

**FILED**

MAR 11 2013

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

SC ADMIN. LAW COURT

Tracey Carter, #247387, )  
 )  
 Appellant, )  
 v. )  
 )  
 South Carolina Department of Corrections, )  
 )  
 Respondent. )

Docket No. 12-ALJ-04-0746-AP  
Grievance No. KRCI 1968-11

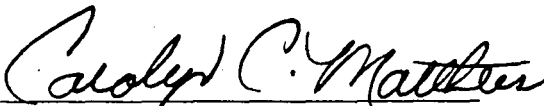
**ORDER OF DISMISSAL**

This matter is before the Administrative Law Court (Court) pursuant to the Appellant's Notice of Appeal filed on September 20, 2012. Respondent filed a Motion to Dismiss January 23, 2013, asserting that Appellant failed to exhaust his administrative remedies, because he filed a Notice of Appeal without timely filing a step two grievance. Appellant filed a step one grievance in which he complained about the non-processing of a previous grievance number KRCI-1037-11. This appeal was filed before Appellant received a response from the Department. As noted, the ALC does not have jurisdiction until a final decision is rendered by the Department. Appellant admits that he has not completed his administrative remedies.

An appellant is required to exhaust administrative remedies prior to filing an appeal. Howard v. Mutz, 315 S.C. 356, 434 S.E.2d 254 (S.C. 1993). There is no evidence Appellant has exhausted his administrative remedies through the SC DOC grievance process. The ALC has appellate review jurisdiction over final decisions rendered by SC DOC in non-collateral or administrative matters. Slezak v. South Carolina Department of Corrections, 361 S.C. 327, 605 S.E.2d 506 (2004).

Because Appellant has not exhausted administrative remedies prior to filing this appeal, this matter is dismissed. Hyde v. South Carolina Dept. of Mental Health, 314 S.C. 207, 442 S.E.2d 582 (1994). **IT IS THEREFORE ORDERED** that this matter is **DISMISSED WITH PREJUDICE.**

**AND IT IS SO ORDERED.**

  
**CAROLYN C. MATTHEWS**  
Administrative Law Judge

March 11, 2013  
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 11 day of March 2013