

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW JUDGE
Milton G. Kimpton, Administrative Law Judge

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MAY 14 2020

Lower Case No: 19-ALJ-04-0306-AP SC Court of Appeals

Appellate Case No: 2019-001566

Jack Lykendell, #355988,

Appellant,

South Carolina Department of Corrections,

Respondent.

RECORD ON APPEAL

Jack Lykendell
Jack Lykendell #355988
Evans CI-2A-196
610 Hwy 9 west
Bennettsville, S.C. 29512

Imani Diane Byas
Staff attorney
S.C. Dept of Corrections
P.O. Box 21787
Columbia, S.C. 29221
(803) 896-8508

INDEX

Title Page	Page ii
Index	Page 1
Designation of matter	Page 2
Order of dismissal	Page 3 & 4
Notice of Appeal	Page 5
Motion to Amend Notice of Appeal	Page 6
Motion to file outside of timeline	Page 7
certificate of service	Page 8

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Milton G. Kimpson, Administrative Law Judge

Lower case No: 19-ALJ-04-0306-AP

Appellate case No: 2019-001566

Jack Kuykendall, #355785,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

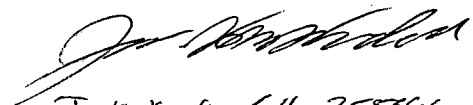
DESIGNATION OF MATTER TO BE INCLUDED IN
THE RECORD ON APPEAL

Appellant proposes the following be included in the record on Appeal:

1. order of dismissal Aug 6, 2019
2. Notice of Appeal July 31, 2019
3. motion to Amend notice of Appeal July 31, 2019
4. motion to file outside of timeline to amend notice of appeal

I certify that this designation contains no matter which Aug 21, 2019
is irrelevant to this appeal.

Respectfully Submitted By



Jack Kuykendall 355785

Evans 2A-196

610 Hwy 9 West

Bonnettsville, S.C. 29512

date of this order, the Court's file contains no record that Appellant has properly done so.

The failure to serve the Notice of Appeal on the Department within the appropriate time frame deprives the Court of its jurisdiction to hear Appellant's appeal. Therefore, for the foregoing reasons the decision appealed from is affirmed and this appeal is hereby **DISMISSED, WITH PREJUDICE.**

August 6, 2019
Columbia, SC


Milton G. Kimpson, Judge
South Carolina Administrative Law Court

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 hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).

This 6 day of August, 2019
By: A. Shilim
Judicial Law Clerk

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Jack Kuykendall
Appellant,
vs.
South Carolina Department of Corrections,
Respondent.

Amendment #6

NOTICE OF APPEAL

DOCKET NO. -ALJ-04-
GRIEVANCE NO.: TRCI-0067-19

Notice is hereby given that Jack Kuykendall does hereby appeal the final decision of the South Carolina Department of Corrections dated 6-5-19 and received on 5-18-19, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

- SCDC form 19-29A says the location of incident was: 056196 that's the officer Jordan Robinette employee ID number. So I never escaped from an employee ID number.

- SCDC form says my offense date was 12/12/18 and the SCDC form 19-29A says my offense date was 12/18/18. That's two different dates. These are technicalities and by these technicalities this charge should be dropped.

Jack Kuykendall SCDC 355988
Appellant's Name
Evers CI - 2A-196
CoO Highway 9 West
Mailing Address
Bennetsville, S.C. 29512
City, State, Zip Code

[Signature]
Signed
6-5-19
Dated

CERTIFICATE OF SERVICE

I hereby certify that I, Jack Kuykendall (your name), on the 31 day of July, 2009, in Bennetsville (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, or in the mail room of the undersigned's institution and addressed as follows:

Name of person/Agency served: Cheron Hess Administrative Asst. office of General Counsel
Address: S.C. Dept. of Corrections 4444 Broad River Road

City, State, Zip Code: P.O. Box 21787 Columbia, S.C. 29221

Print your name: Jack Kuykendall
(See reverse side for instructions)

Sign your name: *[Signature]*

Jack Kuykendall

Appellant,

VS

S.C. Dept of Corrections
Respondent

Motion to Amend Notice of Appeal

Docket No: ALJ-04

Grievance No: TRCI-0067-19

Comes here the appellant before this honorable court to
Amend his Notice of appeal Docket No: ALJ-04 Grievance No:
TRCI-0067-19. Pursuant to Rule 59 S.C.R.CIVIL P.

Appellant being a lay person of law made an innocent mistake
by not sending notice to the respondents involved in this matter.
Therefore in accordance to, S.C. reg rule is ⁽⁵⁾ (e) Appellant respectfully
request that the court denies respondents motion to dismiss and
allow appellant to serve respondent in this matter in the cause
of Justice Any other party would not be prejudiced by this
amendment.

Respectfully submitted by:

Jack Kuykendall SCDC 353388

Evans CI 2A-196

610 Highway 9 west

Bennetsville, SC. 29512

July 31, 2019 Page 6

~~XXXXXXXXXX~~

Jack Kuykendall
Appellant
US,
S.C. Dept of
Corrections
Respondent

Motion to file outside of Timeline
To Amend notice of Appeal
Docket No. ALS-04
Grievance No. TRCI 0067-19

Comes here the appellant before this honorable court to Amend
his Notice of appeal Docket No. ALS-04 Grievance No. TRCI 0067-19
Pursuant to Rule 59.

Any notice of appeal which is incomplete or not in compliance with this Rule
or Rule 71 will not be assigned to administrative law judge until all required
information is received and any applicable filing fee is processed within forty-five
days of the case is assigned to an administrative law judge (date of assignment)...

I'm filing pro-se to file copies on all parties and I'm uneducated
procedures and due to institutional restrictions to access law library,
mail room, and copies. I'm filing force majeure.

~~Ask them to~~

Motions for Reconsideration
are Prohibited.
See ALC Rule 65

Respectfully submitted by:

Jack Kuykendall SCDC 355988
Evans CI 2A-146
610 Highway 9 west
Bennettsville, S.C. 29512

FILED

AUG 21 2019

SC ADMIN. LAW COURT