

JURISDICTION OF THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

Prepared by Jana E. Shealy, Clerk, and Nancy B. Riley, General Counsel,
South Carolina Administrative Law Court

I. Contested Case Jurisdiction

- **Department of Consumer Affairs:** Mortgage loan brokers, staff leasing services, athlete agents, etc.
- **Department of Health and Environmental Control (including Office of Ocean and Coastal Resource Management):** Environmental, health, Certificate of Need, Coastal Zone permits
- **Department of Natural Resources:** Hunting/fishing license issues and BUI (Boating Under the Influence)
- **Department of Revenue:** State and county tax cases, alcoholic beverage licensing, games
- **Department of Transportation:** Outdoor advertising, Disadvantaged Business Enterprises, relocation assistance
- **Secretary of State:** Regulation of charitable organizations
- **State Law Enforcement Division:** Concealed weapons permits, security guard registrations
- **Drought Response Committee** pursuant to § 49-23-70: decisions concerning declarations of drought and restrictions on water use
- **Any agency pursuant to § 12-56-65**, the Setoff Debt Collection Act
- **Any agency pursuant to § 6-4-35**, Tourism Expenditure Review Committee

II. Appellate Jurisdiction

- **Department of Corrections:** Al-Shabazz cases (prison disciplinary appeals, sentence calculations, custody, liberty interests); cases involving the failure to earn good time credit as a result of a disciplinary conviction are not heard by the Court
- **Department of Disabilities and Special Needs**
- **Department of Employment and Workforce**

- **Department of Health and Human Services:** Medicaid appeals
- **Department of Probation, Parole and Pardon Services:** Permanent denial of parole eligibility, certain ex post facto claims
- **Department of Social Services:** AFDC benefit appeals, day care and foster home licensing, food stamps, etc.
- **Office of Motor Vehicle Hearings:** Driver's license revocations and suspensions
- **Lottery Commission:** Retailer licensing issues
- **Local school boards:** Decisions involving charter schools
- **Hearings pursuant to Act 387 of 2006,** including, but not limited to the following agencies:
 - Human Affairs Commission;
 - State Employee Grievance Committee;
 - Department of Agriculture;
 - Commission for the Blind;
 - State Crop Pest Commission;
 - State Livestock-Poultry Health Commission;
 - Mining Council;
 - State Ports Authority;
 - Department of Commerce, Aeronautics Division;
 - State Board of Education;
 - Commission on Higher Education.
- Act 387 also contains a general grant of appellate jurisdiction; § 1-23-600(D) has been amended to provide that “[a]n administrative law judge also shall preside over all appeals from final decisions of contested cases pursuant to the Administrative Procedures Act, Article I, Section 22, Constitution of the State of South Carolina, 1895, or another law. . . .” The exceptions to this general grant of jurisdiction are appeals from final decisions of the Public Service Commission, the State Ethics Commission, the Workers’ Compensation Commission, the Procurement Review Panel, and the Employment Security Commission. The Court hears appeals from decisions of the Budget and Control Board’s Employee Insurance Program pursuant to this general grant of jurisdiction. Presumably, contested case decisions of any state agency not specifically listed as an exception in § 1-23-600(D) would be appealable to the Court. An unpublished opinion of the S.C. Court of Appeals, Wright v. S.C. Dept. of Social Services, Op. No. 2008-UP-316 (S.C. Ct. App. filed June 25, 2008) (holding that an appeal from a decision of DSS’ Fair Hearing Committee removing a foster child from a foster home is properly before the ALC pursuant to Act 387) supports this conclusion.

III. **Contested Case and Appellate Jurisdiction**

- **Department of Insurance** (contested case for rate, agent licensing and violations, miscellaneous appeals pursuant to § 38-3-210)
- **Department of Labor, Licensing and Regulation** (contested case for wage disputes and OSHA cases appeals from boards/commissions)
- **PEBA** (contested case for retirement and disability determinations, appellate for employee insurance program and Qualified Domestic Relations Orders)

IV. **Regulation Hearings** pursuant to S.C. Code Ann. § 1-23-111 (agencies governed by a single director)

V. **Injunctive/Other**

- **Department of Labor, Licensing and Regulation**
- **Secretary of State** (enforcement actions or requests for injunctive relief arising under the Solicitation of Charitable Funds Act, pursuant to S.C. Code Ann. §§ 33-56-140(C) and (E), as amended by Act 387 of 2006).
- **Any agency regarding enforcement of subpoenas** pursuant to S.C. Code Ann. § 1-23-320(d).
- **Any agency regarding review and enforcement of an administrative process** (subpoenas, cease and desist orders, administrative search warrants, etc.) pursuant to S.C. Code Ann. § 1-23-600(F), as amended by Act 387 of 2006.

**JURISDICTION OF THE OFFICE OF MOTOR VEHICLE HEARINGS
SOUTH CAROLINA ADMINISTRATIVE LAW COURT**

I. Contested Case Jurisdiction (DMV drivers' license suspensions)

- Implied Consent or BAC (Blood Alcohol Content)
- Habitual Offender
- Financial Responsibility
- Dealer Licensing
- IID (Ignition Interlock)
- Physical Disqualification
- IFTA (International Fuel Tax Agreement)
- Miscellaneous
- Points Suspension