore the forty-five (45) day period in which the Record on Appeal is to be filed has expired. The Appellant has not been served a motion of the Respondent seeking an extension of time for filing the Record prior to the deadline. Consequently, the Respondent has thereby defaulted and the Appellant hereby seeks that this appeal be resolved adversely to the Respondent for its failure to comply with the rules of procedure in failing to timely file the record.

CONCLUSION

FILED

For the reasons set forth in this motion, the Appellant ~~MAY 8 2019~~

This Honorable Court resolve this appeal adversely to the Respondent and in favor of the Appellant and this case be remanded to the South Carolina Department of Social Services for a Fair Hearing and opportunity to dispute the debt and SNAP benefit eligibility as this would be equitable. Appellant asks that this case be dismissed and remanded in favor of the Appellant.

Respectfully Submitted, ~~Alonzo Jeter, III~~
Alonzo Jeter, III
APPELLANT

Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29335

This 8th day of May, 2019
at Enoree, South Carolina

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

COPY

Alonzo Jeter, III
APPELLANT

VS

South Carolina Department
of Social Services

RESPONDENT

CERTIFICATE OF SERVICE

Docket No. 19-ALJ-18-0047-AP

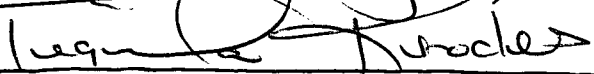
I, Alonzo Jeter, III, hereby certify that I have served a true copy of the MOTION TO DISMISS upon the Respondent by placing the same in a postage prepaid envelope and placing the same in the hands of Tyger River Correctional Institution's mail room personnel for mailing via the United States Mail on this 9th day of May, 2019, addressed as follows:
South Carolina Department of Social Services, Individual and Provider Rights, P.O. Box 1520, Columbia, South Carolina 29202-1520.



Alonzo Jeter, III
APPELLANT

Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29335

SWORN and Subscribed before me
this 9 day of May, 2019



Notary Public for South Carolina
My Commission Expires: March 24, 2021

FILED

MAY 09 2019

SC ADMIN. LAW COURT

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alonzo Jeter, III, #282902)
)
Appellant,)
)
v.)
)
South Carolina Department of Social)
Services.)
)
Respondent.)
)

Docket No. 19-ALJ-18-0047-AP

ORDER

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the notice of appeal filed by Alonzo Jeter, III (Appellant) with the court on March 1, 2019. The Appellant is appealing the final decision of the Office of Administrative Hearings of the Department of Social Services (Respondent or Department) that dismissed his request for a hearing appealing an alleged overpayment of Supplemental Nutrition Assistance Program (SNAP) benefits, as untimely. The Notice of Assignment was filed on March 7, 2019, therefore in accordance with ALC Rule 36, the Department was required to file the Record on Appeal (ROA) on or before April 22, 2019. On May 8, 2019, the Department filed a Motion to Dismiss due to the Appellant's untimely request for a hearing. On May 9, 2019, the Department filed the ROA with the court. On May 9, 2019, the Appellant filed a Motion to Dismiss pursuant to ALC Rule 38, requesting judgment in favor of the Appellant and for the court to resolve his appeal adversely to the Department for the Department's failure to comply with the ALC Rules of Procedure. Specifically, the Appellant requested his case be remanded to the South Carolina Department of Social Services for a Fair Hearing and opportunity to dispute the debt and his SNAP benefit eligibility.

DISCUSSION

The Department sent the Appellant an Overpayment Demand Letter dated December 11, 2013, informing him that he had received an overpayment of SNAP benefits in the amount of \$3,400 for the period November 2011 through March 2013. The stated reason for the overpayment was that the Appellant had pled guilty to a felony drug conviction in October 2004 and therefore was not eligible to receive SNAP benefits. The letter also informed the Appellant that the Department may reduce his overpayment if the Department determines that the Appellant is unable to repay the amount. The Appellant did not appeal the Department's determination and request a hearing until

FILED
MAY 22 2019

August 13, 2018, over four years after being sent the Overpayment Demand Letter. 10 S.C. Code Ann. Regs. 114-180(C)(1)(a) mandates that "(r)quest(s) for hearing must be filed with the caseworker or OAH ... within ninety (90) days of notice of the adverse action for Food Stamps." Pursuant to this the Department dismissed the Appellant's request for a hearing on September 5, 2018 in an Order to Dismiss. The Appellant then filed a Motion to Reinstate Case on September 19, 2018. The Department denied this motion on November 5, 2018.

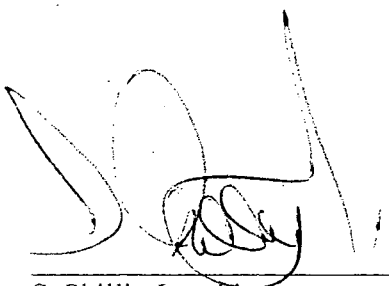
The Appellant then sought relief in this court by filing an appeal of the Department final decision. Initially, the Appellant filed his appeal on December 7, 2018. However, the appeal was incomplete, and the Clerk of Court notified the Appellant of this via a Memorandum dated December 13, 2018. Pursuant to ALC Rule 33, an appeal that does not contain all of the required information listed in Rule 33 will be deemed incomplete and not assigned to an administrative law judge until all information is received. The Appellant submitted additional documents to the court on January 7, 2019, however, those documents were again incomplete, and the Clerk of Court again notified the Appellant of the deficiency on January 8, 2019. The Appellant failed to take further action until February 14, 2019, when the court returned the Appellant's appeal unprocessed. Finally, on March 7, 2019, the Appellant perfected his appeal, and the case was assigned to an administrative law judge.

The Department takes the position that because the Appellant failed to timely request a hearing at the Department concerning its decision regarding the overpayment of funds, this court should dismiss his appeal to the ALC. This court rejects that argument. Just because the Appellant failed to timely request a hearing before the Department does not deprive him of the right to appeal the Department's final determination to this court. The Appellant's untimely request for a hearing merely deprived him of the right to appear before the Department to argue that its determination was in error. The Appellant may now appeal that final agency decision to this court, provided he does so in a timely manner.¹ While there was some difficulty with the Appellant perfecting his appeal to this court, he originally filed his appeal in a timely manner, and the Department has not made any argument in its motion that his ALC appeal is untimely.

IT IS THEREFORE ORDERED that this Department's Motion to Dismiss is hereby **DENIED**. The Appellant's brief on appeal is due within thirty (30) days of this Order. The Respondent's brief is due within thirty (30) days after the filing of the Appellant's brief.

¹ While the Appellant may have little that he can argue in his appeal to this court, given that he forfeited his right to a hearing, he is still permitted to argue that the Department's determination is somehow, on its face, in error, or otherwise meets the criteria for an appeal pursuant to S.C. Code Ann. § 1-23-380 (Supp. 2019).

AND IT IS SO ORDERED.



S. Phillip Lenski
Administrative Law Judge

May 22 2019
Columbia, SC

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above captioned action upon all parties to this case by depositing a copy thereof in the United States mail, postage paid, or in the interagency Mail Service addressed to the party(ies) or their attorney(s).

The 22 day of May 2019

by _____
Judicial Law Clerk

STATE OF SOUTH CAROLINA
Administrative Law Court
EDGAR A. BROWN BUILDING
1205 PENDLETON STREET, SUITE 224
COLUMBIA, SOUTH CAROLINA 29201

RECEIVED
MAY 24 2019
MAIL ROOM

Alonzo C. Jeter, III # 282902
Tyger River Correctional Facility
100-200 Prison Road
Euree, SC 29355

2503532789 R003



U.S. POSTAGE >> PITNEY BOWES
ZIP 29201 \$ 000.50⁰
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June 6, 2019

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Alonzo C. Jeter, III, Esq.
Tyger River Correctional Institution
U-7-101 / #282902
200 Prison Road
Enoree, South Carolina 29335

The Honorable S. Phillip Lenski
Jana E. Shealy, *Clerk*
S.C. Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, South Carolina

RE: Alonzo Jeter, III, v South Carolina Department of Social Services
Docket No. 19-ALJ-18-0047-AP

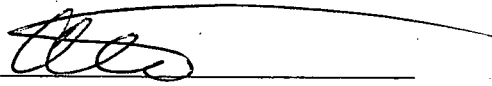
Dear Judge Lenski / Jana E. Shealy, *Clerk*

Enclosed for filing, please find the *DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL, MOTION TO SUPPLEMENT THE RECORD ON APPEAL* and *MOTION FOR EXTENSION OF TIME AND TO TOLL TIME* and *CERTIFICATE OF SERVICE* for the same.

Please find also, enclosed, an additional copy of these said documents and cover letter along with a self-addressed stamped envelope. Please return to me file-stamped copies of these said documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,


Alonzo C. Jeter, III, Esq.
APPELLANT / Pro Se

Cc: Chad A. Mitchell, Esquire
FILE

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JUN 06 2019

SC ADMIN. LAW COURT

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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alonzo Jeter, III,

APPELLANT,

Vs

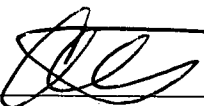
South Carolina Department of
Social Services,

RESPONDENT.

CERTIFICATE OF SERVICE

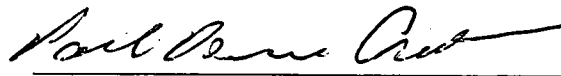
Docket No. 19-ALJ-18-0047-AP

I, Alonzo Jeter, III, hereby certify that I have served a copy of the *DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL, MOTION TO SUPPLEMENT THE RECORD ON APPEAL* and *MOTION FOR EXTENSION OF TIME AND TO TOLL TIME* upon the Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mail room personnel on this 6th day of June, 2019, for mailing via the United State Mail, addressed as follows: Chad A. Mitchell, Esquire, SCDSS Office of General Counsel, P O Box 1520, 1535 Confederate Avenue, Columbia, South Carolina 29202.

S/ 
Alonzo C. Jeter, III, Esq.
APPELLANT / Pro Se

Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

SWORN and Subscribed before me
This 6th day of JUNE, 2019


Notary Public for South Carolina
My Commission Expires: Dec. 10, 2024

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JUN 06 2019

COPY

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alonzo Jeter, III,

APPELLANT,

Vs

South Carolina Department of
Social Services,

RESPONDENT.

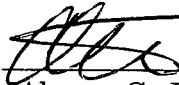
DESIGNATION OF MATTER
TO BE INCLUDED IN THE
RECORD ON APPEAL
(Rule 209, SCACR)

Docket No. 19-ALJ-18-0047-AP

In addition to the matter that the Respondent has submitted as the Record in this case, the Appellant proposes the following to be included in the Record on Appeal as the Administrative Law Judge will not consider any fact which does not appear in the Record. Rule 36 (G), SCALC.

1. The Notice of Right to a Fair Hearing as it is written on the reverse side of *both* the Overpayment Demand Letter and the Denial Of Benefits Notice.
2. The case file of the Appellant from the Cherokee County Department of Social Services which shall include Appellant's applications, any re-certifications, and all notes regarding Appellant and Appellant's SNAP benefits case.
3. Administrative Consent Agreement (ACA)

The Appellant hereby certifies this Designation contains no matter which is irrelevant to this appeal.

S/ 
Alonzo C. Jeter, III,
APPELLANT / *Pro Se*

Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 5th day of June, 2019

FILED

JUN 06 2019

SC ADMIN. LAW COURT

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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alonzo Jeter, III,

APPELLANT,

Vs

South Carolina Department of
Social Services,

RESPONDENT.

MOTION TO SUPPLEMENT
THE RECORD

Docket No. 19-ALJ-18-0047-AP

The Appellant, Alonzo Jeter, III, moves this Court for leave to supplement the Record in this case. The Appellant seeks that the full and complete record of this case is reviewed. Pursuant to Rule 36 (G), SCALC, the Administrative Law Judge will not consider any fact which does not appear in the Record.

The Appellant has submitted a Designation Of Matter To Be Included In The Record On Appeal in conjunction with this Motion to Supplement The Record, and he respectfully requests that the Court will give leave that the matter is added to the Record for this Court's review as this would provide pertinent facts and evidence for equitable adjudication of this case and matter.

The Appellant also submits that there exists newly/after discovered evidence and facts that are pertinent to this case at bar. Appellant has obtained mental health records which is material and will assist in providing a clearer understanding of Appellant's unprecedented and unique irregularities which exists in this meritorious claim. Appellant would proffer these records and facts for the Agency and Court's review pursuant to 1-23-380(3) and 1-23-380(4).

The Appellant does certify that any and all matter which he proffers to be included as a supplement to the Record is relevant to this case and appeal.

*Designates
and cc*

WHEREFORE, the Appellant seeks an order which will provide leave to supplement the Record in this case as pursuant to Rule 36 (G), SCALC, the Administrative Law Judge will not consider any fact which does not appear in the Record.

S/ 
Alonzo C. Jeter, III,
APPELLANT / Pro Se

FILED

JUN 06 2019

This 5th day of June, 2019

SC ADMIN. LAW COURT

COPY

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alonzo Jeter, III,

APPELLANT,

Vs

South Carolina Department of
Social Services,

RESPONDENT.

MOTION FOR EXTENSION OF TIME
AND TO TOLL TIME

Docket No. 19-ALJ-18-0047-AP

COMES NOW Appellant, Alonzo Jeter, III, and respectfully request this Court to grant him a thirty (30) day extension of time to file his initial brief. Appellant also asks that the time in which he is to file his brief be tolled as he has motions pending before the Court and awaits the pertinent matter in which he has designated to be provided for the Record. Appellant also seeks to provide mental health documentation which is pertinent in reviewing this case if the Court would grant leave to do so.

