

<b>AGENCY NAME:</b>	<b>South Carolina Administrative Law Court</b>		
<b>AGENCY CODE:</b>	<b>C050</b>	<b>SECTION:</b>	<b>58</b>

## **AGENCY'S DISCUSSION AND ANALYSIS**

### **OVERVIEW**

The Administrative Law Court (ALC or Court) is an independent agency and court of record within the Executive Branch. The ALC has six (6) Administrative Law Judges (ALJs), including a Chief Judge. Each ALJ is elected to a specific seat by the South Carolina General Assembly and may employ other staff as authorized by the General Assembly to hear and dispose of matters within its statutorily mandated jurisdiction. The ALC hears many types of cases involving state agencies except those cases arising under the Consolidated Procurement Code, the Public Service Commission, and the Workers' Compensation Commission. (See Age of Disposed Cases below for specific case types filed with the Court). The Office of Motor Vehicle Hearings (OMVH) is a division of the ALC and has four (4) hearing officers plus staff, who are appointed and hired respectively by the Chief Judge, who serves as the Director of the Office. The OMVH conducts contested cases regarding certain decisions issued by the Department of Motor Vehicles.

The ALC is always improving upon how it protects data and Information Technology (IT) assets against increasing cyber threats and vulnerabilities. The ALC depends heavily on network and information systems for essential operations and data security. A culture of awareness regarding security risks is our standard at the ALC and we accomplish that with a multi-layered security and defense approach focusing on sophisticated and blended cyber-attacks. The ALC places extremely high importance on the cyber security education of all agency employees, making sure users stay informed. We recognize that the first line of defense in maintaining the security and integrity of our IT assets and networks starts with informed IT personnel and network users.

### **RISK ASSESSMENT AND MITIGATION STRATEGIES**

The Chief Judge is statutorily responsible for assigning a specific ALJ to each case filed with the Court. At the OMVH, the cases are automatically assigned to a hearing officer based on specific geographic regions. The Chief Judge is also responsible for the administration of the Court and the OMVH, including budgetary matters and supervision of the support staff. The other ALJs have supervision of their administrative assistant/law clerk. There are currently no plans in development to change the structure or organizational framework and procedures of the Court or to recommend that the General Assembly make any statutory changes. However, we continue to closely monitor our results and performance measures to determine if any future changes will be necessary.

Each ALJ is individually responsible for ensuring the fair and prompt disposition of the cases assigned to his or her office. The greatest risk to the public if the Court fails to timely dispose of cases is the possibility of cases becoming moot before they can be resolved, which could negatively affect the parties involved. Although the litigants often ask for continuances due to discovery and scheduling issues, the Court seeks to balance those requests with timely review to ensure a court system that is fair and prompt for all litigants. The primary support for a court to efficiently and timely dispose of its docket is to have adequate resources to do so. This may be in the form of additional judges, staff, or funding that is not reliant on fees.

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## **FILINGS WITH THE COURT BY JURISDICTIONAL TYPE**

The Court has jurisdiction over four types of matters:

**Contested cases.** ALJs preside as the fact finder in contested cases involving departments of the executive branch of state government in which a single hearing officer, or an administrative law judge, is authorized or permitted by law or regulation to hear and decide these cases, with certain exceptions. The ALC’s contested case jurisdiction is outlined in S.C. Code Ann. § 1-23-600(A).

**Appeals.** ALJs hear all appeals from final decisions of contested cases heard by state agencies pursuant to the Administrative Procedures Act, Article I, Section 22 of the South Carolina Constitution, or another law, except for appeals from final decisions of the Public Service Commission, the State Ethics Commission, the Procurement Review Panel, and the Workers Compensation Commission. The ALC’s appellate jurisdiction is defined in S.C. Code Ann. § 1-23-600(D). The Court also hears appeals pursuant to *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000) and *Furtick v. South Carolina Department of Probation, Parole and Pardon Services*, 352 S.C. 594, 576 S.E.2d 146 (2003).

