

Memorandum

To: APPELLANT

From: Clerk's Office

Date: 5-2-13

The information you filed with the Administrative Law Court is being returned to you for the following reason(s):

_____ A \$5.00 fee is required for copies of all documents that are less than 10 pages. For documents over 10 pages, the fee is \$.50 per copy. Your document has _____ pages, therefore a check in the amount of _____ is needed.

_____ This office cannot assist you with this request. For assistance, please contact your IGC.

_____ The Administrative Law Court does not have statutory authority to hear Tort Claim actions. Pursuant to the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-10 et seq., the appropriate venue for filing this type of action is in circuit court.

_____ Please comply with attached Special Appeals rule #56 on Legibility of Documents.

_____ Please sign, date, and return the enclosed Notice of Appeal.

_____ **This office cannot assist you with your request. For transcripts, contact the S.C. Court Administration, Court Reporting Section, 1015 Sumter Street, Suite 200, Columbia, S. C. 29201**

Other Any questions, please contact the Court of Appeals Clerk's office:

The S. C. Court of Appeals

Tanya A. Gee

PO Box 11629

Columbia, SC 29211

April 3, 2013

Janu

Clerk of Court
SC Administrative Law Court
1205 Pendleton St, Suite 224
Columbia, SC 29201

Re: Appeal Case 12C0418

Dear Clerk:

Enclosed is my appeal for case # 12C0418,
Grievance No. SCI-0079-11. Can you please
time stamp a copy & send back to me
(return envelope enclosed) also, can you also
send me a copy of the rules of court
for appealing an Administrative Law Court
decision?

Thank you in advance for your time &
consideration. I look forward to hearing
from you soon.

Sincerely,

Jay Cole

JAY COLE - 296532

Livesay A - B-19

PO Box 580

Una, SC 29378

Note to 2007 Amendments

Rule 60 is amended to provide that statements of fact set forth in the briefs are binding upon the proponent of the statement.

61. **Record on Appeal.** The record on appeal shall consist of the transcript of the proceedings before the agency, if any, and the record of the contested case as described by Rule 58.
62. **Dismissal of Appeal; Sanctions.** Upon motion of any party, or on its own motion, an Administrative Law Judge may dismiss an appeal for failure to comply with any of the rules of procedure for appeals, including the failure to comply with any of the time limits provided by this section (V), or for the failure to provide a factual basis for each expressly and specifically asserted constitutional violation as prescribed by Rule 59(B). Notwithstanding the time frames established herein, the Administrative Law Judge has the discretion to determine that a document is timely filed upon a finding that the party who filed the document made a good faith effort to file the document within the applicable time limits. If the presiding judge determines that the appeal is frivolous or taken solely for purposes of delay, the judge may impose such sanctions as the circumstances of the case and discouragement of like conduct in the future may require.

Note to 2007 Amendments

Rule 62 is amended to add the last sentence, which allows an administrative law judge to impose appropriate sanctions for inmate appeals which are frivolous or taken solely for the purpose of delay. This amendment is based upon the provisions of Rule 72, which applies to all contested cases and appeals, other than inmate appeals, heard by the Administrative Law Court.

63. **Motions.** Any motions filed shall be in written form and shall state the grounds for relief and the relief sought. Any response to the motion must be filed within ten (10) days after receipt of the motion, unless the time is extended or shortened by the Administrative Law Judge. The filing of a motion does not toll any time limits imposed by these Rules.
64. **Oral Argument.** In the discretion of the Administrative Law Judge, oral argument may not be required. Oral argument will ordinarily not be ordered by the Administrative Law Judge unless the proceeding involves a novel issue or a question of exceptional importance. If so ordered, at least twenty (20) days notice of oral argument shall be provided. The oral argument shall follow the procedure in Rule 218, SCACR.
65. **Opinion.** The Administrative Law Judge shall render a decision in a written order which shall be served on all parties and filed with the clerk of the Court. The Administrative Law Judge may affirm any ruling, order or judgment upon any ground(s) appearing in the Record and need not address a point which is manifestly without merit. The decision of the Administrative Law Judge is a final decision and motions for reconsideration will not be considered. Judicial review of any decision of the Court shall be as provided in S.C. Code Ann. § 1-23-610 (1976) (as amended).

Note to 2007 Amendments

Rule 65 is amended to incorporate the portion of Rule 220, SCACR, which allows the judge to affirm upon any ground appearing in the Record and to decline to address points which are without merit.

66. **Appeal of Final Order.** The appellant shall file a copy of the notice of appeal from the decision of the Administrative Law Judge with the clerk of the Court.

Note to 2007 Amendments

Rule 66 is amended to delete the provisions relating to the transmission of the record to the appellate court. Pursuant to Act 387 of 2006, the South Carolina Appellate Court Rules now govern the procedure for appealing a final order of an administrative law judge; accordingly, the deleted provisions are no longer necessary. The title of the rule is also amended to more accurately reflect the content of the amended rule.