

1979 WL 43016 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 22, 1979

*1 The Honorable E. L. McGowan
Commissioner of Labor
P. O. Box 11329
Columbia, South Carolina 29211

Dear Mr. Commissioner:

You have requested that we advise you as to whether or not the Department of Labor may pay former employees a witness fee for their attendance at contested administrative hearings conducted by the department.

The right of a witness to compensation is entirely statutory. 81 Am.Jur.2d Witnesses, § 23 at 47. Witness fees were not paid at common law. 97 C.J.S. Witnesses, § 35 at 421. Because our research does not reveal any statute authorizing the payment of witness fees, the Department may not compensate those who attend its administrative hearings as witnesses. Cf. e.g., Code of Laws of South Carolina § 41-15-270 (1976); Id. § 1-23-320, (Cumm.Supp.).

Best wishes,

C. Tolbert Goolsby, Jr.
Deputy Attorney General

1979 WL 43016 (S.C.A.G.)

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.