**Regulation hearings.** ALJs preside over public hearings held during the promulgation of regulations by a department of state government for which the governing authority is a single director. Upon the conclusion of a regulation hearing, an ALJ issues a written report including findings as to the need and reasonableness of the proposed regulation. If the report includes a finding of a lack of need or reasonableness, the report may include suggested modifications to the proposed regulation. For more information concerning regulation hearings, refer to S.C. Code Ann. § 1-23-111.

**Requests for injunctive relief.** The ALC has jurisdiction to hear requests for injunctive or equitable relief filed by state agencies that are authorized by law to seek such relief. The ALC may review and enforce an administrative process issued by a department of the executive branch of government, such as a subpoena or cease and desist order. In addition, a party aggrieved by an administrative process issued by an executive branch agency may apply to the ALC for relief from the process. Under the South Carolina Administrative Procedures Act, ALJs have the power to issue those remedial writs as are necessary to give effect to its jurisdiction. Further, ALJs have the same power at chambers or in open court as do circuit court judges, including the power of contempt.

The number of appellate cases filed with the ALC (excluding appeals from the Department of Corrections (SCDC) and the Department of Probation, Parole and Pardon Services (SCDPPPS) has increased significantly over the years. When appeals from SCDC and SCDPPPS are included in the statistical analysis, the number is even higher. (See charts below). This increase in SCDC and SCDPPPS appeals is attributed in large part to recent “prevailing wage” issues related to the Prison Industries Program and the South Carolina Court of Appeals’ decision in *Torrence v. South Carolina Department of Corrections*, 433 S.C. 633, 636, 861 S.E.2d 36, 38 (Ct. App. 2021), *reh’g denied* (Aug. 4, 2021), *cert. denied* (Aug. 3, 2022).

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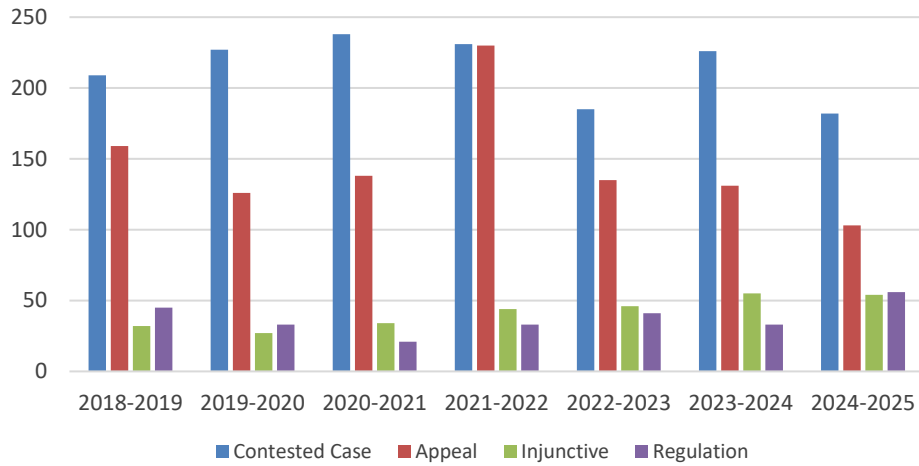
AGENCY CODE:

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SECTION:

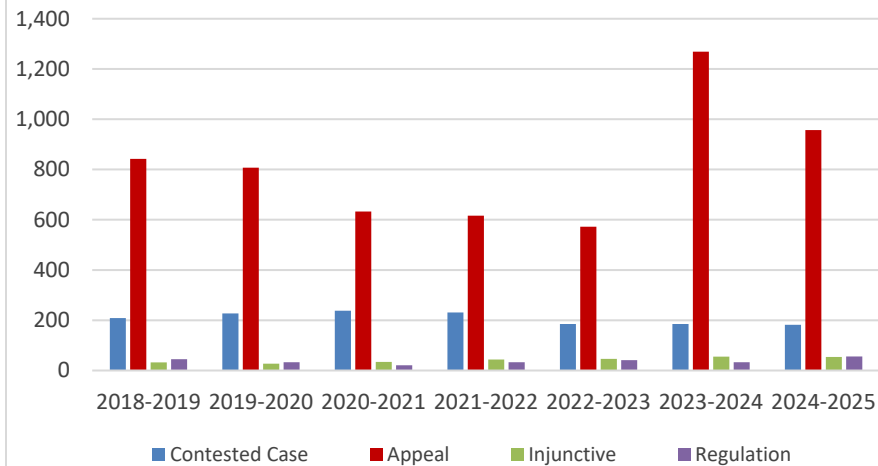
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### ALC Filing Type Excluding Inmate Cases



