

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Dean Alton Holcomb, #369696,

Appellant,

vs.

South Carolina Department of Probation,
Parole and Pardon Services,

Respondent.

Docket No. 19-ALJ-15-0062-AP

**ORDER DENYING APPELLANT'S
MOTION TO APPLY THE RULES
OF CIVIL PROCEDURE**

This matter is before the South Carolina Administrative Law Court (ALC) pursuant to Dean Alton Holcomb's (Appellant) Motion to Apply the Rules of Civil Procedure, filed January 31, 2020. Appellant filed his Notice of Appeal and Statement of the Case on December 13, 2019. This case was assigned on December 18, 2019. Appellant appeals the decision of the South Carolina Department of Probation, Parole and Pardon Services (Department) to deny him parole, arguing the Department's findings lacked evidence and are not supported by the record.

Appellant requests that the ALC allow the South Carolina Rules of Civil Procedure (SCRCP) to apply in this matter, pursuant to SCALC Rule 68. SCALC Rule 68 provides that the SCRCP "... may, in the discretion of the presiding administrative law judge, be applied to resolve questions not addressed by these rules." At this time, the Court does not find it necessary to apply the SCRCP and declines to exercise discretion to do so. It is therefore,

ORDERED that Respondent's Motion to Apply the Rules of Civil Procedure is **DENIED**.
AND IT IS SO ORDERED.

Columbia, South Carolina
February 12, 2020

CERTIFICATE OF SERVICE
This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy heract, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).

This 12th day of February, 2020
By: Elizabeth A. Perkins

RECEIVED
FEB 28 2020
SC Court of Appeals
H.W. Underburk, Jr.
H. W. Underburk, Jr.
Administrative Law Judge

FILED

FEB 12 2020

SC ADMIN. LAW COURT