

## POLICY ON REHEARING OF FINAL DECISIONS

S.C. Code Ann. §1-23-380(A)(1), among other things, provides that the Board may entertain requests for rehearing of final decisions of applications and disciplinary cases if the request is made not later than thirty days after receipt of the original decision. See McCummings v. S.C. Dept. of Corrections, 462 S.E.2d 271 (1995). This policy is adopted by the Board to establish procedures under which requests for rehearing may be presented to the Board. The following is the policy of the Board as approved on February 6, 2006.

**POLICY:** A request for rehearing of a final decision of the Board must be made in writing and state the particular points supposed to have been overlooked or misapprehended by the Board in the previous decision in the matter. A request for rehearing must be filed with the Department staff not later than thirty days after receipt of the original decision. No personal appearances are permitted on rehearing, unless specifically requested by the Board or its designee.

**PROCEDURE:**

1. Staff reviews the request for rehearing to determine whether it was made within thirty days of the date that the original decision was received by either the respondent or the attorney, if any. This should be determined by comparing the earliest date on the proof of service (green card or affidavit) of the original decision with the postmark of the request for rehearing.
  - A. If the request is not timely, the Board administrator shall notify the requestor in writing that the Board is without further jurisdiction to act in the matter. A copy of the request and the administrator's letter should be filed in the Board's records.
  - B. If timely request for rehearing has been made, staff shall place the matter on the agenda of the next Board meeting for consideration without argument, and so advise the requestor (certified mail, return receipt requested). A copy of the request for rehearing and administrator's letter shall be forwarded to the Office of General Counsel (OGC) attorney responsible for the original matter. OGC may file a response not later than five days thereafter.
    - (1) If a personal appearance by the requestor is deemed appropriate by the Board or its designee, staff shall so advise in the letter and schedule the matter for a time certain not less than thirty days prior to the next regularly scheduled Board meeting. OGC shall be similarly notified and also may present argument before the Board concerning the matter. If the agenda permits and the requestor wishes to waive the full thirty days notice period required by state law in order to appear before the Board sooner, then a written waiver must be executed by the requestor and filed by staff.
    - (2) If an appearance is scheduled, staff shall make arrangements for a court reporter to record and, if later requested, transcribe the proceedings before the Board.
2. After decision by the Board, staff or OGC, as appropriate, shall notify the requestor in writing (certified mail, return receipt requested) of the Board's decision. A copy of the notice should be filed in the Board's records, with proof of service (green card or affidavit).