	Contested	Appeal	Injunctive	Regulation
2018-2019	209	159	32	45
2019-2020	227	126	27	33
2020-2021	238	138	34	21
2021-2022	231	230	44	33
2022-2023	185	135	46	41
2023-2024	226	131	55	33
2024-2025	182	103	54	56

### ALC Filing Type Including Inmate Cases

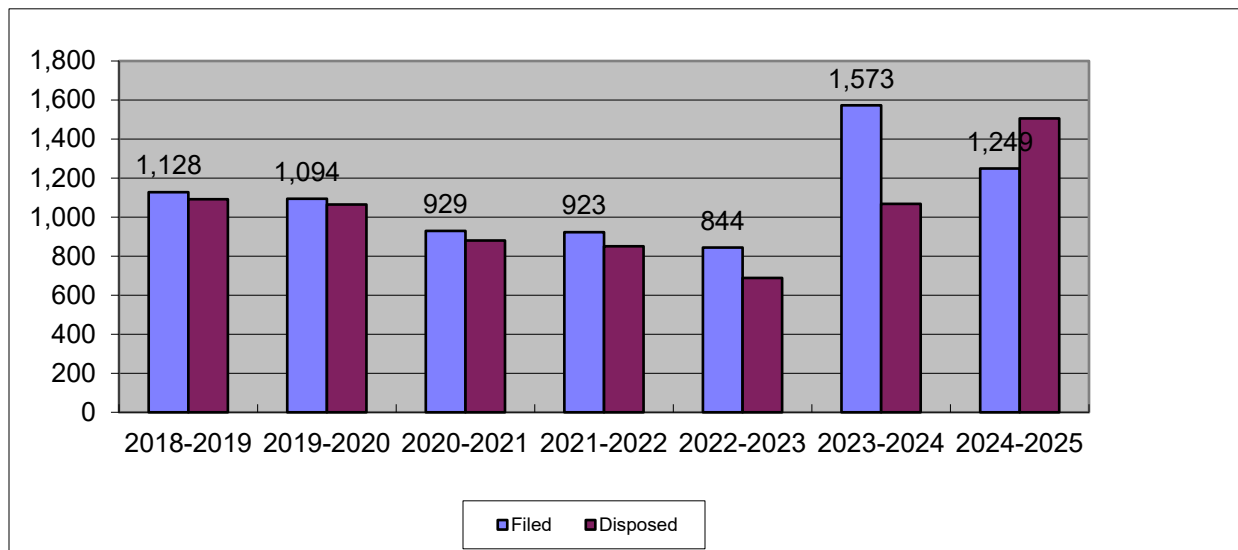


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	Contested	Appeal	Injunctive	Regulation
2018-2019	209	842	32	45
2019-2020	227	807	27	33
2020-2021	238	633	34	21
2021-2022	231	616	44	33
2022-2023	185	572	46	41
2023-2024	185	1,269	55	33
2024-2025	182	957	54	56

### FILINGS AND DISPOSITIONS FOR THE COURT (EXCLUDING OMVH) SINCE 2018

FISCAL YEAR	*CCs, RHs, IJs, and & other appeals	<u>Al-Shabazz/Furtick</u> Appeals	TOTAL FILED	*CCs, RHs, IJs, and & other appeals	<u>Al-Shabazz/Furtick</u> Appeals	TOTAL CASES DISPOSED
<b>FY 18-19</b>	445	683	<b>1,128</b>	458	634	<b>1,092</b>
<b>FY 19-20</b>	413	681	<b>1,094</b>	392	673	<b>1,065</b>
<b>FY 20-21</b>	430	495	<b>929</b>	357	523	<b>880</b>
<b>FY 21-22</b>	538	386	<b>923</b>	450	401	<b>851</b>
<b>FY 22-23</b>	407	437	<b>844</b>	352	336	<b>688</b>
<b>FY 23-24</b>	435	1138	<b>1,573</b>	397	671	<b>1,068</b>
<b>FY 24-25</b>	395	854	<b>1,249</b>	459	1047	<b>1,506</b>