For the foregoing, Petitioner prays this Court would grant this relief so that he can provide a proper dedicated brief which will show the Court the complete facts and evidence of this case. Appellant further prays for any other and further relief which the Court may deem just and proper under the circumstances.

Respectfully submitted,



Alonzo Jeter, III
APPELLANT / *Pro Se*

This 6th day of June, 2019.

FILED

JUN 06 2019

SC ADMIN LAW COURT

June 20th, 2019

64
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Alonzo C. Jeter, III, Esq.
Tyger River Correctional Institution
U-7-101 / #282902
200 Prison Road
Enoree, South Carolina 29335.

The Honorable S. Phillip Lenski
Jana E. Shealy, *Clerk*
S.C. Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, South Carolina

RE: Alonzo Jeter, III, v South Carolina Department of Social Services
Docket No. 19-ALJ-18-0047-AP

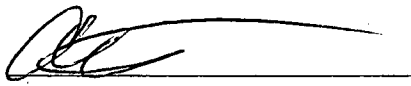
Dear Judge Lenski / Jana E. Shealy, *Clerk*

Enclosed for filing, please find the *BRIEF OF APPELLANT, APPELLANT'S EXHIBIT A, AFFIDAVIT OF AUTHENTICITY* and a *CERTIFICATE OF SERVICE* for the same.

Please find also, enclosed, an additional copy of these said documents and cover letter along with a self-addressed stamped envelope. Please return to me file-stamped copies of these said documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,


Alonzo C. Jeter, III, Esq.
APPELLANT / *Pro Se*

Cc: Chad A. Mitchell, Esquire
FILE

FILED

JUN 20 2019

SC ADMIN. LAW COURT

COPY

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

APPEAL OF FINAL DECISION
DOCKET NO. 19-ALJ-18-0047-AP

ALONZO JETER, III,

APPELLANT,

V

SOUTH CAROLINA DEPARTMENT
OF SOCIAL SERVICES,

RESPONDENT.

BRIEF OF APPELLANT

Alonzo C. Jeter, III
Appellant

Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

APPELLANT / *Pro Se*

FILED

JUN 20 2019

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Argument

The Department did err in not reinstating Appellant’s case as “good
cause” was shown as it was error of Respondent in interpreting its own
eligibility rules and guidelines which had erroneously deemed
Appellant ineligible to receive SNAP benefits and placed a \$3,400 debt
on Appellant for the past SNAP benefits he had received. 3

Conclusion 11

TABLE OF AUTHORITIES

CASES

Harkins v Greenville County, 340 S.C. 606, 533 S.E.2d 886 (2000)4,10

Jackson v Jackson, 857 F.2d 951, 953 (4th Cir. 1988)3

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Ellis v Davidson, 358 S.C. 509, 595 S.E.2d 817 (2004)9

Reed v Ross, 468 U.S. 1, 16 (1984)9

Baughman v American Tel.and Tel Co., 306 S.C. 101, 410 S.E.2d 537 (1991)10

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S.C Code Ann. Regs. 114-130(H)2,3,10

S.C. Code Ann. Regs. 11-4-130(H)(1)(a)4

S.C. Code Ann. Regs. 114-1309H)(2)4

S.C Code Ann. Regs. 114-130(B)(1)6

S.C Code Ann. Regs. 114-180(C)(1)(a)10

S.C. Code Ann. Regs. 114-180(D)9

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S.C. Code Ann. Regs.114-1010(B)(3)7

S.C Code Ann. Regs. 114-1010(B)(3)(b)3

S.C Code Ann. Regs. 114-1010(B)(3)(e)3

S.C Code Ann. Regs. 114-1010(B)(3)(f)3

S.C Code Ann. Regs. 114-180(D)(2)(a)10

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S.C. Code Ann. §44-53-375(A) 8,9

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7 C.F.R. 273.15(h) 6

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7 C.F.R. 273.15(j)(2) 6

7 C.F.R. 273.18(e)(a) 7

7 C.F.R. 273.18(b)(2) 7

7 C.F.R. 273.18(b)(3) 7

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SCALC Rule 37 1,4

ACTS

The Personal Responsibility and Work Opportunity Reconciliation Act.
 PL 104-193 (HR 3734), August 22, 1996 110 stat 2105 7,8

STATEMENT OF ISSUE ON APPEAL

Did the Department err in not reinstating Appellant's case as "good cause" was shown as it was error of Respondent in interpreting its own eligibility rules and guidelines which had erroneously deemed Appellant ineligible to receive SNAP benefits and placed a \$3,400 debt on Appellant for the past SNAP benefits he had received?

STATEMENT OF THE CASE

Appellant pled guilty to the crime of possession of less than a gram of methamphetamine or cocaine base, 1st offense, on October 12, 2004. Appellant had not ever before in his lifetime applied or received Supplemental Nutrition Assistance Program (SNAP) Food Stamp benefits nor was he receiving them at the time of the conviction.

In 2011, Appellant applied for and received Supplemental Nutrition Assistance Program (SNAP) Food Stamp benefits from the period of December of 2011 until March of 2013. On or about December 9, 2013, Appellant contacted the Cherokee County Department of Social Services because a zero balance remained on his SNAP EBT card and was notified that he was denied and determined to be ineligible to receive SNAP benefits.

Appellant then went the Cherokee County office of the Respondent seeking to rectify the matter and was told that he was being denied SNAP benefits because he had a drug conviction on his record that occurred after August 22, 1996. Appellant requested to speak with someone about these matters and the caseworker arranged a telephone call in which Appellant spoke with Respondent while using the Cherokee County Department of Social Service's office phone in its lobby. Appellant was told that there was nothing that could be done because he did have a drug conviction on his record that occurred after August 22, 1996.¹

On or about December 15, 2013, Appellant received two letters from the Department of Social Services. The first letter, dated December 11, 2013, was titled OVERPAYMENT DEMAND LETTER (ROA p. 6) and the second letter dated December 12, 2013, was titled DENIAL (ROA p. 7). The Overpayment Demand Letter stated, "This overpayment has been classified as client error. The reason for the overpayment is [Appellant] plead guilty to a felony drug conviction in 10/2004." (ROA p. 6) The Denial letter stated, "Your application for SNAP benefits... has been denied because you were convicted of a controlled substance abuse violation that occurred after August 22, 1996." (ROA p. 7)

In the month of March of 2018, Appellant became aware that the denial did not apply to him because he did not have a felony drug offense but rather his drug offense was a misdemeanor offense. Subsequent to this discovery, Appellant wrote a

¹ Appellant has submitted a designation of matter to be included in the record on appeal seeking that records from Cherokee County Department of Social Services be included into the record for review. At the time of composing this brief, this designation is still pending. The filing of documents other than motions to dismiss does not toll the time for filing briefs with the court, therefore the Appellant must proceed without in order to comply with the SCALC Rules. SCALC Rule 37, *SCALC Rule 34(B)*

letter to the Greenville County Department of Social Services office wherein he was under the impression was the regional office (ROA p. 2)²

After no response was received from this office, the Appellant then wrote to the Cherokee County Department of Social Services office (ROA p.) After no response was received from this office the Appellant then wrote to the South Carolina Department of Social Service's Office of Individual and Provider Rights (ROA p. 8).

Respondent replied by a letter wherein it acknowledged it received Appellant's letter requesting a hearing on August 13, 2018. (ROA p. 10) An Order To Dismiss accompanied the letter. (ROA p. 11)

Respondent's letter stated that Appellant's appeal for a Fair Hearing must have been requested within 90 days of the notice of adverse action. Respondent stated that its records reflect that the Overpayment Demand Letter was sent to Appellant on or about December 11, 2013. Based on this, Respondent deemed Appellant's request to have the debt cancelled as untimely and dismissed the case. Respondent cited within its letter, 10 S.C. Code Ann. Regs. 114-130(H) (Supp.2012), which states, "A party whose case has been dismissed may request reinstatement of the case if he/she can show good cause. Such request must be made within ten (10) days of the dismissal". An Order To Dismiss from the Office of Administrative Hearings was included with the letter. (ROA p. 11)

Pursuant to 10 S.C. Code Ann. Regs. 114-130(H), Appellant then filed a motion to reinstate case before the Office of Administrative Hearings wherein he requested reinstatement of his case and opportunity to dispute and have the debt cancelled. Appellant also listed reasons of "good cause" which was required within his motion.

Respondent submitted its letter of final decision, dated November 5, 2018, wherein it acknowledged receipt of Appellant's motion for reinstatement of case and stated, "Unfortunately, we are unable to hear your case because it is outside the timeframe allowed for appeal requests". (ROA p. 21)

Appellant filed a notice of appeal of the respondent's decision to the Administrative Law Court. Respondent subsequently filed a motion to dismiss to the Administrative Law Court wherein it took the position that the Appellant had failed to timely request a hearing at the Department concerning its decision regarding the overpayment of funds, and therefore the appeal to the Administrative Law Court should be dismissed. The Administrative Law Court rejected that argument and reasoning of the Respondent and denied its motion to dismiss.

This appeal follows.

² The Appellant mailed a letter to Cherokee County Department of Social Services initially, however, he failed to keep a copy of this letter for his personal records.

ARGUMENT

The Department did err in not reinstating Appellant's case as "good cause" was shown as it was error of Respondent in interpreting its own eligibility rules and guidelines which had erroneously deemed Appellant ineligible to receive SNAP benefits and placed a \$3,400 debt on Appellant for the past SNAP benefits he had received.

Respondent maintains that it is not allowed to allow Appellant a hearing and opportunity to dispute the Departments claims. Respondent also declines to simply cancel the debt which has been placed on Appellant in error. State agencies, not the federal government, administer the food stamp program. Jackson v Jackson, 857 F.2d 951, 953 (4th Cir. 1988).

This assertion and failure to act on the Respondent is an error in itself. S.C. Code Ann. Regs. 114-130(H) was purposefully put in place, specifically for unprecedented and unique cases and situations such as the case at bar wherein irregularities exists and wherein the claims are meritorious. This statute provides an avenue of relief in the interest of equity when, especially as in the case at bar, it was an error of the Department in deeming the Appellant as ineligible for SNAP benefits and was even more of an error to place debt on the Appellant.

Actually, the Respondent could have and should have reinstated Appellant's case in order to correct its own error in deeming Appellant ineligible to receive SNAP benefits and certainly by placing a debt on Appellant. It is both equitable and ethical that the Respondent would do so. S.C. Code Ann. Regs. 114-130(H) is mindful and provides an avenue for this discretion and equity.

This reasoning can further be explored by looking at S.C. Code Ann. Regs. 114-1010(B)(3)(b) which describes what constitutes Client error. Client error is "where the client withheld information because of misunderstanding or incapacity." The error was not "Client Error" as Department clearly made a mistake in interpreting its own eligibility rules and guidelines and in-turn erred in deeming Appellant as ineligible to receive SNAP benefits. The Appellant pointed to and showed this error to the Respondent in his motion to reinstate the case. (ROA p. 17) The "good cause" as required to satisfy S.C. Code Ann. Regs. 114-130(H) was provided as Appellant showed in his motion for reinstatement that the error was rather an error of the Respondent.

In further exploring, there is found S.C. Code Ann. Regs. 114-1010(B)(3)(e) which provides that, "The agency waives collection of overpayments from a recipient when the overpayment was caused wholly or partially by agency error."

Also, see S.C. Code Ann. Regs. 114-1010(B)(3)(f) exist which states, "The agency waives collection of overpayments resulting from client error, where fraud does not

exist, and the overpayment does not result in the recipient's becoming ineligible for financial assistance.

The Respondent fails to address the "good cause" shown in Appellant's motion for reconsideration. In its letter of final decision the Respondent fails to give any explanation concerning Appellant's "good cause". (ROA p. 21) Even this alone is an error of the Respondent. This also demonstrates the Respondent's misunderstanding of the spirit of the Appellate process in total as the Respondent also filed a motion to dismiss the Appellant's appeal to this Court. Respondent fails to recognize that this Court has jurisdiction and can modify or reverse the decision of the agency when substantial rights of the appellant have been prejudiced. S.C. Code Ann. §1-23-380(5).

Substantial rights of the appellant are prejudiced when the agency's decision, including the agency's findings, inferences, and conclusions, are in violation of constitutional or statutory provisions, made upon unlawful procedure, affected by other error of law, clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record, and arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

S.C. Code Ann. §1-23-380(5).

Although, as pursuant to S.C. Code Ann. Regs. 114-130(H)(1)(a), the OAH has the authority to dismiss a request for hearing when the request for hearing is not timely filed, S.C. Code Ann. Regs. 114-130 (H)(2) exists and allows the case to be reinstated if the "good cause" is shown.

