

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

**RECEIVED**  
NOV 30 2020  
SC Court of Appeals

Cedric Harris, 339791, )  
)  
Appellant, )  
vs. )  
)  
South Carolina Department of Probation, )  
Parole & Pardon Services. )  
)  
Respondent. )

Docket No.: 20-ALJ-15-0035-AP

**ORDER OF DISMISSAL**

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to an appeal filed by Cedric Harrison (Appellant), an inmate incarcerated with the South Carolina Department of Corrections. Appellant appeals the South Carolina Parole Board's (Board) decision issued on August 4, 2020 denying him parole.

ALC Rule 59 states that the Notice of Appeal "shall be filed with the Court and a copy served on each party, including the agency, within thirty (30) days of receipt of the decision from which the appeal is taken." SCALC Rule 59. This Court does not have the authority to extend the appeal filing or service deadline. *See, e.g., Sadisco of Greenville, Inc. v. Greenville County Bd. of Zoning Appeals*, 340 S.C. 57, 59, 530 S.E.2d 383, 384 (2000); *See also Elam v. S.C. Dept. of Transp.*, 361 S.C. 9, 602 S.E.2d 772 (2004). Furthermore, pursuant to *Al-Shabazz v. State*, the ALC sits in an appellate capacity when reviewing final decisions of the Department regarding inmate matters, and to perfect an appeal, "[t]he inmate *must file and serve* a notice of appeal upon specified parties within thirty days of receipt of written notice of [the] Department's final decision." 338 S.C. 354, 377, 527 S.E.2d 742, 754 (2000) (emphasis added).

In this matter, Appellant received notice of the Board's final decision on August 11, 2020, however, Appellant did not file his Notice of Appeal until September 25, 2020. Appellant's filing is clearly outside the thirty (30) day timeframe set forth in SCALC Rule 59. Therefore, this Court finds that Appellant did not file his Notice of Appeal with the Court in a timely fashion, and thus, failed to properly invoke the jurisdiction of the ALC.


**IT IS THEREFORE ORDERED** that this appeal shall be and hereby is **DISMISSED**.

**FILED**

OCT 29 2020

SC ADMIN. LAW COURT

AND IT IS SO ORDERED.

  
**SHIRLEY C. ROBINSON**  
Administrative Law Judge

October <sup>27th</sup> 27<sup>th</sup>, 2020  
Columbia, South Carolina

**CERTIFICATE OF SERVICE**  
I hereby certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by the following means: e-mail, by the United States mail, postage paid, or by the messenger. All papers returned to the party (not by their attorney).

This 27 day of October, 2020

By:   
Administrative Law Judge