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## AGE OF DISPOSED CASES REPORT

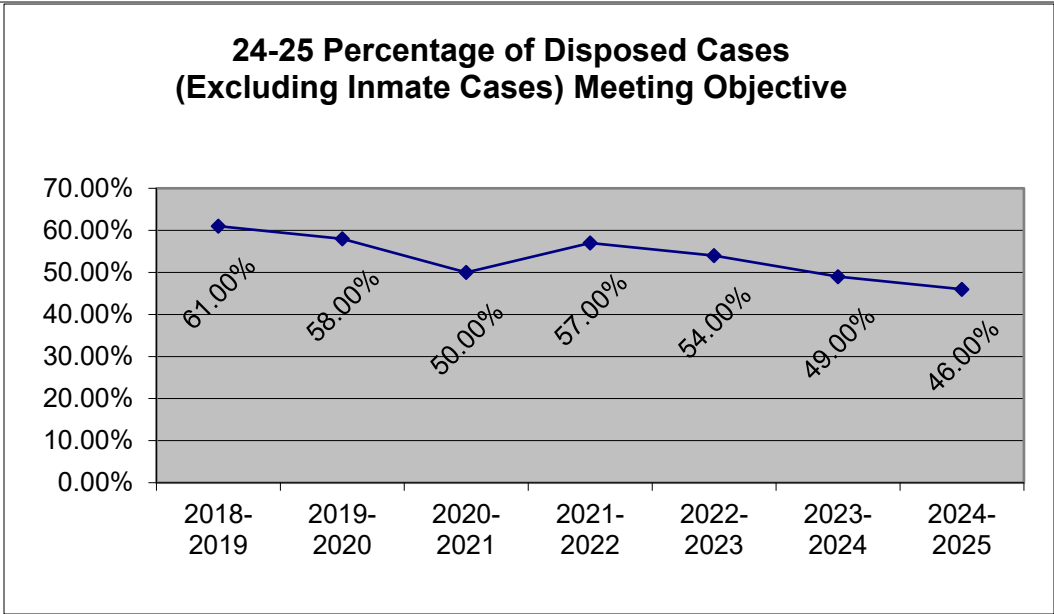
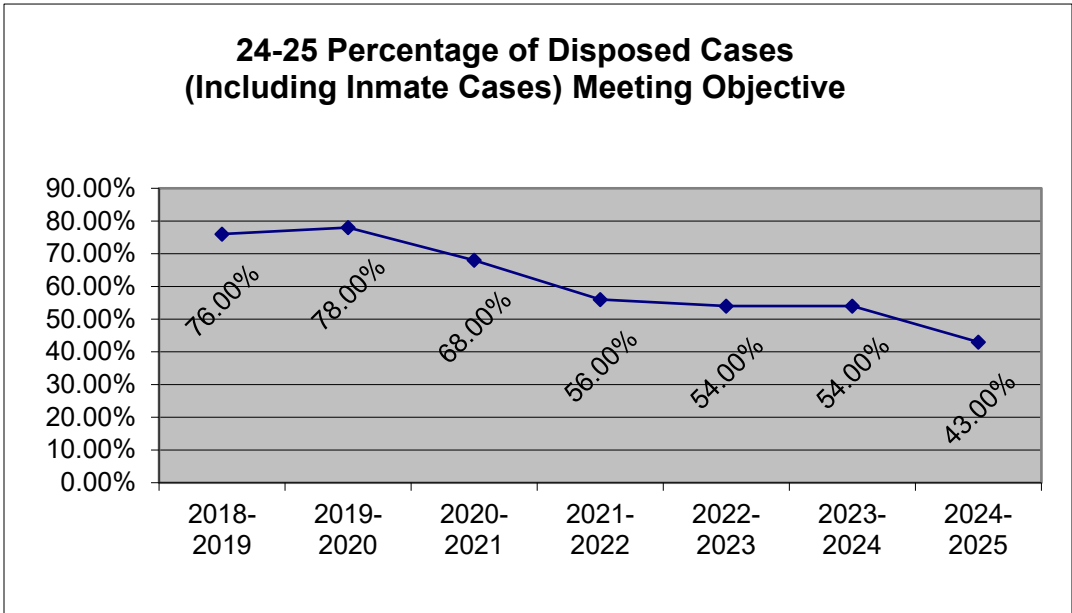
Case Type		Total Disposed	Average Age at Disposal	% Meeting Objective
<b>Agency I. Contested Cases Objective = 90 Days</b>		<b>153</b>	<b>155</b>	<b>42</b>
DNR	Hunting/Fishing Violations [ALC CC 90]	2	49	100
DOR	ABC Applications/Renewals [ALC CC 90]	29	149	45
LLR	Wage Disputes [ALC CC 90]	--	--	--
LLR	OSHA Violations [ALC CC 90]	12	393	17
ANY	Injunctive Relief Hearings [ALC IJ 90]	41	136	44
ANY	Public Hearings for Proposed Regulations [ALC RH 90]	59	107	20
ANY	Subpoenas	5	155	40
ANY	Miscellaneous	5	410	0
<b>Agency II. Contested Cases Objective = 120 Days</b>		<b>28</b>	<b>264</b>	<b>21</b>
DCA	Applications/Violations [ALC CC 120]	3	251	0
DNR	Coastal Fisheries Violations [ALC CC 120]	2	185	0
DOI	Insurance Agent Applications [ALC CC 120]	1	194	0
DOI	Insurance Rate Cases [ALC CC 120]	--	--	--
DOR	ABC violations [ALC CC 120]	21	292	24
SLED	CWP/PI/Security License [ALC CC 120]	1	145	0
<b>Agency III. Contested Cases Objective = 180 Days</b>		<b>59</b>	<b>289</b>	<b>36</b>
ANY	Setoff Debt Collection [ALC CC 180]	4	172	50
ANY	Tourism Expenditure Review [ALC CC 180]	--	--	--
DPH	Health Licensing Cases [ALC CC 180]	1	79	100
DNR	Boating Under the Influence [ALC CC 180]	13	251	31
