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OCT 15 2020

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

SC Court of Appeals

Michael Braxton, #119081,	)
	)
Appellant,	)
	)
vs.	)
	)
South Carolina Department of Corrections,	)
	)
Respondent.	)
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Docket No. 20-ALJ-04-0325-A-AP  
Grievance No. KRCI 1759-16

**AMENDED ORDER ON REMAND**

This matter is before the South Carolina Administrative Law Court (Court or ALC) on remand from the South Carolina Court of Appeals. The matter was initially before the ALC on appeal by Michael Braxton in which he argued the South Carolina Department of Corrections (Department) had miscalculated his sentence. An order was issued in the matter on August 24, 2017, in which the decision of the Department was affirmed. Appellant appealed the decision to the South Carolina Court of Appeals and a decision was issued by that court on July 1, 2020. The decision affirmed in part and reversed and remanded in part the order of the ALC. On remand, the ALC is now directed to recalculate the Appellant's sentence so that he receives credit for the time he served while on parole.

On November 17, 1983, the Appellant was sentenced to thirty years in the custody of the South Carolina Department of Corrections. On March 31, 1994, the Appellant was released on parole to the State of Tennessee. On April 16, 1996, the Appellant was arrested on other charges in Tennessee and served continuously there until his sentence, which resulted from convictions on the other charges, ended in 2015. He was then sent back to South Carolina and remains in custody with the Department. When he returned, the Department recalculated his sentence without crediting the Appellant with the time he served on parole. The Court of Appeals held that he should receive credit for the time he was on parole.

In reviewing the dates in the Record before the ALC and the Court of Appeals decision, the Appellant was on parole for two (2) years and sixteen (16) days. This is calculated with parole

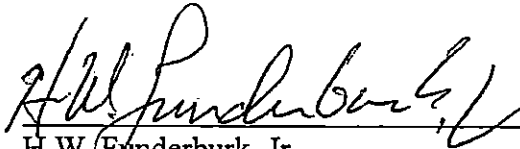
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beginning on March 31, 1994, and ending on April 16, 1996. The Court issued an Order on Remand on August 10, 2020. The Court issues this Amended Order on Remand for the sole purpose of correcting the grievance number in the caption.

Therefore, **IT IS HEREBY ORDERED** that the Appellant be credited with two (2) years and sixteen (16) days towards his sentence for his time on parole.

**AND IT IS SO ORDERED.**

  
H. W. Funderburk, Jr.  
Administrative Law Judge

August 26, 2020  
Columbia, South Carolina

**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 26<sup>th</sup> day of August, 2020  
By: Elizabeth A. Perkins  
Judicial Law Clerk

**FILED**

**AUG 26 2020**

**SC ADMIN. LAW COURT**