

1974 WL 28117 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 28, 1974

**\*1 Re: Policy and Procedure Manual of the Business Enterprise Program.**

Mr. M. S. Moncrief  
South Carolina Commission for the Blind  
P. O. Box 11638  
Columbia, S. C. 29211

Dear Mr. Moncrief:

I have been asked to review the Commission's Policy and Procedure Manual of the Business Enterprise Program. Accordingly, I submit the following comments:

1. S. C. Code § 1-33 and S. C. Code §§ 71-291 through 300 all pertain to the Commission's responsibilities to visually handicapped persons and could properly be included with the other legal authorities attached to the manual.
2. Portions of the body of the manual duplicate material contained in the attachments to the manual e.g., the sections on manager responsibilities and on fair hearings. I recommend that these sections incorporate by reference the language in the pertinent attachments, rather than restate the language, in order to prevent possible confusion should a future change to an attachment inadvertently not also be incorporated into the body of the manual.
3. The fair hearing procedure has been slightly reworked (draft enclosed) in order to conform more closely to S. C. Code § 71-299, and to provide more specific instructions for filing both requests for hearings and for appeals. Additionally, I have deleted the 30 day time limit on the filing of a request for a fair hearing as I believe that S. C. Code § 10-143 entitles an aggrieved party to six (6) years within which to pursue his right to a hearing. I also would recommend that the Commission determine whether or not on an appeal from a fair hearing it wishes the hearing officer or itself to be the final authority on questions of fact, and to so provide.
4. Finally, I respectfully suggest that the manual be closely read for style, syntax and phraseology, as previously discussed on August 28, 1974.

If I may be of further assistance, please correspond. With best wishes I am  
Very truly yours,

John B. Grimball  
Assistant Attorney General

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