DOI	Insurance Agent Violations [ALC CC 180]	3	217	67
DOR	Bingo Violations [ALC CC 180]	--	--	--
DOR	County Property Tax [ALC CC 180]	26	395	19
DOT	Outdoor Advertisements/DBE/Displacement/Disqualification	1	65	100
PEBA	State Retirement Systems [ALC CC 180]	7	221	33
SOS	Charities [ALC CC 180]	4	65	100
<b>Agency IV. Contested Cases Objective = 300 Days</b>		<b>78</b>	<b>387</b>	<b>72</b>
DPH	Certificate of Need [ALC CC 300]	1	2156	0
DES	Environmental Permitting [ALC CC 300]	9	229	67
DES	Ocean and Coastal Resource Management [ALC CC 300]	46	277	100
DOR	State Tax Cases [ALC CC 300]	22	602	18
<b>Agency V. Appeals Objective = 120</b>		<b>60</b>	<b>210</b>	<b>57</b>
DEW	Employment and Workforce Appeals [Appeals from DEW]	60	210	57
<b>Agency VI. Appeals (all other non-inmate) Objective = 180</b>		<b>81</b>	<b>264</b>	<b>54</b>
HHS	Medicaid and Provider Appeals [Appeals (all others) 180]	15	311	53
DOA	Employee Grievance Appeals [Appeals (all others) 180]	2	710	0
Any	Charter School Appeals/Education [Appeals (all others) 180]	2	219	50
CJA	Criminal Justice Academy Appeals [Appeals (all others) 180]	9	271	56
OMVH	Administrative License Revocations/Ignition Interlock Appeals	17	168	53
LLR	Professional Licensing Board Appeals [Appeals (all others) 180]	6	190	50
DSS	Daycare/Fostercare Appeals, SNAP (FI) [DSS]	15	263	67