Appellant would also submit that upon finding that he was denied SNAP benefits and was going to be placed in debt for the amount of SNAP benefits that he'd previously received, he did in-fact request to speak with higher authority in order to appeal and dispute the claims. Appellant's case worker then directed him to the lobby of the Cherokee County Department of Social Services and placed a call to a higher authority wherein Appellant spoke regarding his grievance of the matter. Appellant was told that there was nothing that could be done because records did show that Appellant had been convicted of a controlled substance violation after August 22, 1996, and Appellant agreed that he did as well. Appellant was misinformed and told that it wouldn't matter because of the fact that he was convicted of a controlled substance violation.¹

1. Appellant has submitted a designation of matter to be included in the record on appeal in which he seeks that his Cherokee County Department of Social Services' case file be added to the record. However he has not yet received an answer of the Court, nor has this designated matter been received at the time of composing this brief. Harkins v Greenville County, 340 S.C. 606, 533 S.E.2d 886 (2000) (noting the appellant has the burden of presenting an adequate record on appeal) Motions submitted to the Court do not toll the time for filing briefs. SCALC Rule 34(B), *SCALC Rule 37*

Although Appellant did receive the Overpayment Demand Letter and Denial letter he was under the impression that he had already had the fair hearing via the telephone call in the lobby of the Cherokee County Department office and he was plainly told that there was nothing that could be done and nothing would matter.

Appellant would also submit that he has recently discovered that the mental breakdown in which he experienced was during this same time and he was hospitalized due to the anxiety and stress of these matters along with other collateral consequences of his prior controlled offense violation. Appellant was admitted to a psychiatric hospital upon being notified of his denial and the debt for overpayment.² This denial simply pushed Appellant over the edge. Appellant did clearly express the need for higher authority to get involved with the decisions of the Department. This matter is clarified in the Code of Federal Regulations 7 C.F.R. 273.15(f) as it states:

At any time the household expresses to the state agency that it disagrees with a state agency action, it shall be reminded of the right to request a fair hearing. If there is an individual or organization available that provides free legal representation, the household shall also be informed of the availability of that service.

7 C.F.R. 273.15(f).

The Department also failed Appellant by disregarding 7 C.F.R. 273.15(i) which states:

Upon request, the state agency shall make available without charge the specific materials necessary for a household or its representative to determine whether a hearing should be requested or to prepare a hearing. Upon request, the state agency shall also help a household with its hearing request. If a household makes an oral request for a hearing, the state agency shall complete the procedures necessary to start the hearing process. Households shall be advised of any legal services available that can provide representation at the hearing.

7 C.F.R. 273.15(i).

The Department failed Appellant as when Appellant expressed that he wanted a

2. Appellant has submitted a motion to supplement the record in which he has asked leave of the Court to submit records from Patrick B Harris Psychiatric Hospital. However he has not yet received an answer or leave of the Court to do so at the time of composing this brief. Harkins v. Greenville County, 340 S.C. 606, 533 S.E.2d

886 (2000) (noting the appellant has the burden of presenting an adequate record on appeal) Motions submitted to the Court do not toll the time for filing briefs. SCALC Rule 34(B) hearing but was rather placed on the Department's telephone in its lobby as if it was an actual fair hearing instead of the Department completing the necessary process to schedule or put the hearing in place. 7 C.F.R. 273.15(h)

A request for a hearing is defined as a clear expression, oral or written, by the household or its representative to the effect that it wishes to appeal a decision or that an opportunity to present its case to a higher authority is desired. 7 C.F.R. 273.15(h)

The Code of Federal Regulations 7 C.F. R. 273.15 requires and sets the standards for the state's fair hearing procedures. Appellant submits that the Department totally failed him in his fair hearing rights.

The Appellant was once under the impression that he had failed in properly seeking a fair hearing as he failed to put the request in writing but rather asked the caseworker orally. Respondent filed a motion to dismiss with this Court wherein it erroneously infers and states that Appellant provided an admission via his letter dated August 8, 2018, (ROA p.8) that he did not request an appeal until May 31, 2018. This statement also led the Court to believe the same as this is revealed in the Court's order denying Respondent's motion to dismiss. However, Appellant has learned that he in-fact did not error as he was indeed allowed to submit his request orally to the caseworker. See S.C. Code Ann. Regs. 114-130(B)(1), 7 C.F.R. §273.15(i)(1) and 7 C.F.R. §273.15 (h). Appellant submits that he did in-fact request a hearing on the matters while in the Cherokee County Department of Social Service office but never received the proper hearing.

The phone call at the Department and Appellant's case worker coercive actions where confusing to Appellant as after no conversation did they offer a fair hearing to Appellant when he was clearly grieved at the results of both conversations and determinations. The statements that nothing could be done and it wouldn't matter was misleading. Appellant should have been advised that he maintained the right to a fair hearing, that the phone call to higher authority was not actually a fair hearing, and the process should have been invoked while Appellant was in office as he had orally express the desire for an appeal. 7 C.F.R. 273.15(j)(2)

The state agency is prohibited from coercion or actions which would influence the household or its representative to withdraw the household's fair hearing request. The state agency must provide a written notice to the household within 10 days of the household's request confirming the withdrawal request and providing the household with an opportunity to request a hearing. The written notice must advise the household it has 10 days from the date it receives the notice to advise the state agency of its desire to request or reinstate the hearing.

7 C.F.R. 273.15(h).

The claim for overpayment should be deemed as an invalid claim and should be terminated. 7 C.F.R. 273.18(e)(a), 7 C.F.R. 273.18(b)(2), 7 C.F.R. 273.18(b)(3). There in-fact was no overpayment to Appellant because he did not receive an SNAP benefit amount greater than to which he was entitled nor was he ineligible. This was and is not a client error but rather is an agency error. An overpayment only exists when...

An overpayment occurs when an assistance payment is made in an amount greater than that to which the recipient is entitled, or when an assistance payment is made to an ineligible recipient.

S.C. Code Ann. Regs. 114-1010(B)(3).

There was no overpayment as it is clear that the agency erred in deeming Appellant as ineligible to receive SNAP benefits.

The federal food stamp program, also known as SNAP (Supplemental Nutrition Assistance Program) is a program of the United States Department of Agriculture. Strable v Commissioner of Social Sec. Admin. 2010 wl 5139008. In South Carolina, the Department of Social Services is the agency which administers the food stamp program. Id.

President Clinton, through Congress, enacted the Personal Responsibility and Work Opportunity Reconciliation Act ("PRWORA") in 1996 (PL 104-193 (HR 3734) August 22, 1996 110 stat 2105). This was part of the "tough on drugs" initiative of the 1990's and the drug felony provision was intended as a punitive measure, in an effort to combat the "war on drugs".

As part of the PRWORA 21 USCA §862a(a) was enacted to bar persons convicted of drug offenses from being able to receive SNAP food stamp benefits for the rest of their lifetime. This is also the same statute that the Respondent relied on to deem Appellant ineligible to receive SNAP benefits and it states as follows:

(a)

In general

An individual convicted (under Federal or State law) of any offense which is classified as a felony by the law of the jurisdiction involved and which has an element the possession, use, or distribution of a controlled substance (as defined in section 802(B) of this title) shall not be eligible for....

(2) Benefits under the food stamp program (as defined in section 3(l) of the Food Stamp Act of 1977) or any State program carried out under the Food Stamp Act of 1977.

21 USCA §862a(a).

The Department stated in its letters to Appellant that Appellant had a controlled substance violation conviction on his record that occurred after August 22, 1996. (ROA pgs. 10, 21, 40) This determination was based on 21 U.S.C.A. §862a(d)(2) which determined 21 USCA §862a(a) to be inapplicable to convictions occurring on or before August 22, 1996 as it states:

Subsection (a) shall not apply to a conviction if the conviction is for conduct occurring on or before August 22, 1996.

21 U.S.C.A. §862a(d)(2).

There was also enacted a statute which allowed states to “opt out” of this lifetime ban on convicted drug offender. There was enacted 21 U.S.C.A §862a(d)(1)(a) which provides:

A state may by specific reference in a law enacted after August 22, 1996, exempt any or all individuals domiciled in the state from the application of subsection (a).

21 U.S.C.A §862a(d)(1)(a).

Although South Carolina did not decide to “opt out” by specifically referencing this in a law, South Carolina legislature saw that there was no need at the time to make a specific reference as the reference already existed within the statute when it considered and deemed the specific controlled substance violation, S.C. Code Ann. §44-53-375(A), in which Appellant was convicted of, a *misdemeanor* and not a *felony* conviction.

The Department failed to notice that any and all convictions for controlled substance violations are not the same in regards of the PRWORA and 21 USCA §862a(a). The PRWORA and 21 USCA §862a(a) intent not to punish all persons whom are convicted for controlled substance violations as though they are major drug dealers or traffickers. 21 USCA §862a(a) specifically states and clarifies in relevant portion:

An individual convicted (under Federal or State law) of any offense which is classified as a *felony* by the law of the jurisdiction involved....

21 USCA §862a(a).

Appellant's controlled substance violation is not a felony conviction as he has pointed out in his motion to reinstate. (ROA p. 17)

See S.C. Code Ann. §44-53-375(A) in which Appellant was convicted, which states:

“A person possessing less than one gram of methamphetamine or cocaine base as defined in Section 44-53-110, is guilty of a misdemeanor.”

S.C. Code Ann. §44-53-375(A).

See also S.C. Code Ann. §16-1-100 which classifies the controlled substance violation, S.C. Code Ann. §44-53-375(A), as a misdemeanor. Also see S.C. Code Ann. §16-1-90 which enumerates the crimes that are classified as felonies and you will find that this controlled substance violation is not enumerated and is therefore not a felony. 21 USCA §862a(a) specifically states and clarifies that an individual would be deemed ineligible for SNAP benefits if the individual is “An individual convicted (under Federal or State law) of any offense which is classified as a *felony by the law of the jurisdiction involved....*” 21 USCA §862a(a).

The Respondent clearly abused its discretion in reinstating Appellants case and further by not cancelling the debt. Ellis v Davidson, 358 S.C. 509, 595 S.E.2d 817 (2004) - For purposes of abuse of discretion standard of appellate review, an abuse of discretion occurs when there is an error of law or a factual conclusion that is without evidentiary support. Appellant was not explained that the controlled substance violation had to be a felony conviction. Also it doesn't appear that South Carolina or the Respondent has addressed this novel issue before. No case law exists which discovers this matter. A claim that “is so novel that its legal basis is not reasonably available” to counsel may constitute a cause for a procedural default. Reed v Ross, 468 U.S. 1, 16 (1984).

Appellant would also submit that he never signed nor was he ever offered to sign an Administrative Consent Agreement (ACA). Appellant has never agreed that he owed or that he would reimburse any amount which the Department deemed that was owed. The Department failed to present an (ACA) to Appellant. This presentation would have then also allowed both the Appellant and Respondent to request an Administrative Disqualification Hearing (ADH) or an Electronic Benefits Transfer (EBT) Hearing as provided for in S.C. Code Ann. Regs. 114-180(D). Appellant was never notified that he could dispute the debt as a whole. The Department only made it mandatory that the debt was owed and the Department's letters to Appellant only stated that the amount may be reduced.

S. C. Code Ann. Regs. 114-180(D)(1) - The Purpose of these hearings is to determine whether the client willfully intended to deceive the department and to impose a disqualification if such intent is found.

S.C. Code Ann. Regs. 114-180(D)(2)(a)- A hearing can be requested by either the client or a claims worker or other authorized departmental representative when the client refuses to discuss the issue or declines to sign an Administrative Consent Agreement (ACA), wherein the client accepts the Department’s determination of disqualification and agrees to reimburse the over issuance of benefits, if any.

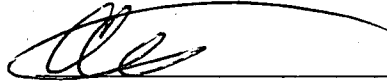
Lastly, Appellant submits that Respondent’s letter of final decision (ROA p. 21) simply reiterates the notion stated in its September 4, 2018, letter of dismissal (ROA p. 10), stating that Appellant had failed to request a hearing within the 90 day period mandated by S.C. Code Ann. Regs. 114-180(C)(1)(a), failing to address the “good cause” or weigh and determine its probative value. This factor is very important as Respondent in its final decision takes the position that, “we are unable to hear your case because it is outside the timeframe allowed for appeal requests”. (ROA p. 21) This same reasoning again is stated in Respondent’s January 25, 2019, letter as, “Sir, we are bound by the South Carolina Regulation Codes, 10 S.C. Code Ann. Regs. 114-180 (C)(1)(a)... Because you requested a hearing more than the allotted ninety (90) days, we **WILL NOT** be able to grant you a hearing on this action. (ROA p. 40) This is an incorrect and displaced statement as Respondent has been given authority to reinstate a case by way of S.C. Code Ann. Regs. 114-130(H) if “good cause” is provided.

Appellant has provided substantial cause that the case should be reinstated, his SNAP eligibility to be re-determined and the overpayment to be terminated. Appellant prays that this Court will exercise its jurisdiction and it deems necessary in accordance with its standard of review in this matter. Appellant does submit however that the delay in receiving records from Cherokee County Department of Social Services (as he seeks in designation of matter to be included in record on appeal which was filed with this Court on)has not allowed Appellant opportunity to present and show the Court his proper evidence of his visit at the Cherokee County Department of Social Services. Appellant would proffer this evidence of this visit if given leave to do so. Baughman v American Tel. and Tel. Co., 306 S.C. 101, 410 S.E.2d 537 (1991) (stating the person asserting the need for further discovery must demonstrate the likelihood that further discovery will uncover additional relevant evidence and that the party is “not merely engaged in a ‘fishing expedition’”). See also Harkins v Greenville County, 340 S.C. 606, 533 S.E.2d 886 (2000), (noting the appellant has the burden of presenting an adequate record on appeal).

