



**RECEIVED**

APR 19 2021

**SC Court of Appeals**

**The South Carolina Court of Appeals**

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

March 31, 2021

The Honorable Jana E. Shealy  
Edgar A. Brown Building  
1205 Pendleton Street  
Suite 224  
Columbia SC 29201

**REMITTITUR**

Re: Darrell Sturkey v. SCDC  
Lower Court Case No. 2018ALJ040063AP  
Appellate Case No. 2018-000722

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

*V. Claire Allen*

CLERK

Enclosure

cc: Darrell Sturkey, 182368  
Christina Catoe Bigelow, Esquire  
Imani Diane Byas, Esquire

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

Darrell Sturkey, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2018-000722

---

Appeal From The Administrative Law Court  
Shirley C. Robinson, Administrative Law Judge

---

Unpublished Opinion No. 2021-UP-077  
Submitted February 1, 2021 – Filed March 10, 2021

---

**AFFIRMED**

---

Darrell Sturkey, pro se.

Imani Diane Byas and Christina Catoe Bigelow, both of  
South Carolina Department of Corrections, of Columbia,  
for Respondent.

---

**PER CURIAM:** Darrell Sturkey appeals an order of the Administrative Law Court (ALC) dismissing his appeal of a decision by the South Carolina Department of Corrections (SCDC) denying his inmate grievance. Sturkey challenges the ALC's decision to dismiss his appeal on the ground that his grievance did not implicate a state-created liberty or property interest. We affirm.

Initially, we note the record supports SCDC's argument that Sturkey did not serve it with a copy of the notice of his appeal to the ALC as he was required to do under the South Carolina Administrative Law Court Rules. *See* SCALC Rule 59 (requiring a notice of appeal from a final agency decision to be filed with the ALC and service of the notice "on each party, including the agency, within thirty . . . days of receipt of the decision from which the appeal is taken"). Because of this omission, the ALC could have dismissed Sturkey's appeal on jurisdictional grounds. *See id.* ("Any notice of appeal which is incomplete or not in compliance with this rule . . . will not be assigned to an administrative law judge until all required information is received . . ."); SCALC Rule 62 (authorizing the ALC to "dismiss an appeal . . . for failure to comply with any of the rules of procedure for appeals"); *Hill v. S.C. Dep't of Health & Env'tl. Control*, 389 S.C. 1, 21, 698 S.E.2d 612, 623 (2010) ("The service of a notice of appeal is a jurisdictional requirement . . .").

In any event, we hold the record also supports the ALC's dismissal of Sturkey's appeal on the ground that it did not involve the deprivation of a state-created liberty or property interest. According to the brief Sturkey filed in his appeal to this court, the only interests that were implicated in his inmate grievance were a denial of the opportunity to earn good time credits, placement in an allegedly unsatisfactory facility, and losses of a job assignment, personal property, and certain inmate privileges. None of these are state-created liberty or property interests; therefore, the ALC properly dismissed Sturkey's appeal. *See* S.C. Code Ann. § 1-23-600(D) (Supp. 2020) ("[The ALC] shall not hear an appeal from an inmate in the custody of [SCDC] involving the loss of the opportunity to earn sentence-related credits . . ."); *Howard v. S.C. Dep't of Corr.*, 399 S.C. 618, 629, 733 S.E.2d 211, 217 (2012) (acknowledging the authority of the South Carolina legislature to "limit the jurisdiction of the ALC" and further recognizing "an inmate's loss of the opportunity to earn sentence-related credits does not implicate a state-created liberty interest"); *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 333, 605 S.E.2d 506, 509 (2004) (allowing the ALC to "summarily decide those appeals that do not implicate an inmate's state-created liberty or property interest").

**AFFIRMED.**<sup>1</sup>

**LOCKEMY, C.J., and HUFF and HEWITT, JJ., concur.**

---

<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.



South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS, CLERK  
POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211

Hasler

FIRST-CLASS MAIL

03/31/2021

**US POSTAGE**

**\$00.51<sup>00</sup>**



ZIP 29201  
011D12602824

**RECEIVED**

APR 19 2021

SC Court of Appeals

DARRELL STURKEY, 182368  
TYGER RIVER CORRECTIONAL INSTITUTION  
200-PRISON RD.  
ENOREE SC 29335

*Handwritten initials: RJS, KR*

NIXIE 296 FE 1 0004/12/21

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

UTF

BC: 29211162929 \*0696-00277-31-40

~~202052782 90~~