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PEBA	PEBA Employee Insurance Program Appeals	15	263	67
<b>Category IV Case Types: Objective = 120 days</b>		<b>1047</b>	<b>249</b>	<b>43</b>
DOC	Inmate grievances [DOC & PPPS]	1047	249	43
<b>ALL CASE TYPES</b>		<b>1506</b>	<b>248</b>	<b>43</b>
<b>ALL CASE TYPES excluding inmate grievances</b>		<b>459</b>	<b>245</b>	<b>46</b>

**NOTE:** DOI: Dept. of Insurance; LLR: Dept. of Labor, Licensing and Regulation; DNR: Dept. of Natural Resources; DOR: Dept. of Revenue; DES: Dept. of Environmental Services; DPH: Dept. of Public Health; HHS: Dept. of Health and Human Services; DSS: Dept. of Social Services; SLED: South Carolina Law Enforcement Division; DOC: Dept. of Corrections; PPPS, Dept. of Probation, Parole and Pardon Services; PEBA: Public Employee Benefit; OMVH: Office of Motor Vehicle Hearings; CA: Dept. of Consumer Affairs; DEW: Dept. of Employment and Workforce; CJA: Criminal Justice Academy; SOS: Secretary of State; DOA: Dept. of Administration; DOT: Dept. of Transportation