CONCLUSION

Based on the foregoing reasons, the Appellant respectfully requests that the final decision of the South Carolina Department of Social Services and Respondent be reversed and the Appellant's debt be cancelled or the case be remanded to the South Carolina Department of Social Services for equitable review and opportunity to dispute the SNAP eligibility and have the debt cancelled.

Respectfully submitted,



Alonzo C. Jeter, III
APPELLANT / Pro Se

Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 20th day of June, 2019
at Enoree, South Carolina.

COPY

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

APPEAL OF FINAL DECISION
DOCKET NO. 19-ALJ-18-0047-AP

ALONZO JETER, III,

APPELLANT,

V

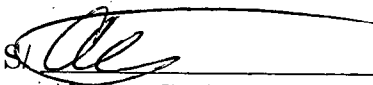
SOUTH CAROLINA DEPARTMENT
OF SOCIAL SERVICES,

RESPONDENT.

AFFIDAVIT OF AUTHENTICITY

I, Alonzo C. Jeter, III, #282902, Applicant, hereby certify that the following record and reports which I hereby submit as Exhibit - A- are in-fact true and correct copies of official records and reports which were obtained from the South Carolina Department of Corrections and Patrick B.Harris Psychiatric Hospital and which are filed with the same. I submit the following records as Exhibit - A -

- Megan Harris to Patrick B. Harris Fax Transmission Report 1
- Megan Harris Letter to Patrick B. Harris Records Request 2
- Patrick B. Harris Psychiatric Hospital Records 3,4
- Admission Records of Novant Health 5


Alonzo C. Jeter, III,
APPELLANT / Pro Se

Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

FILED

JUN 20 2019

This 20th day of June, 2019

SC ADMIN. LAW COURT

COPY 82

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

APPEAL OF FINAL DECISION
DOCKET NO. 19-ALJ-18-0047-AP

ALONZO JETER, III,

APPELLANT,

V

SOUTH CAROLINA DEPARTMENT
OF SOCIAL SERVICES,

RESPONDENT.

APPELLANT'S EXHIBIT

- A -

ALONZO JETER, III
Appellant

Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

APPELLANT/ PRO SE

FILED

JUN 20 2019

SC ADMIN. LAW COURT

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Transmission Report

Exhibit - A - page 1

Fax Number 8038963547
Local Name
Fax Name

The job has been sent.
Original Size: 8.5 x 11"



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Safety, Service, and Stewardship

Tyger River Correctional Inst.
200 Prison Road
Enoree, South Carolina 29335
(P) 803.896.3570
(F) 803.896.3547

CONFIDENTIAL

Date: 2/19/19 Pages (incl cover): 3

Attn: Records
Fax #: 864-225-4167

From: Megan Harris, MS, MEd, CBHC-BS
Mental Health Department

Message:

Thank you!

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us via U.S. Postal Service. Your cooperation is expected and appreciated.

No.	Job	Remote Station	Start Date & Time	Duration	Pages	Protocol	Contents	Status
1	6210	864+225+4767	2-19; 3:24 PM	33 Secs	3/3	Super G3		Completed



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Safety, Service, and Stewardship

HENRY MCMASTER, Governor
BRYAN P. STIRLING, Director

Exhibit - A - page 2

Patrick B. Harris
PO Box 2907
Anderson, SC 29622
(P) 864-231-2600
(F) 864-225-4767

To Whom It May Concern:

The purpose of this letter is to request records pertaining to the mental health diagnosis and treatment of the following individual:

Alonzo Columbus Jeter, III
SCDC ID: [REDACTED]
Birthdate: [REDACTED]
SSN: [REDACTED]

Mr. Jeter is currently receiving mental health services at Tyger River Correctional Institution, and he has reported receiving services through your agency in the past. Any records you can provide, as soon as possible, would be greatly appreciated. They can be sent via fax, listed below, or email at Harris.Megan@doc.sc.gov.

Sincerely,

Megan Harris, MS, MEd, CBHC-BS
Mental Health Department
Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29335
(Office) 803.896.3570
(Fax) 803.896.3547

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Exhibit - A - page 3

Patrick B. Harris Psychiatric Hospital
Post Office Box 2907, Anderson, S.C. 29622

Patient Name: JETER, ALONZO
Date Dictated: 01/08/2014 11:08
Chart Number: 10285508

Physician: Praveen Madadi, MD
Admit/Discharge: 12/15/2013 - 12/19/2013
Lodge: G
Date Transcribed: 01/08/2014 12:25

FINAL DISCHARGE SUMMARY

CRITERIA FOR ADMISSION: Potentially dangerous to self, others or property and in need of a controlled environment.

REFERRAL SOURCE: Novant Health, Gaffney S.C.

IDENTIFYING DATA: Patient is a 36 year old, single, African American male who is unemployed.

REASON FOR HOSPITALIZATION: Patient has a history of alcohol and cannabis abuse with one prior hospitalization at Spartanburg Regional Medical Center when he was 17 years old. He has been noncompliant with his medications and followup treatment. Patient spent at least 20 years in jail for various charges including possession of drugs, driving under suspension, criminal domestic violence, assault and battery, not paying child support, etc. Patient reported symptoms of depression which include depressed mood, hopelessness, helplessness, decreased energy, decreased sleep, decreased concentration and decreased motivation. He did not report any psychotic symptoms but did appear to be minimizing his dependence on drugs and alcohol. The patient reported he was feeling overwhelmed about not having a job, not able to travel anywhere without license and being dependent on his family. He did not report any suicidal or homicidal ideation upon admission to this facility.

SIGNIFICANT PHYSICAL FINDINGS: Temperature - 98.3. Blood Pressure - 122/77. Pulse - 103. Respirations - 18. Weight - 177 pounds. He is a well built, African American male in no apparent distress. The rest of the physical and neurological examinations were within normal limits.

LABORATORY DATA: Upon admission, CBC with differential, Chem 22 were ordered. Chem 22 showed Serum Creatinine was slightly elevated at 1.29. Serum Iron was low at 30. LDL Cholesterol was elevated at 114. The rest of the labs were within normal limits. Urinalysis done on 12/17/13 showed WBC of 6-10. RBC more than 30. Cast present. Crystals were present. He was also positive for WBC Esterase and Occult Blood 3+.

TREATMENT RENDERED: The patient was admitted to G Lodge under my care and was seen by me on a regular basis for pharmacotherapy and psychosocial education. He was also assessed by Activity Therapy, Nursing Service, Social Work and Psychology. Initially, patient was seen by Dr. Shanna in A&D and he was started on Celexa 40 mg q a.m. for depression, Trazodone 100 mg q hs for sleep and Ciprofloxacin 250 mg po b.i.d. for five days for urinary tract infection and Neurontin 300 mg po t.i.d. for anxiety. Upon evaluation by me on the unit, patient initially was sweating profusely, was very confused and his temperature was also high.

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Exhibit - A - page 4

JETER, ALONZO
10285508

Patient was discontinued on Ciprofloxacin, Neurontin and Trazodone and was started on Ambien 10 mg for sleep, Bactrim DS 1 tablet twice a day for seven days and was discontinued on Celexa as well. He was started on Prozac 20 mg po q daily. With these changes in medication, the patient's symptoms gradually improved. Patient was very eager to be discharged so he could go and continue with ADSAP program so he can get his license back. He mentioned he attended one month already and if he does not attend immediately, he might have to restart it all over again. Patient clearly denied having any thoughts to hurt himself or others. Patient was considered stable enough for discharge and was discharge on 12/19/13.

DISCHARGE MEDICATIONS: Prozac 20 mg q daily for depression, Ambien 10 mg q hs for insomnia, Bactrim DS one tablet b.i.d. for four days, then discontinue. Vistaril 50 mg po q six hours prn for anxiety and insomnia.

DISCHARGE DIAGNOSES:

- Axis I: Alcohol and Cannabis Dependence, Depressive Disorder Not Otherwise Specified.
- Axis II: Deferred.
- Axis III: Urinary Tract Infection.
- Axis IV: Noncompliance, legal problems, unemployed, and no driver's license.
- Axis V: GAF on admission - 45; GAF on discharge - 65.

CONDITION ON DISCHARGE: Patient was stable at the time of discharge and was not an imminent danger to self, others or property.

DISCHARGE MENTAL STATUS EXAM: He was awake, alert and oriented times three. Calm, controlled and cooperative. Compliant with his medications. Thought form was coherent. Mood was euthymic. Affect was full range. Denied auditory or visual hallucinations. No delusions could be elicited. Denied any suicidal and homicidal ideation. Insight and judgment were adequate.

RECOMMENDATIONS: Patient was advised to followup with the Cherokee Mental Health Center, be compliant with medications and followup treatment, and stay abstinent from drugs and alcohol. He was also advised to followup with the ADSAP program.

FOLLOW UP/AFTERCARE: Patient was discharged to his family and was to followup with Cherokee Mental Health Center and his first appointment is scheduled on 01/02/14 at 8:30 a.m.

Madadi no 1/2/14 3:30 p

Praveen Madadi, MD Date Time
Staff Psychiatrist

PM/vs

ADMIT DATE / TIME 12/10/2013 19:53		ROOM NO.	PT E	FC P	AGE 036	DATE OF BIRTH	SEX M	RA 2	MS S	LOCATION ERD	PROGRAM	ACCOUNT NO. [REDACTED]	MEDICAL RECORDS NO. 0000066874
P A T I E N T	PATIENT NAME & ADDRESS JETER, ALONZO C 140 MALONE RD GAFFNEY SC 293410000 US		SS NUMBER [REDACTED]		PATIENT EMPLOYER UNEMPLOYED				EMPLOYER PHONE NO.				
	PHONE NUMBER [REDACTED]		COUNTY 11 CHEROKEE SC										
G U A R A N T	RESPONSIBLE PARTY & ADDRESS JETER, ALONZO C 140 MALONE RD GAFFNEY SC 293410000 US		SS NUMBER [REDACTED]		RESPONSIBLE PARTY EMPLOYER UNEMPLOYED				EMPLOYER PHONE				
	PHONE NUMBER [REDACTED]		RELATIONSHIP TO PATIENT										
EMERGENCY CONTACT NAME [REDACTED]			EMERGENCY CONTACT PHONE [REDACTED]			EMERGENCY CONTACT RELATIONSHIP TO PATIENT [REDACTED]							
COMMENTS							MSP <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	MED. KEY <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	PRIVACY CALL UNIT /	NPP ADJ	ADMIT. BY		
I N S U R A N C E	1	PAYER	PLAN	POLICY NUMBER									
	INSURANCE CO. NAME & ADDRESS				INSURED'S NAME								
					GROUP NUMBER				GROUP NAME				
	AUTHORIZATION												
	2	PAYER	PLAN	POLICY NUMBER									
	INSURANCE CO. NAME & ADDRESS				INSURED'S NAME								
					GROUP NUMBER				GROUP NAME				
	AUTHORIZATION												
	3	PAYER	PLAN	POLICY NUMBER									
INSURANCE CO. NAME & ADDRESS				INSURED'S NAME									
				GROUP NUMBER				GROUP NAME					
AUTHORIZATION													
M I S C	DR. ATTENDING / ADMITTING KARNS, DAN				DR. FAMILY / PRIMARY CARE *NOT FOUND*								
	DIAGNOSIS / SIGNS & SYMPTOMS SUICIDE IDEATION						ACCIDENT		ACCIDENT DATE				
PRINCIPAL DIAGNOSIS (The condition established after study to be chiefly responsible for occasioning the admission of the patient to the HOSPITAL for care).							DISCHARGE CODE *NOT FOUND*			DISCHARGE DATE/TIME 12/15/2013 08:53			

Diagnosis Codes (Primary)
V6284 SUICIDAL IDEATION

(2) 3091 (3) 3051 (4) (5) (6) (7) (8) (9)

COMPLICATIONS

COMORBIDITY(IES)

PROCEDURE

Procedure Codes/Dates

(1) CPT:99285:12/10/2013 (2):
(4): (5):

(3):
(6):

HMA7120



9438669



0000066874

-139

89
COPY

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

APPEAL OF FINAL DECISION
DOCKET NO. 19-ALJ-18-0047-AP

ALONZO JETER, III,

APPELLANT,

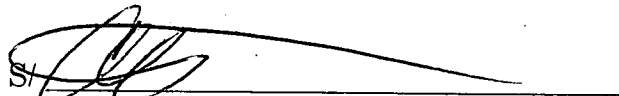
V

SOUTH CAROLINA DEPARTMENT
OF SOCIAL SERVICES,

RESPONDENT.

CERTIFICATE OF SERVICE

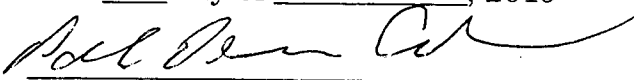
I, Alonzo Jeter, III, hereby certify that I have served a copy of *BRIEF OF APPELLANT, APPELLANT'S EXHIBIT A, and AFFIDAVIT OF AUTHENTICITY* upon the Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mail room personnel on this 20th day of June, 2019, for mailing via the United State Mail, addressed as follows: Chad A. Mitchell, Esquire, SCDSS Office of General Counsel, P O Box 1520, 1535 Confederate Avenue, Columbia, South Carolina 29202.



