

1979 WL 43181 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 20, 1979

**\*1 RE: Opinion Concerning Appeals Procedure**

Honorable Harold E. Trask, Jr.  
Chairman  
S.C. Industrial Commission  
1800 St. Julian Place  
Columbia, SC 29202

Dear Commissioner Trask:

By letter dated November 14, 1979, Mrs. Jeanne B. Allen, Executive Assistant of the Industrial Commission, has asked whether the six part appeals procedure for hearings before the Full Commission should be promulgated as a regulation in accordance with the terms of the Administrative Procedure Act. It is the opinion of this Office that such a procedure is a 'regulation' within the meaning of the Act, and therefore the same should be promulgated as such.

[South Carolina Code § 1-23-10\(4\) \(1976\)](#) defines the term 'regulation' as '. . . each agency statement of general public applicability that implements or prescribes law or policy or practice requirements of any agency.' There is no doubt but that the appeals procedure established by the Commission fits squarely within the foregoing definition. The Industrial Commission is clearly an 'agency.' See, [§ 1-23-10\(1\)](#). The appeals procedure is definitely a statement of general public applicability in that any person who desires to avail himself of a review before the Full Commission must comply with the requirements of the appeals procedure. Finally, if it does nothing else, the appeals procedure prescribes policy or practice requirements of the Industrial Commission. Since the appeals procedure is a 'regulation' within the meaning of the Administrative Procedure Act, it must be promulgated as such in accordance with the terms of the Act.

Very truly yours,

L. Kennedy Boggs  
Assistant Attorney General

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