### DISPOSITION PERCENTAGES CHARTS FOR THE COURT (EXCLUDING OMVH) SINCE 2018

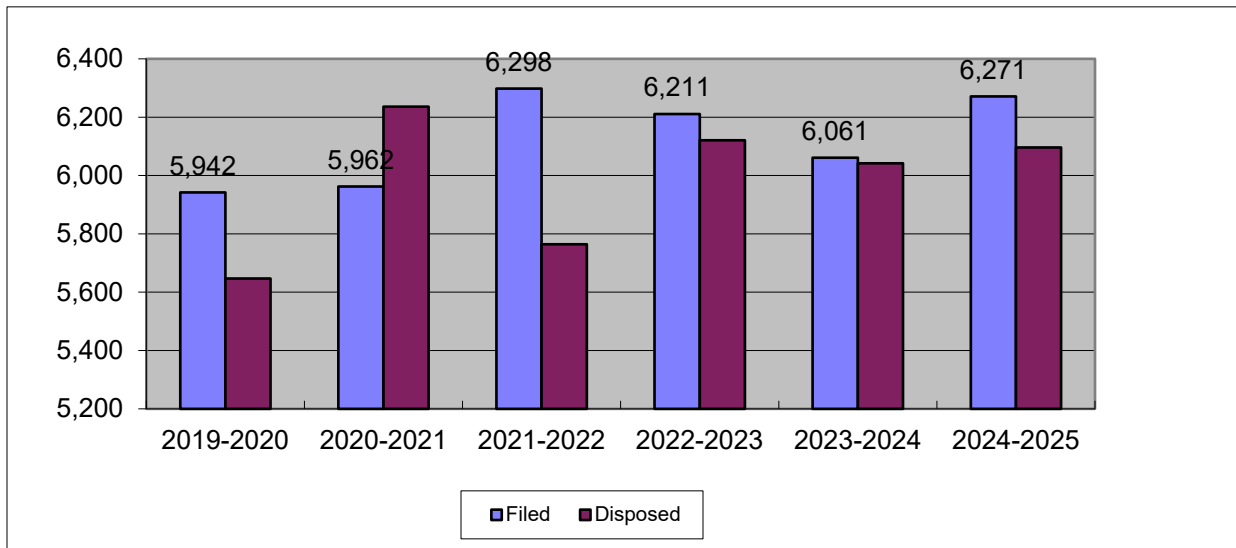


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### COMBINED COURT AND OMVH FILINGS AND DISPOSITIONS

FISCAL YEAR	COURT	OMVH	TOTAL CASES FILED	COURT	OMVH	TOTAL CASES DISPOSED
FY 18-19	1128	6514	7,642	1092	6532	7,624
FY 19-20	1094	5942	7036	1065	5647	6,712
FY 20-21	929	5962	6,891	880	6236	7,116
FY 21-22	923	6298	7,220	851	5764	6,615
FY 22-23	844	6211	7,055	688	6121	6,809
FY 23-24	1573	6061	7,634	1068	6042	7,110
FY 24-25	1249	6271	7,520	1506	6096	7,602

### FILINGS AND DISPOSITIONS FOR OMVH SINCE 2019



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### OMVH CASE TYPE REPORT FOR CURRENT FY 2024-2025

<b>Case Type #</b>	<b>Description</b>	<b>CASES FILED</b>	<b>CASES DISPOSED</b>
<b>01</b>	Implied Consent or BAC	<b>6106</b>	<b>5920</b>
<b>02</b>	Habitual Offender 1 <sup>st</sup> Declared	<b>10</b>	<b>14</b>
<b>03</b>	Habitual Offender Reduction	<b>27</b>	<b>25</b>
<b>04</b>	Financial Responsibility	<b>87</b>	<b>97</b>
<b>05</b>	Dealer Licensing	<b>1</b>	<b>1</b>
<b>06</b>	Physical Disqualification	<b>10</b>	<b>9</b>
<b>07</b>	IFTA	<b>--</b>	<b>--</b>
<b>08</b>	Self-Insured	<b>--</b>	<b>--</b>
<b>09</b>	Driver Training School	<b>2</b>	<b>0</b>
<b>10</b>	IRP	<b>--</b>	<b>--</b>
<b>11</b>	Miscellaneous	<b>3</b>	<b>3</b>
<b>12</b>	Points Suspension	<b>4</b>	<b>3</b>
<b>13</b>	HOR 2	<b>--</b>	<b>--</b>
<b>14</b>	IID (Ignition Interlock)	<b>21</b>	<b>24</b>
<b>TOTAL</b>		<b>6271</b>	<b>6096</b>

### OMVH CASE TYPE REPORT FOR CURRENT FY 2023-2024

<b>Case Type #</b>	<b>Description</b>	<b>CASES FILED</b>	<b>CASES DISPOSED</b>
<b>01</b>	Implied Consent or BAC	<b>5878</b>	<b>5825</b>
<b>02</b>	Habitual Offender 1 <sup>st</sup> Declared	<b>27</b>	<b>33</b>
<b>03</b>	Habitual Offender Reduction	<b>21</b>	<b>26</b>
<b>04</b>	Financial Responsibility	<b>102</b>	<b>124</b>
<b>05</b>	Dealer Licensing	<b>4</b>	<b>6</b>
<b>06</b>	Physical Disqualification	<b>7</b>	<b>7</b>
<b>07</b>	IFTA	<b>0</b>	<b>0</b>
<b>08</b>	Self-Insured	<b>0</b>	<b>0</b>
<b>09</b>	Driver Training School	<b>1</b>	<b>2</b>
<b>10</b>	IRP	<b>0</b>	<b>0</b>
<b>11</b>	Miscellaneous	<b>2</b>	<b>1</b>
<b>12</b>	Points Suspension	<b>0</b>	<b>1</b>
<b>13</b>	HOR 2	<b>1</b>	<b>5</b>
<b>14</b>	IID (Ignition Interlock)	<b>18</b>	<b>12</b>
<b>TOTAL</b>		<b>6061</b>	<b>6042</b>

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### OMVH CASE TYPE REPORT FOR FY 2022-2023