Alonzo C. Jeter, III,
APPELLANT / Pro Se

Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

SWORN and Subscribed before me
This 20th day of JUNE, 2019



Notary Public for South Carolina
My Commission Expires: Dec-10, 2022

FILED

JUN 20 2019

SC ADMIN. LAW COURT

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alonzo Jeter, III,)
)
Appellant,)
)
v.)
)
South Carolina Department)
Of Social Services,)
)
Respondent.)
)

REPLY TO MOTIONS

Docket No. 19-ALJ-18-0047-AP

TO: Alonzo Jeter, III and The Honorable Sebastien Phillip Lenski

YOU WILL PLEASE TAKE NOTICE that the Respondent, South Carolina Department of Social Services, by and through its undersigned counsel, opposes the Petitioner's motions to the Administrative Law Court.

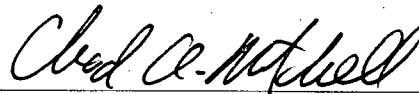
1. Appellant, Alonzo Jeter, filed a Designation of Matter to be Included in the Record on Appeal. Respondent opposes the Appellant's 3 proposed documents to be included in the Record on Appeal because those items should have been considered in a Fair Hearing and would have been part of the Record on Appeal through the fact that they were part of the Fair Hearing record.
2. Appellant, Alonzo Jeter, filed a Motion to Supplement the Record. Respondent opposes the Appellant's Motion to Supplement the Records because those items should have been considered in a Fair Hearing and would have been part of the Record on Appeal through the fact that they were part of the Fair Hearing record. In addition, Alonzo Jeter has not made said records available to the Respondent and therefore, the Respondent cannot speak to the relevance of the records and whether they should be included in the Record.

3. Appellant, Alonzo Jeter, filed a Motion For Extension of Time and to Toll Time.

Respondent opposes the Appellant's Motion For Extension of Time and to Toll Time because whether or not the Administrative Law Court grants Appellant's motions, he was already ordered to submit his Appellant's Brief within 30 days of the court's prior order dated on May 22, 2019. The outcome, whether granted or denied, of the Appellant's motions does not affect what he must bring before the court by way of his Appellant's brief.

4. Therefore, the Respondent prays for the court to deny his motions and to give him a definite deadline for Appellant's brief or in the alternative, dismiss his case for failure to prosecute.

Respectfully submitted,



Chad A. Mitchell, Esq. SC Bar #74730
Assistant General Counsel
SCDSS Office of General Counsel
P.O. Box 1520
1535 Confederate Avenue
Columbia, SC 29202
(office) 803-898-0755
(fax) 803-898-7245
chad.mitchell@dss.sc.gov

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alonzo Jeter, III,)
)
Appellant,)
)
v.)
)
South Carolina Department)
Of Social Services,)
)
Respondent.)
)

CERTIFICATE OF SERVICE

Docket No. 19-ALJ-18-0047-AP

I, Chad Mitchell, do hereby certify that Respondent's Reply to Motions attached hereto, was mailed, by first class, with proper postage, by placing in the US Postal Service, to the following:

Mr. Alonzo Jeter, III
Tyger River Correctional Institution
U-7-101/#282902
200 Prison Road
Enoree, SC 29335

6/24/2019
Date

Chad A. Mitchell
Chad A. Mitchell

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alonzo Jeter, III,)
)
Appellant,)
)
vs.)
)
South Carolina Department of Social)
Services,)
)
Respondent.)
_____)

Docket No. 19-ALJ-18-0047-AP

ORDER

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the notice of appeal filed by Alonzo Jeter, III (Appellant) with the court on March 1, 2019. The Appellant is appealing the final decision of the Office of Administrative Hearings of the Department of Social Services (Respondent or Department) dismissing his request for a hearing as untimely.

This case was assigned the undersigned on March 7, 2019. The Record on Appeal (ROA) was filed on May 9, 2019, making the Appellant brief due June 21, 2019. On June 6, 2019 the Appellant filed a Designation of Matter to be included in the Record on Appeal, Motion to Supplement the Record on Appeal and Motion for Extension of Time and to Toll Time with the court. In his designation of matter to be included in the ROA, the Appellant requested that the Notice of Right to a Fair Hearing as it is written on the reverse side of both the Overpayment Demand Letter and the Denial of Benefits Notice, the Appellant's case file from the Department's SNAP benefits case, and the Administrative Consent Agreement be included in the ROA. In his Motion to Supplement the Record, the Appellant requests to supplement the record with his mental health records. The Appellant also requested a thirty (30) day extension of time to file his brief.

The Appellant filed his brief with the court on June 20, 2019, thereby making his request for a thirty (30) day extension moot. The Department filed its response to the Appellant's motions on June 25, 2019 opposing the Appellant's motions. Based on the foregoing,

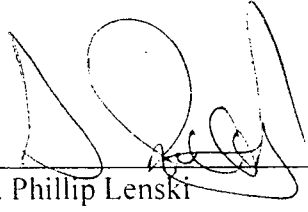
FILED

JUL 01 2019

ADMIN. LAW COURT

IT IS HEREBY ORDERED that the Appellant's Designation of Matter to be Included in the Record on Appeal is **GRANTED** and shall be due no later than twenty (20) days from the date of this Order. The Appellant's Motion to Supplement the Record with his mental health records is **DENIED**.

AND IT IS SO ORDERED.



S. Phillip Lenski
Administrative Law Judge

July 1, 2019
Columbia, SC

CERTIFICATE OF SERVICE

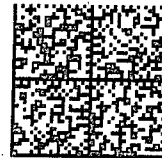
This is to certify that the undersigned has this date served this order in the above entitled action (local) all parties to this cause by depositing a copy thereof in the United States Mail, postage paid, or in the emergency mail service addressed to the party (just) or their attorney(s).

This _____ day of July 2019

Administrative Law Clerk

95

STATE OF SOUTH CAROLINA
Administrative Law Court
EDGAR A. BROWN BUILDING
1205 PENDLETON STREET, SUITE 224
COLUMBIA, SOUTH CAROLINA 29201



U.S. POSTAGE >> PITNEY BOWES



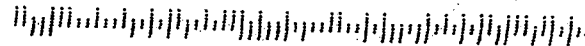
ZIP 29201 \$ 000.50⁰
02 1W
0001392766 JUL. 01. 2019

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JUL 03 2019
TYRC MAILROOM

Alonzo Jeter, III #282902
Tyger River Correctional Institution
100-200 Prison Road
Euree, SC 29355

7

2933552799 R003



96
COPY

August 18, 2019

Alonzo C. Jeter, III, Esq.
Tyger River Correctional Institution
U-7-101 / #282902
200 Prison Road
Enoree, South Carolina 29335

The Honorable S. Phillip Lenski
Jana E. Shealy, *Clerk*
S.C. Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, South Carolina

RE: Alonzo Jeter, III, v South Carolina Department of Social Services
Docket No. 19-ALJ-18-0047-AP


Dear Judge Lenski / Jana E. Shealy, *Clerk*

Enclosed for filing, please find the *MOTION TO DISMISS / MOTION FOR SUMMARY JUDGMENT* and CERTIFICATE OF SERVICE for the same.

Please find also enclosed, an additional copy of these said documents and cover letter along with a self-addressed stamped envelope. Please return to me file-stamped copies of these said documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,


Alonzo C. Jeter, III, Esq.
APPELLANT / *Pro Se*

Cc: Chad A. Mitchell, Esquire
FILE

FILED

AUG 02 2019

SC ADMIN. LAW COURT

97
COPY

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alonzo Jeter, III,

APPELLANT,

Vs

South Carolina Department of
Social Services,

RESPONDENT.

MOTION TO DISMISS /
MOTION FOR SUMMARY JUDGMENT

Docket No. 19-ALJ-18-0047-AP

COMES NOW, the Appellant, Alonzo Jeter, III, who respectfully moves this Honorable Court for an order of dismissal which grants summary judgment in favor of the Appellant in the above captioned case. Appellant submits this motion pursuant to SCALC, Rule 38 and this motion is based on the following grounds:

THRESHOLD MATTERS

I

BRIEF OF RESPONDENT

As threshold matters, first matter is the Respondent's default in failing to timely file and serve its brief in this case.

Pursuant to SCALC, Rule 37, the Respondent is to file its brief within thirty (30) days after Appellant has filed his brief. Appellant filed his brief with the Court on June 20, 2019. Respondent has failed to timely file its brief before the deadline mandated by SCALC Rule.

II

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Appellant filed a Designation Of Matter To Be Included In The Record On Appeal with the Court on June 6, 2019, wherein he requested that the Notice of Right to a Fair Hearing as it is written on the reverse side of both the Overpayment Demand Letter and the Denial of Benefits Notice, the Appellant's case file from the Department's SNAP benefits case, and the Administrative Consent Agreement be included in the Record on Appeal.

FILED

AUG 02 2019

Page 1 of 2

SC ADMIN. LAW COURT

Respondent filed a Reply with the Court on June 25, 2019, wherein in opposed Appellant's Designation of Matter. However, this Court did grant Appellant's Designation of Matter and further Ordered that it be due no later than twenty (20) days from the date of the Court's Order dated July 1, 2019, wherein the Designation of Matter was granted.

Respondent has not complied with this Order of the Court. Appellant emphasizes that this requested matter is significant and pertinent for the Court's review as it provides the Court facts and evidence of Appellants claims as well as the procedural irregularities and novelty of this case and Appellant meritorious claims.

PRIOR FAILURE TO COMPLY

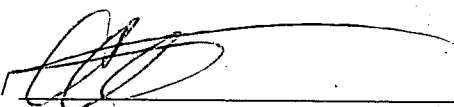
Appellant reminds the Court of his prior Motion to Dismiss which he filed with the Court on May 9, 2019, wherein he sought that the Court resolve this appeal adversely to the Respondent and in favor of the Appellant as Respondent failed to comply with SCALC Rule 37 by failing to timely file the Record on Appeal in this case.

CONCLUSION

For the reasons set forth in this motion, the Appellant respectfully prays that the issue an Order of Dismissal wherein it grants summary judgment by resolving this case adversely to the Respondent and in favor of the Appellant. Appellant respectfully requests that the final decision of the South Carolina Department of Social Services and Respondent be reversed and the Appellant's debt be cancelled and determination made that Appellant was not in-fact ineligible to receive SNAP benefits, or the case be remanded to the South Carolina Department of Social Services for equitable review of its determinations and an opportunity to dispute the SNAP eligibility and have the debt cancelled.

Respectfully submitted,

SWORN and Subscribed before me
this ___ day of _____, 2019

SI 
Alonzo C. Jeter, III, Esq.
APPELLANT / Pro Se

Notary Public for South Carolina
My Commission Expires: _____

Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 2nd day of August, 2019
Enoree, South Carolina

COPY

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alonzo Jeter, III,

APPELLANT,

Vs


South Carolina Department of
Social Services,

RESPONDENT.

CERTIFICATE OF SERVICE

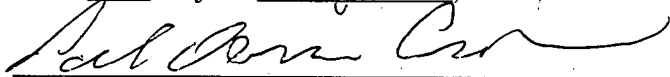
Docket No. 19-ALJ-18-0047-AP

I, Alonzo Jeter, III, hereby certify that I have served a copy of the MOTION TO DISMISS / MOTION FOR SUMMARY JUDGMENT upon the Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mail room personnel on this 1st day of August, 2019, for mailing via the United State Mail, addressed as follows: Chad A. Mitchell, *Esquire*, SCDSS Office of General Counsel, P O Box 1520, 1535 Confederate Avenue, Columbia, South Carolina 29202.

S/ 
Alonzo C. Jeter, III, Esq.
APPELLANT / *Pro Se*

Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

SWORN and Subscribed before me
This 1st day of Aug., 2019


Notary Public for South Carolina
My Commission Expires: Dec-10, 2024

FILED

AUG 02 2019

SC ADMIN. LAW COURT

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alonzo Jeter, III,)
)
Appellant,)
)
v.)
)
South Carolina Department)
Of Social Services,)
)
Respondent.)
)

**MOTION TO AMEND RECORD ON APPEAL
MOTION TO FILE BRIEF LATE**

Docket No. 19-ALJ-18-0047-AP

TO: Alonzo Jeter, III and The Honorable Sebastien Phillip Lenski

YOU WILL PLEASE TAKE NOTICE that the Respondent, South Carolina Department of Social Services, by and through its undersigned counsel, moves to amend the Record on Appeal and moves to file the initial Respondent Brief late.

1. Pursuant to Rule 36 G, Review is Limited to the Record.
 - a. The record on appeal only included the record of Appellant's interactions with the agency commencing on or about July 3, 2018 and leading up to Appellant's appeal in this Court.
 - b. For the Court to have a full understanding of the situation, the Record on appeal needs to include the following:
 - i. A SCDSS Directive Memo dated May 19, 1997.
 - ii. The contents of DSS's Disqualification/Ineligibility Folder for Appellant.
 1. Appellant's sentencing sheet dated October 12, 2014
 2. Cherokee County Public Index originally accessed on 4/12/2013
 3. SC Judicial CDR Codes originally accessed on 4/12/2013
 4. SC Judicial CDR Codes accessed on 9/28/2018
 - c. Therefore, Respondent moves to amend the Record on Appeal to include the above-mentioned documents.
 - d. All above-mentioned documents are attached.
2. Pursuant to the Court's order dated July 1, 2109 that stated in part, "IT IS HEREBY ORDERED that the Appellant's Designation of Matter to be Included in the Record on Appeal is GRANTED and shall be due no later than twenty (20) days from the date of this Order. The Appellant's Motion to Supplement the Record with his mental health records is DENIED.
 - a. Respondent's attorney misunderstood the Court's order and believed that the Appellant had those documents that he requested to be added to the Record on Appeal.
 - b. Respondent's attorney was waiting for the Appellant to provide those documents.

