

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Calvin Bryant, 189164,)
)
 Appellant,)
 vs.)
)
 South Carolina Department of Probation,)
 Parole & Pardon Services,)
)
 Respondent.)

Docket No.: 21-ALJ-15-0013-AP

ORDER OF DISMISSAL

RECEIVED
JUL 07 2021
SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to an appeal filed by Calvin Bryant (Appellant), an inmate incarcerated with the South Carolina Department of Corrections. On January 18, 2012, the South Carolina Department of Probation, Parole and Pardon Services (Department) notified Appellant that the South Carolina Parole Board (Board) denied 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 January 18, 2012, however, Appellant did not file his Notice of Appeal until June 1, 2021. 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.

FILED


JUN 14 2021

SC ADMIN. LAW COURT

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


SHIRLEY C. ROBINSON
Administrative Law Judge

June 14, 2021
Columbia, South Carolina

CERTIFICATE OF SERVICE
This is to certify that the undersigned has caused to be prepared this order in the above entitled case and that a copy of this order has been filed with the clerk of the court and a copy of this order has been mailed by first class mail, postage paid, or in the alternative by overnight mail service addressed to the party(ies) named herein.
This 14 day of July, 2021
By: 
Judicial Law Clerk