<b>Case Type #</b>	<b>Description</b>	<b>CASES FILED</b>	<b>CASES DISPOSED</b>
<b>01</b>	Implied Consent or BAC	<b>6018</b>	<b>4346</b>
<b>02</b>	Habitual Offender 1 <sup>st</sup> Declared	<b>34</b>	<b>27</b>
<b>03</b>	Habitual Offender Reduction	<b>29</b>	<b>20</b>
<b>04</b>	Financial Responsibility	<b>99</b>	<b>42</b>
<b>05</b>	Dealer Licensing	<b>6</b>	<b>3</b>
<b>06</b>	Physical Disqualification	<b>3</b>	<b>5</b>
<b>07</b>	IFTA	<b>0</b>	<b>0</b>
<b>08</b>	Self-Insured	<b>0</b>	<b>0</b>
<b>09</b>	Driver Training School	<b>2</b>	<b>0</b>
<b>10</b>	IRP	<b>0</b>	<b>0</b>
<b>11</b>	Miscellaneous	<b>1</b>	<b>2</b>
<b>12</b>	Points Suspension	<b>3</b>	<b>2</b>
<b>13</b>	HOR 2	<b>4</b>	<b>2</b>
<b>14</b>	IID (Ignition Interlock)	<b>12</b>	<b>10</b>
<b>TOTAL</b>		<b>6211</b>	<b>6121</b>

### OMVH CASE TYPE REPORT FOR FY 2021-2022

<b>Case Type #</b>	<b>Description</b>	<b>CASES FILED</b>	<b>CASES DISPOSED</b>
<b>01</b>	Implied Consent or BAC	<b>6122</b>	<b>5613</b>
<b>02</b>	Habitual Offender 1 <sup>st</sup> Declared	<b>35</b>	<b>30</b>
<b>03</b>	Habitual Offender Reduction	<b>30</b>	<b>25</b>
<b>04</b>	Financial Responsibility	<b>72</b>	<b>60</b>
<b>05</b>	Dealer Licensing	<b>3</b>	<b>5</b>
<b>06</b>	Physical Disqualification	<b>7</b>	<b>7</b>
<b>07</b>	IFTA	<b>0</b>	<b>1</b>
<b>08</b>	Self-Insured	<b>0</b>	<b>0</b>
<b>09</b>	Driver Training School	<b>0</b>	<b>0</b>
<b>10</b>	IRP	<b>0</b>	<b>1</b>
<b>11</b>	Miscellaneous	<b>1</b>	<b>0</b>
<b>12</b>	Points Suspension	<b>5</b>	<b>3</b>
<b>13</b>	HOR 2	<b>4</b>	<b>3</b>
<b>14</b>	IID (Ignition Interlock)	<b>19</b>	<b>16</b>
<b>TOTAL</b>		<b>6298</b>	<b>5764</b>

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### OMVH CASE TYPE REPORT FOR FY 2020-2021

Case Type #	Description	CASES FILED	CASES DISPOSED
01	Implied Consent or BAC	5824	6088
02	Habitual Offender 1 <sup>st</sup> Declared	22	19
03	Habitual Offender Reduction	37	31
04	Financial Responsibility	58	69
05	Dealer Licensing	2	1
06	Physical Disqualification	6	11
07	IFTA	1	2
08	Self-Insured	0	0
09	Driver Training School	0	0
10	IRP	1	0
11	Miscellaneous	1	0
12	Points Suspension	0	3
13	HOR 2	2	2
14	IID (Ignition Interlock)	8	10
<b>TOTAL</b>		<b>5962</b>	<b>6236</b>

### OMVH CASE TYPE REPORT FOR FY 2019-2020

Case Type #	Description	CASES FILED	CASES DISPOSED
01	Implied Consent or BAC	5783	5459
02	Habitual Offender 1 <sup>st</sup> Declared	24	38
03	Habitual Offender Reduction	37	40
04	Financial Responsibility	53	57
05	Dealer Licensing	2	3
06	Physical Disqualification	11	12
07	IFTA	1	3
08	Self-Insured	0	0
09	Driver Training School	0	1
10	IRP	1	2
11	Miscellaneous	0	0
12	Points Suspension	5	4
13	HOR 2	4	6
14	IID (Ignition Interlock)	21	22
<b>TOTAL</b>		<b>5942</b>	<b>5647</b>