- c. When Respondent's attorney learned from the Court that Respondent agency was to provide those documents to supplement the Record on Appeal, he want in search of said documents.
 - i. SCDSS retains SNAP eligibility documents for 3 years after the case is inactive.
 - ii. SCDSS does not have any of the files requested to supplement the Record on Appeal.
 - iii. This misunderstanding of who is responsible to supplement the record led Respondent's attorney to wait for the documents from the Appellant in order to write his brief.
 - iv. Therefore, Respondent's attorney moves for permission to submit his Brief late.
 - v. Said brief is attached with this motion.

d.

Respectfully submitted,

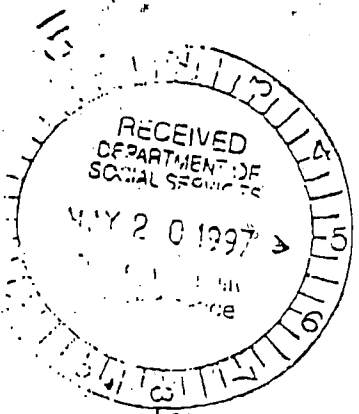
Chad A. Mitchell, Esq. SC Bar #74730
Assistant General Counsel
SCDSS Office of General Counsel
P.O. Box 1520)
1535 Confederate Avenue
Columbia, SC 29202
(office) 803-898-0755
(fax)803-898-7245
chad.mitchell@dss.sc.gov

South Carolina Department of Social Services

DIRECTIVE MEMO

D97-53

May 19, 1997



To: Executive Staff
Regional Administrators
County Directors

From: Charles M. Daly, Ph. D.
Deputy State Director
Program Policy and Oversight

James C. Shine
Deputy State Director
County Operations

Subject: Agency Error Food Stamp Claims

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 was enacted on August 22, 1996. PRWORA mandates that States collect all overissued food stamp benefits, including agency error claims. Prior to PRWORA, food stamp claims classified as agency error could only be collected if the household agreed to repay these benefits.

Recipient Claims Workers have expressed concerns on this new policy regarding whether agency error claims established prior to August 22, 1996 could be collected. Legislation does allow States to collect on the agency errors established before August 22, 1996. However, we feel that we should not collect on these claims at this point in time unless the household has been informed of the change in the law and the agency's intent to collect on the household's agency error debt. The majority of these households have already received notification that they did not have to repay the overissuance.

All agency error claims established after August 22, 1996 must be collected. However, policy informing the regional claims workers of this change was not distributed until September 23, 1996. Regional Claims Workers may have talked with a household during the time lag before policy was distributed and informed the household that they did not have to repay these benefits. Counties may now wish to identify these claims and send demand letters to the households which will notify them of the change in legislation and their obligation to repay these food stamp benefits.

Please share this information with your Regional Claims Supervisors and Workers. Refer any questions you have concerning this information to your Program Specialist, (803) 757-6010.

8644872754

10:40:08 a.m. 09-28-2018

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103

STATE OF SOUTH CAROLINA

COUNTY OF CHARLOTTE
STATE ALONZO JETER III VS.

AKA: _____
Race: B Sex: M Age: 26
DOB: 10/12/77 SS#: 247-53-5003
Address: 1025 N. GRANAD ST.
City, State, Zip: GAFFNEY SC 29340
DL# _____ SID# _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 04 -GS- 11 - FB 925
A/W#: # 001557 Direct Indictment
Date of Offense: 1-30-04
S.C. Code #: 44-53-375
CDR Code #: 0 1 1 0 1 0
 CASE RESTORED
 SENTENCE
 PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: POSSESSION OF CRACK 1st
in violation of § 44-53-375 of the S.C. Code of Laws, bearing CDR Code # 0 1 1 0 1 0
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] Solicitor [Signature] Defendant [Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 3 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ 500.00; provided that upon the service of 3 days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 3 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.
 CONCURRENT or CONSECUTIVE to sentence on: _____
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

RESTITUTION: Heard, Waived, Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 set by SCDPPPS _____

SPECIAL CONDITIONS:

PTUP _____ days/hours Public Service Employment
Obtain GED _____
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling _____
Random Drug/Alcohol Testing _____
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

Recipient: _____
*Fine: _____
\$14-1-206 (Assessments 107.5%) \$ _____
\$14-1-211(A)(1) (Conv. Surcharge) \$100 \$ _____
\$14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____
\$56-5-2995 (DUI Assessment) \$12 \$ _____
§ 35.13 (Public Def/Prob) \$500 \$ _____
§73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____
§33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____
§50-21-114(BUI Breath Test Fee) \$50 \$ _____
§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
3% to County (if paid in installments) \$ _____
TOTAL \$ _____

Appointed PD or appointed other counsel, §35.13 TP Requires \$500 be paid to Clerk during probation.

Brandy W McBees
Clark of Court/ Deputy Clerk
Court Reporter: Jim Green

PRESIDING JUDGE [Signature]
Judge Code: 01 1 1 3 15
Sentence Date: October 12, 2004

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Cherokee County Seventh Judicial Circuit Public Index



Cherokee County Home Page South Carolina Judicial Department Home Page SC.GOV Home Page

Switch View

The State of South Carolina VS Alonzo Iii Jeter

Case Number:	2004GS1100925	Court Agency:	General Sessions	Filed Date:	10/12/2004
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Couch, Roger L.	Disposition Judge:	Couch, Roger L.
Disposition:	Pled Guilty				
Disposition Date:	10/12/2004	Date Received:	10/12/2004	Arrest Date:	
Law Enf. Case:		True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2004GS1100925	Waiver Date:	
Probation Case:					

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Jeter, Alonzo III	0100-Drugs / Possession of less than one gram of ice, crack, or crack cocaine - 1st offense (no longer used. See 3009)	0100-Drugs / Possession of less than one gram of ice, crack, or crack cocaine - 1st offense (no longer used. See 3009)	10/12/2004

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for 487-2754

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SC Judicial Department

Page 1 of 1

CDR Codes

CDR Code: 100

Offense Description: Drugs / Possession of less than one gram of ice, crank, or crack cocaine
1st offense

Offense Statute(s): 44-53-0375(A)

Penalty Statute(s): 44-53-0375(A)

Offense Type: Felony

Offense Class: F

Status: Retired

Effective Date:

Expiration Date:

Rescind/Retire Date:

Last Updated:

106

CDR Codes

CDR Code:

3009

Offense Description:

Drugs / Possession of less than one gram of meth. or cocaine base, 1st offense

Offense Statute(s):

44-53-0375(A)

Penalty Statute(s):

44-53-0375(A)

Offense Type:

Misdemeanor

Offense Class:

A

Status:

Active

Effective Date:

06-07-2005 -

Expiration Date:

Rescind/Retire Date:

Last Updated:

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Docket No.: 19-ALJ-18-0047-AP

Alonzo Jeter, III,
Appellant,

vs.

South Carolina Department of Social Services,
Respondent.

BRIEF OF RESPONDENT

Chad A. Mitchell
Office of General Counsel
South Carolina Department of Social Services
P.O. Box 1520
Columbia, SC 29202-1520
Telephone 803-898-7617
Facsimile 803-898-7245
Email Chad.Mitchell@dss.sc.gov
Attorney for Respondent SCDSS

Alonzo C. Jeter, III, pro se appellant
Tyger River Correctional Institution
U-7-101/#282902
200 Prison Road
Enoree, South Carolina 29335

Statement of Issue on Appeal

Did the Department of Social Services (DSS) err in deeming Appellant ineligible to receive SNAP benefits and placing a \$3,400 debt on Appellant for the past SNAP benefits he had received? Subsequently, did the Department err in not reinstating Appellant's case for "good cause"?

Statement of the Case

On December 10, 2013, DSS sent Mr. Jeter a Denial letter explaining that his application for SNAP benefits received on December 9, 2013 has been denied because he was convicted of a controlled substance abuse violation that occurred after August 22, 1996 (ROA 007). On December 11, 2013, DSS issued an Overpayment Demand Letter (ROA 006) to Alonzo Jeter, III. The overpayment had been classified as client error. The reason for the overpayment is that Mr. Jeter plead guilty to a felony drug conviction in October 2004, which makes him ineligible for SNAP benefits. The fact of Mr. Jeter's drug conviction came to the attention of DSS, and the Department deemed Mr. Jeter ineligible for SNAP benefits for the period of 11 2011 through 03 2013.

President Clinton, through Congress, enacted the Personal Responsibility and Work Opportunity Reconciliation Act ("PRWORA") in 1996 (PL 104-193 (HR 3734) August 22, 1996 110 stat 2105). This was part of the "tough on drugs" initiative of the 1990's and the drug felony provision was intended as a punitive measure, in an effort to combat the "war on drugs". As part of the PRWORA 21 USCA §862a(a) was enacted to bar persons convicted of drug offenses from being able to receive SNAP food stamp benefits for the rest of their lifetime. DSS decided that it would attempt to collect error claims established after the enactment of PRWORA in August 22, 1996. [See Directive Memo dated May 19, 1997, Record on Appeal Supplement page ____].

After receiving the Denial letter dated December 10, 2013 and the Overpayment Demand Letter dated December 11, 2013, Appellant did not request a fair hearing for almost five years.

The Department denied Appellant's request for a hearing for lack of timeliness on September 4, 2018 through the Office of Administrative Hearings Order to Dismiss (ROA 10-11).

Appellant now argues that the Department made an error in determining that he is ineligible and that he should have a hearing.

DSS contends that it did not err in determining that Appellant is ineligible for SNAP benefits and that it has the right to demand overpayment reimbursement. Furthermore, DSS contends that it did not err in denying the Appellant a hearing five years after the initial determination of ineligibility.

Statement of the Facts.

On October 12, 2004, Appellant plead guilty of Possession of Crack 1st in violation of 44-53-375(A) of the S.C. Code of Laws, bearing CDR Code = 0100, non-violent. (See Sentencing sheet, Record on Appeal Supplement, page ____). At the time of Appellant's conviction in October 2004, the crime to which he plead guilty was a felony. Subsequent to the time of his conviction, the crime defined by 44-53-375(A) of the S.C. Code of Laws became a misdemeanor, bearing CDR Code = 3009. DSS documented this in Appellant's "Disqualification Ineligibility Folder" which contains 4 documents: 1) Appellant's October 12, 2014 sentencing sheet; 2) Cherokee County Public Index for Alonzo Jeter, III; 3) CDR Codes page on CDR Code 100 from <http://secourts.org/edr/searchCDRCode.cfm>; and 4) CDR Codes page on CDR Code 3009 from <http://secourts.org/edr/searchCDRCode.cfm>. DSS researched and documented that at the time of Appellant's conviction, he plead guilty to a felony drug charge.

Sometime in 2011, Appellant applied for SNAP benefits and started receiving benefits in November 2011 through March 2013. The records of Appellant's application for SNAP benefits have not been retained the Department due to federal regulations not requiring that records be kept more than three years.

Sometime in 2013, DSS became aware of Appellant's ineligibility due to his felony drug conviction, ended his benefits, and made a demand for repayment of those benefits.

Appellant did not request a fair hearing within 90 days of receiving the notice of his ineligibility or notice of the demand to repay the benefits.

The Appellant never signed an Administrative Consent Agreement (ACA), therefore there is not one in his records.

Judge S. Phillip Lenski granted Appellant's Designation of Matter to be included in the Record on Appeal on July 1, 2019. Appellant's Designation of Matter to be included in the Record on Appeal included three items - all of which he did not have in his possession and which are not able to be added to the Record on Appeal. Specifically the Appellant proposed the following to be included:

1. The Notice of Right to a Fair Hearing as it is written on the reverse side of the Overpayment Demand Letter and the Denial Of Benefits Notice.
2. The case file of the Appellant from the Cherokee County Department of Social Services which shall include Appellant's applications, any recertification, and all notes regarding Appellant and Appellant's SNAP benefits case.
3. Administrative Consent Agreement (ACA)

///

DSS does not keep records for SNAP benefits more than 3 years after inactivation. The only records currently maintained by DSS on Alonzo Jeter, III are his Disqualification/ineligibility records and the record of his current appeal of what happened in 2013, which he started in 2018.

Argument

The Department's decision to disqualify the Appellant from SNAP benefits is based upon the Appellant's felony drug charge. Because Federal law funds SNAP benefits and Federal law deems a person ineligible if he has a felony drug conviction, the Department had no option but to deem Appellant ineligible.

The Department is the designated state agency responsible for administration of the U.S. Department of Agriculture's SNAP program. S.C. Code Regs. Ann. § 114-1300. This Court sits in an appellate capacity pursuant to the Administrative Procedures Act (APA), rather than as an independent finder of fact. The provisions of the South Carolina APA govern the appeal of a final order of the Department.

S.C. Code Ann. § 1-23-380 sets forth this Court's standard of review as follows:

The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or

(f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

S.C. Code Ann. § 1-23-380(5).

Appellant seems to argue that the Department failed to properly assess the type of drug conviction he had. The Department did not fail. Appellant has a felony drug conviction as evidenced on the sentencing sheet signed by the judge in 2004 and it is his burden to show that the Department's decision should be reversed pursuant to subsection (e) of S.C. Code 1-23-380(5). Appellant, as the party challenging the Department's decision, has the burden of proving convincingly that the Department's decision is unsupported by substantial evidence. *Waters v. S.C. Land Resources Conservation Comm'n.*, 321 S.C. 219, 467 S.E.2d 913 (1996). "The possibility of drawing two inconsistent conclusions from the evidence will not mean the agency's conclusion was unsupported by substantial evidence." *Id.* 321 S.C. at 226, 467 S.E.2d at 917.

