

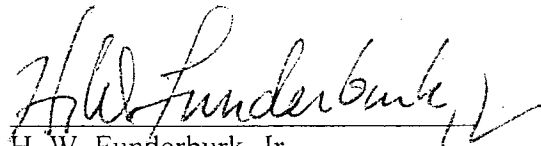
This Court must deny Respondent's Motion. The ALC, created by the South Carolina General Assembly by Act No. 181 of 1993, to provide an independent forum for hearing the contested cases of state agencies, is the only court with jurisdiction to preside over Appellant's appeal. The ALC's jurisdiction to review a final decision of the Department is derived from the decisions of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 334, 527 S.E.2d 724 (2000) and *Furtick v. S.C. Dept. of Probation, Parole, and Pardon Services*, 352 S.C. 594, 576 S.E.2d 146 (2002). In *Al-Shabazz*, the Court created an avenue for inmates to seek review of final state agency decisions regarding "non-collateral" agency decisions, and recognized that "these administrative matters typically arise in two ways: (1) when an inmate is disciplined and punishment is imposed; and (2) when an inmate believes prison officials have erroneously calculated his sentence, sentence-related credits, or custody status." In *Furtick*, the second type of case is involved, and the Court stated that it is first necessary to determine whether the inmate has a liberty interest in gaining access to the Parole Board. Because a denial of parole implicates a liberty interest sufficient to require at least minimal due process, the ALC was given the ability to review the decisions of the Department.

In addition to requesting the ALC to transfer his appeal to circuit court, Appellant requested that the ALC's Clerk issue a subpoena requiring the Department's production of certain documents. ALC Rules 51 through 66 govern special appeals. The rules governing this case and the rules governing appeals in general do not provide for discovery or the issuance of subpoenas in special appeals. It is therefore,

ORDERED that Respondent's Motion for a Jurisdiction Change to Circuit Court and request for a subpoena are **DENIED**.

AND IT IS SO ORDERED.

Columbia, South Carolina
January 13, 2020


H. W. Funderburk, Jr.
Administrative Law Judge

CERTIFICATE OF SERVICE
This is to certify that the undersigned has this date
served this order on the above named action upon all
parties to the extent of the address on a copy hereof,
in the United States mail postage paid or in the Interagency
Mail Service addressed to the party, or their attorney(s).
This 13th day of January, 2020
By: Elizabeth Rose Patton