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SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Shonta L. Helton, #326415,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

Docket No. 21-ALJ-04-0333-AP

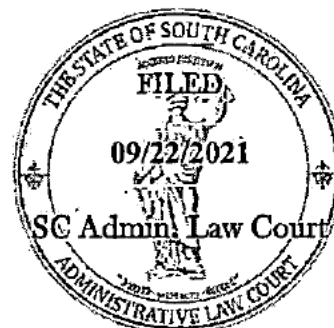
Grievance No. LCIW 0073-21

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to a Notice of Appeal filed by Shonta L. Helton (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department or SCDC). Appellant seeks review of the Department's Step 2 Grievance decision concerning placement in the Restrictive Housing Unit.

Upon review of this matter, the Court concludes that Appellant failed to timely file her Notice of Appeal with the Court. It is a fundamental rule of appellate practice that a court does not have the authority to extend the time for filing and serving an appeal. See generally Allison v. W.L. Gore & Assocs., 394 S.C. 185, 714 S.E.2d 547 (2011) (explaining appellate jurisdiction and holding that an administrative appellate body may not extend the time to file an appeal). According to Court rules for inmate appeals, "The notice of appeal from the final decision to be heard by the Administrative Law Court 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 (emphasis added).

The Department's Step 2 decision is dated July 30, 2021. Appellant filed her appeal on September 11, 2021, forty-three days after receipt of the Department's decision. Because this is outside the limit set by the rules of this Court, this case must be dismissed. The Court recognizes that this is a harsh result, but must follow the law. The Court does not have the authority to extend the deadline and allow Appellant's case to proceed.



ORDER

THEREFORE, IT IS HEREBY ORDERED that this appeal is **DISMISSED, WITH PREJUDICE.**

AND IT IS SO ORDERED.

A handwritten signature in cursive script that reads "Deborah Brooks Durden".

Deborah Brooks Durden, Judge
S.C. Administrative Law Court

September 22, 2021
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Robin E. Coleman, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).

Robin Coleman

Robin E. Coleman
Judicial Aide to Judge Deborah Brooks Durden

September 22, 2021
Columbia, South Carolina