Answering the Arguments of Appellant

Appellant's arguments on appeal do not provide a basis upon which the Department's decision to deem him ineligible for SNAP benefits, may be reversed by this Court.

Conclusion

Based on the foregoing, Respondent submits that the Department properly deemed Appellant disqualified from SNAP benefits. The Department requests that its decision be upheld.

Respectfully submitted,

Chad A. Mitchell
S.C. Bar # 74730
Office of General Counsel

South Carolina Department of Social Services
P.O. Box 1520
Columbia, SC 29202-1520
Telephone 803-898-7617
Facsimile 803-898-7245
Email Chad.Mitchell@dss.sc.gov
Attorney for Respondent SCDSS

August 30, 2019
Columbia, South Carolina

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

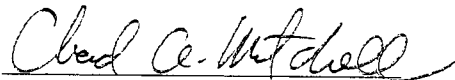
Alonzo Jeter, III,)
)
Appellant,)
)
vs.)
)
South Carolina Department of)
Social Services,)
)
Respondent.)
_____)

Docket No. 19-ALJ-18-0047-AP

PROOF OF SERVICE

I hereby certify that a copy of the Motion to Amend the Record on Appeal, Motion to File Brief Late, and Respondent's Brief in the above-captioned action was served upon Appellant by depositing same in the United States Mail, first class, postage prepaid, on August 30, 2018, addressed as follows:

Alonzo C. Jeter, III, Esq.
Tyger River Correctional Institution
U-7-101/#282902
200 Prison Road
Enoree, South Carolina 29335


Chad A. Mitchell
Office of General Counsel
South Carolina Department of Social Services
P.O. Box 1520
Columbia, SC 29202-1520
Telephone 803-898-7617
Facsimile 803-898-7245
Email Chad.Mitchell@dss.sc.gov
Attorney for Respondent SCDSS

1/5

DSS SOUTH CAROLINA
DEPARTMENT of SOCIAL SERVICES

SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES
OFFICE OF GENERAL COUNSEL, ROOM 621
P.O. BOX 1520, COLUMBIA, SC 29202-1520

RECEIVED

SEP 11 2019

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Alonzo C. Jeter, III
Tyger River Correctional Institution
U-7-101/#282902
200 Prison Road
Enoree, South Carolina 29335

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September 13, 2019

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Alonzo C. Jeter, III, Esq.
Tiger River Correctional Institution
U-7-101 / #282902
200 Prison Road
Enoree, South Carolina 29335

The Honorable S. Phillip Lenski
Jana E. Shealy, Clerk
S.C. Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, South Carolina 29201


RE: Alonzo Jeter, III, v South Carolina Department of
Social Services Docket No. 19-ALJ-18-0047-AP

Dear Judge Lenski / Jana E. Shealy, Clerk:

Enclosed for filing, please find the RETURN TO MOTIONS
TO AMEND RECORD ON APPEAL AND TO FILE BRIEF
LATE and CERTIFICATE OF SERVICE for the same.

Please find also enclosed, an additional copy of these said
documents and cover letter along with a self-addressed
stamped envelope. Please return to me file-stamped
copies of these said documents by way of the provided
SASE.

Thank you for your assistance in this matter.

Sincerely, 
Alonzo C. Jeter, III, Esq.
APPELLANT / Prose

CC: Chad A. Mitchell, Esquire
FILE

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SEP 16 2019

ADMINISTRATIVE LAW COURT

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

COPY

Alonzo Jeter, III,

APPELLANT,

v

South Carolina Department
of Social Services,

RESPONDENT.

RETURN TO MOTIONS TO:
AMEND RECORD ON APPEAL
AND TO FILE BRIEF LATE

Docket No. 19-ALJ-18-0047-AP

The Appellant, Alonzo Jeter, III, opposes the Respondent's Motion To Amend Record On Appeal and Motion To File Brief Late, which are undated and unsigned and received by the Appellant on September 11, 2019. Appellant will show the Court the following reasons why Respondent's Motions should not be granted;

Respectfully:

1. Pursuant to SCALC, Rule 37, the Respondent is to file its brief within thirty (30) days after Appellant has filed his brief. Appellant filed his brief with the Court on June 20, 2019. Respondent has failed to timely file its brief before the deadline mandated by SCALC Rule.
2. Pursuant to SCALC, Rule 34(B); Unless otherwise ordered by the presiding administrative law Judge, the filing of a motion or petition shall not stay the time limits imposed by [the SCALC] Rules. Therefore, Respondent's motions and Brief is not timely filed as the Motion should have been filed prior to the deadline mandated by SCALC, Rule 37.
3. Appellant has filed a Motion to Dismiss with this Court on August 2, 2019, in regards of Respondent's default by failing to timely

file its brief.

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4. Respondent admits within its Motion, in Section 2(c), that it has engaged in ex parte communication with the Court.
5. Respondent has failed to properly compose its Supplemental Record in accordance with SCALC, Rule 36, as it lacks Cover, and Title page, Index, etc., and is not correctly numbered. Respondent attempts to point to document pages as it argues within its brief, however Respondent errs and fails in doing so due to the deficient composition of its Supplemental Record.
6. The documents which Respondent attempts to submit for the record could have been submitted in a timely manner as Respondent knew it would be relying on such documents in making its argument, however it failed to do so.
7. Respondent attempts to place cause of its failure to timely submit its filings to the Court on "Respondent's attorney," whom is indeed licensed counsel and of the South Carolina Bar. In contrast, Appellant is a pro se layman of the law and is at a great disadvantage in setting forth and pursuing his claims in this novel case. As "Respondent's attorney" properly in this action and in a timely manner, this should bring into focus the barriers and disadvantages of the Appellant, as he was without both attorney and food at genesis in this case at matter and was also hungry and not offered nor provided legal assistance and was ultimately denied a "fair" hearing.
8. Respondent fails to provide for the record any matter designated by Appellant such as the Notice of Right to a Fair Hearing as it is written on the reverse side of the

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Overpayment Demand Letter and the Denial of Benefits Notice, any notes regarding Appellant and his attendance at the department and Appellant's SNAP food stamp benefits case which would also include notes stored in the department's computers and also notes and records which are retained at the State Records Center. S.C. Code Ann. Regs. 114-410.

9. Respondent fails to cite any authority wherein it relies upon to state that the Administrative Consent Agreement (ACA) would not be required to be signed by Appellant. Neither did the Respondent provide for the Record a blank form of the Administrative Consent Agreement (ACA) for the Court's review.

10. Arguendo, for the sake of argument, if Respondent did in-fact have the understanding that Appellant was to provide the designated material for the Record, Respondent then knew that this matter was due to be provided no later than twenty (20) days from the date of the Court's Order dated July 1, 2019, wherein the Designation of Matter was granted. Also, Respondent was aware that its brief was due on essentially the same date. However, Respondent strategically chose not to do anything. Diligence would have prompted Respondent to at least seek an understanding and/or leave of the Court to file its brief late due to waiting on the matter designated. Note: Appellant, a pro se layman at the law, was in the same position as Respondent when his Brief was due to be filed. Appellant, exercising due diligence, did file a Designation of Matter To Be Included In The Record On Appeal, Motion To Supplement The Record On Appeal, and Motion For Extension Of Time And To Tell Time, with the Court. However, this Court did not provide an Order granting or denying this motion before

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The date in which Appellant's brief was due to be filed. Being mindful that pursuant to SCALC, Rule 34(B), the motions Appellant filed did not stay the time limit for filing his brief; Appellant, seeking to comply with the SCALC Rules, proceeded and did timely file his brief without.

Respondent, subsequently, did file a Motion to Dismiss wherein it assumed that Appellant had defaulted by filing his brief late. However, as noted in the Court's July 1, 2019, Order, Appellant's brief was due on June 21, 2019, and Appellant did in fact file his brief timely as it was filed on June 20, 2019.

This is very significant and Appellant prays for the Court's indulgence.

As the Record clearly shows, Respondent by its Motion to Dismiss which it filed with this Court on June 25, 2019, both reveals and demonstrates that it is aware of the proper procedures and the expectations of the Rules of this Court in these similar circumstances as Respondent did in fact know that Appellant's brief was due to be timely filed regardless of any pending motions and actions. Because of this, Appellant questions the faith and motive of Respondent and this Court should consider the same.

CONCLUSION

For the foregoing reasons, the Appellant respectfully request that Respondent's Motion to Amend Record On Appeal and Motion To File Brief Late be denied and this case consequently be dismissed pursuant to SCALC, Rule 38, with an adverse ruling to Respondent and in favor of Appellant.

[SIGNATURE BLOCK ON FOLLOWING PAGE]

Respectfully submitted, ACJ
Alonzo C. Jeter, III, Esq.
APPELLANT

Tyger River Correctional Inst.
200 Prison Road
Enoree, SC 29335

This 13th day of September, 2019
at Enoree, South Carolina.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

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COPY

Alonzo Jeter, III,

APPELLANT,

v


South Carolina Department
of Social Services,

RESPONDENT.

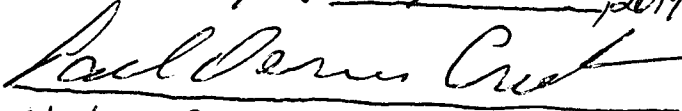
CERTIFICATE OF
SERVICE

Docket No. 19-ALJ-18-0047-AP

I, Alonzo Jeter, III, hereby certify that I have served a copy of the RETURN TO MOTIONS TO AMEND RECORD ON APPEAL AND TO FILE BRIEF LATE upon Respondent by placing the same inside of a postage prepaid envelope and placing the same in the hands of Tyger River Correctional Institution's mail room personnel for mailing via the United States Mail on this ~~16th~~ day of September, 2019, addressed as follows: Chad A. Mitchell, Esq., SCOSS Office of General Counsel, PO Box 1520, 1535 Confederate Avenue, Columbia, South Carolina 29202.


Alonzo C. Jeter, III, Esq.
APPELLANT

SWORN and Subscribed before me
this ~~16th~~ day of Sept 2019



Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29335

Notary Public for South Carolina
My Commission Expires: Oct. 10, 2024

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SEP 16 2019

ADMINISTRATIVE LAW COURT

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alonzo Jeter, III, #282902)
)
 Appellant,)
)
 vs.)
)
 South Carolina Department of Social)
 Services,)
)
 Respondent.)
 _____)

Docket No. 19-ALJ-18-0047-AP

FINAL ORDER

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the notice of appeal filed by Alonzo Jeter, III (Appellant) with the court on March 1, 2019. The Appellant is appealing the final decision of the Office of Administrative Hearings of the Department of Social Services (Respondent or Department) dismissing his request for a hearing to appeal an overpayment of Supplemental Nutrition Assistance Program (SNAP) benefits, as untimely.

On May 8, 2019, the Department filed a Motion to Dismiss due to the Appellant's untimely request for a hearing. On May 9, 2019, the Department filed the Record on Appeal (ROA). On May 9, 2019, the Appellant filed a Motion to Dismiss pursuant to ALC Rule 38, requesting judgment in favor of the Appellant and for the court to resolve his appeal adversely to the Department for the Department's failure to comply with the ALC Rules of Procedure. On May 22, 2019, this court issued an Order denying the motions to dismiss and directing the parties to file briefs. Subsequently, on May 22, 2019, the Appellant filed another motion to dismiss pursuant to ALC Rule 38 for failure to comply with the Rules. On June 6, 2019, the Appellant filed a motion for designation of matters to be included in the ROA and to supplement the record with his mental health records. On June 20, 2019, the Appellant filed his brief. On June 25, 2019, the Department filed a reply to the Appellant's motions, requesting the court deny the Appellant's motions. On July 1, 2019, this court issued an Order granting the Appellant's motion for designation of matters to be included in the ROA and denying the Appellant's motion to supplement the record with his mental health records. On August 2, 2019, the Appellant filed a motion to dismiss or motion for summary judgment. On September 3, 2019, the Department filed motions to amend the ROA, to file brief late, and the Respondent's brief. In its motion to amend the ROA, the Department requested that a Department Directive Memorandum dated May 19, 1997 and the contents of the Department's Disqualification/Ineligibility Folder for the

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SEP 29 2019

Appellant be included in the ROA. On September 16, 2019, the Appellant filed a response to the Department's motions requesting the court deny the Department's motions and dismiss the appeal with an adverse ruling against the Department and in the Appellant's favor.

DISCUSSION

The Department sent the Appellant an Overpayment Demand Letter dated December 11, 2013, informing him that he had received an overpayment of SNAP benefits in the amount of \$3,400 for the period November 2011 through March 2013. The reason the Department asserted it had overpaid the Appellant was because the Appellant had pled guilty to a felony drug conviction in October 2004 and therefore was not eligible to receive SNAP benefits. The letter informed the Appellant that the Department may reduce his overpayment if it determined that the Appellant is unable to repay the amount. The Appellant did not appeal the Department's determination or request a hearing until August 13, 2018, over four years after receiving the Overpayment Demand Letter. 10 S.C. Code Ann. Regs. 114-180(C)(1)(a) mandates that "(r)quest(s) for hearing must be filed with the caseworker or OAH ... within ninety (90) days of notice of the adverse action for Food Stamps." Pursuant to this the Department dismissed the Appellant's request for a hearing on September 5, 2018 in an Order to Dismiss. The Appellant then filed a Motion to Reinstate Case on September 19, 2018. The Department denied this motion on November 5, 2018.

The Appellant then sought relief in this court by filing an appeal of the Department final decision. Initially, the Appellant filed his appeal on December 7, 2018. However, the appeal was incomplete, and the Clerk of Court notified the Appellant of this via a Memorandum dated December 13, 2018. Pursuant to ALC Rule 33, an appeal that does not contain all of the required information listed in Rule 33 will be deemed incomplete and not assigned to an administrative law judge until all information is received. The Appellant submitted additional documents to the court on January 7, 2019, however, those documents were again incomplete, and the Clerk of Court again notified the Appellant of the deficiency on January 8, 2019. The Appellant failed to take further action until February 14, 2019, when the court returned the Appellant's appeal unprocessed. Finally, on March 7, 2019, the Appellant perfected his appeal, and the case was assigned to an administrative law judge.

The Appellant argues that the Department erred in determining that he was ineligible to receive SNAP benefits and therefore should be entitled to a hearing on the overpayment of SNAP benefits due to his ineligibility. The Department argues that it did not err in determining that the Appellant was ineligible to receive SNAP benefits and therefore is authorized to demand reimbursement for the overpayment. Further, the Department argues that it did not err in denying the

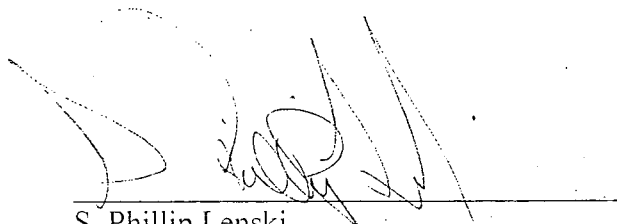
Appellant's request for a hearing five years after the initial determination of ineligibility because the request was made after ninety (90) days.

In accordance with 21 U.S.C § 862(a)(2) individuals who were convicted of a drug related felony after August 22, 1996 are ineligible to receive SNAP benefits. On October 12, 2004, the Appellant pled guilty to Possession of Crack-First in violation of S.C. Code § 44-53-375(A), which at the time of the Appellant's conviction was a felony. Subsequently, effective June 7, 2005, the crime defined by S.C. Code § 44-53-375(A) became a misdemeanor. In 2001, the Appellant applied for and started to receive SNAP benefits from November 2011 through March 2013. In 2013, the Department became aware of the Appellant's ineligibility to receive SNAP benefits due to his felony drug conviction. The Department terminated his benefits, and on December 11, 2013, made a demand for repayment. The Appellant failed to request a fair hearing within 90 days of receiving the overpayment demand letter. Substantial evidence supports the Department's decision in this matter. Furthermore, the Appellant's arguments do not provide a basis upon which the court may reverse the Department's determination that he was ineligible to receive SNAP benefits.

IT IS THEREFORE ORDERED that the Department's Motions to Amend the ROA and to File Brief Late are **GRANTED**.

IT IS FURTHER ORDERED that the Department's decision is **AFFIRMED**.¹

AND IT IS SO ORDERED.



S. Phillip Lenski
Administrative Law Judge

September 20, 2019
Columbia, South Carolina

¹ Numerous motions were filed in this matter. All motions not specifically addressed in this Order are deemed denied.

CERTIFICATE OF SERVICE

I, Erika S. Easler, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).



Erika S. Easler
Judicial Law Clerk

September 20, 2019
Columbia, South Carolina

FILED
SEP 20 2019

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

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COPY

Alonzo Jeter, III,
APPELLANT,

MOTION FOR REHEARING
(Pursuant to RULE 40, SCALC)

South Carolina Department
of Social Services,
RESPONDENT.

Docket No. 19-ALJ-18-0047-AP

The Appellant, Alonzo Jeter, III, respectfully request a rehearing and reconsideration of this case. Appellant shows the Court the following in support his motion:

- 1) This Court failed to provide Appellant the benefit of filing his Reply brief wherein he would have had equitable opportunity to submit a response to Respondent's Brief.
- 2) Appellant received Respondent's Brief on September 11, 2019, and pursuant to RULE 37, SCALC, Appellant had ten (10) days to file his Reply Brief.
- 3) Appellant filed a Motion To Dismiss / Motion For Summary Judgment on August 1, 2019.
- 4) Pursuant to RULE 34, SCALC, subsection (B); Appellant's Motion to Dismiss which was filed on August 1, 2019, should have stayed the time limit for filing Appellant's Reply Brief until this motion was decided by the Court.
- 5) Appellant filed a Return wherein he objected to Respondent's motion to Amend Record on Appeal and to File Brief later on

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SEP 25 2019

September 16, 2019.


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- 6) Respondent's Motion To Amend Record On Appeal and Motion To File Brief Late, is undated and unsigned.
- 7) The Brief of Respondent is dated August 30, 2019, and is unsigned.
- 8) The Proof of Service regarding the Respondent's Motion To Amend Record On Appeal and Motion To File Brief Late; and Brief of Respondent; is dated August 30, 2018.
- 9) The US Postage which was affixed upon envelope which contained all of Respondent's documents, motions and its Brief is post mark dated as September 3, 2019.
- 10) Pursuant to RULE 3, SCALC, subsection (C), as Appellant was served by U.S. Mail, five additional days should have been added to the period prescribed by RULE 37, SCALC, wherein Appellant would have been allowed to file his Reply Brief. Furthermore, time was stayed pursuant to RULE 34, SCALC, subsection (B), as Appellant's pending motion to dismiss and Objection had not been decided upon by the Court.
- 11) Appellant does in-fact have a meritorious response to Respondent's assertions and documents which this Court has granted Respondent opportunity to add to the Record in this case.
- 12) Appellant seeks that this Court would make reasonable efforts to assure fairness as Appellant is a pro se litigant and at a great disadvantage in this case. RULE 38, SCALC.

CONCLUSION

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For the foregoing reasons, the Appellant respectfully request a rehearing and reconsideration of this case. Appellant also ask that the Court would alter its judgment by retraction of the Court's Order dated September 20, 2019.

Respectfully submitted, 

Alonzo C. Jeter, III, Esq.
APPELLANT

Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29335

This 25th day of September, 2019
at Enoree, South Carolina

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

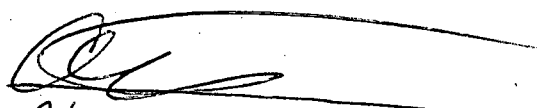
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COPY

Alonzo Jeter, III,
APPELLANT,
v
South Carolina Department
Of Social Services,
RESPONDENT.

CERTIFICATE OF
SERVICE
Docket No. 19-ALJ-18-0047-AP

I, Alonzo Jeter, III, hereby certify that I have served a copy of the MOTION FOR REHEARING upon Respondent by placing the same inside of a postage prepaid envelope and placing the same in the hands of Tiger River Correctional Institution's mail room personnel for mailing via the United States Mail on this 25th day of September, 2019, addressed as follows: Chad A. Mitchell, Esq., SCDSS Office of General Counsel, PO Box 1520, 1535 Confederate Avenue, Columbia, South Carolina 29202.

SWORN and Subscribed before me
this 25th day of Sept. 2019
Paul Dean Cude
Notary Public for South Carolina
My Commission Expires: Dec. 10, 2022


Alonzo C. Jeter, III, Esq.
APPELLANT
Tiger River Correctional Institution
200 Prison Road
Enoree, SC 29335

FILED

SEP 25 2019

ADMIN. LAW COURT

DSS SOUTH CAROLINA
DEPARTMENT of SOCIAL SERVICES

SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES
OFFICE OF GENERAL COUNSEL, ROOM 621
P.O. BOX 1520, COLUMBIA, SC 29202-1520

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SEP 11 2019

TYRCI MAILROOM

Alonzo C. Jeter, III
Tyger River Correctional Institution
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200 Prison Road
Enoree, South Carolina 29335

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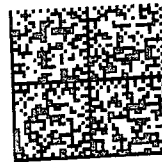
STATE OF SOUTH CAROLINA
Administrative Law Court
EDGAR A. BROWN BUILDING
1205 PENDLETON STREET, SUITE 224
COLUMBIA, SOUTH CAROLINA 29201

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Alonzo C. Jeter, III, # 282902
Tyger River Correctional Institution
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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alonzo Jeter, III,)	Docket No. 19-ALJ-18-0047-AP
)	
Appellant,)	
)	
vs.)	ORDER DENYING APPELLANT'S
)	MOTION FOR REHEARING
South Carolina Department of Social)	
Services,)	
)	
Respondent.)	
)	

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to a Motion for Rehearing filed by Alonzo Jeter, III (Appellant) on September 25, 2019, seeking reconsideration of the court's Final Order in this matter. Specifically, the Appellant claims that he was not afforded time to file a Reply brief to the Respondent's brief and that the Motion to Dismiss/Motion for Summary Judgment he filed on August 2, 2019 stayed the time limit for him to file an Appellant's brief. In support of his argument, the Appellant references ALC Rule 37, which states that an appellant may file a reply brief within ten (10) days after the Respondent's brief, and Rule 34, which states that a motion to dismiss an appeal shall stay the time limits until the motion is decided.

In accordance with ALC Rule 4B, if a document is filed by mail, the date of filing is the date of mailing. Pursuant to this rule, the date of filing for the Respondent's Motion to Amend Record on Appeal, Motion to File Brief Late, and Brief of Respondent is September 3, 2019. Therefore, in accordance with ALC Rule 37, the Appellant had until September 18, 2019 to file his reply brief. On September 16, 2019, the Appellant filed a Return to Motions to Amend Record on Appeal and to File Brief Late. The court did not issue its Final Decision until September 20, 2019, which provided the Appellant more than fifteen (15) days to file a reply brief.

Additionally, the Appellant argues that pursuant to ALC Rule 34, his Motion to Dismiss/Motion for Summary Judgment should have stayed the time limit for the Appellant's brief. However, in this case, the Appellant filed his Appellant's Brief with the court on June 20, 2019 and filed a Motion to Dismiss/Motion for Summary Judgment with the court on August 2,

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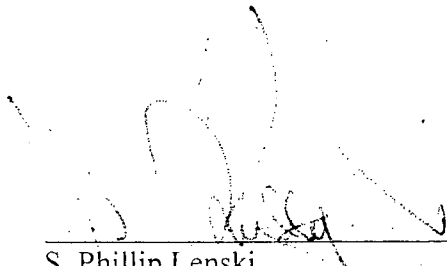
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ADMIN LAW COURT

2019. Therefore, this argument is without merit.

After careful consideration of the Appellant's Request for Rehearing, the court is unable to discover any material fact or principle of law that has been either overlooked or disregarded, and hence, finds no basis for granting rehearing. Accordingly, the Motion for Rehearing is **DENIED.**

AND IT IS SO ORDERED.




S. Phillip Lenski
Administrative Law Judge

October 16, 2019
Columbia, SC

CERTIFICATE OF SERVICE

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 intercompany mail service addressed to the party(ies) or their agent(s).

 day of October 2019

[Illegible Title]

Alonzo C. Jeter, III
Appellant

vs.

South Carolina Department of
Social Services,
Respondent

Mr. Alonzo C. Jeter, III
Inmate Number 282902
Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29335

Mr. Chad Mitchell
Office of General Counsel
P. O. Box 1520
Columbia, SC 29202

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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alonzo C. Jeter, III

Docket No. 19-ALJ-18-0047-AP

Appellant,

CERTIFICATE OF SERVICE

vs.

South Carolina Department
Of Social Services

Respondent.

I, Maria Addison, an administrative assistant with the Office of Administrative Hearings, do hereby certify that on the 9th day of May, 2019, in Columbia, South Carolina, I served a copy of the Record upon the following persons by depositing same in the State Interagency Mail, addressed as follows:

Office of General Counsel
SC Department of Social Services
P. O. Box 1520
Columbia, SC 29202

Maria Addison
Maria Addison
Office of Administrative Hearings
SC Department of Social Services
Post Office Box 1520
Columbia, SC 29202

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DEPARTMENT of SOCIAL SERVICES

SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES
INDIVIDUAL AND PROVIDER RIGHTS
P.O. BOX 1520, COLUMBIA, SC 29202-1520

Mr. Alonzo C. Jeter, III
Inmate Number 282902
Tyger River Correctional Institution
200 Prison Rd.
Enoree, SC 29335

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from the Administrative Law Court
The Honorable S. Phillip Lenski, Administrative Law Judge
Docket No. 19-ALJ-18-0047-AP

Case No. 2019-001835

Alonzo Jeter, III, APPELLANT,

South Carolina Department of
Social Services, RESPONDENT.

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CERTIFICATION OF COUNSEL
REGARDING RECORD ON APPEAL

SC Court of Appeals

I, Alonzo C. Jeter, III, pro se, hereby certify that the Record on Appeal contains all of the material designated by the parties to the appeal and no other materials are included herein. (Rule 210(g), SCACR)



Alonzo C. Jeter, III
APPELLANT / Pro se

Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

December 4, 2019

CERTIFICATION OF RELEVANCY

I certify that this Record On Appeal contains
no matter which is irrelevant to this appeal.



Alanzo C. Jeter, III
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335
APPELLANT/Pro se

December 4, 2019

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DEC 09 2019

SC Court of Appeals