

1973 S.C. Op. Atty. Gen. 76 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3487, 1973 WL 20951

Office of the Attorney General

State of South Carolina

Opinion No. 3487

March 9, 1973

**SUBJECT: An employee of the Commission for the Blind does not have standing under the Commission's enabling legislation to require the Commission to hold a hearing to reconsider the Commission's request for his resignation but he may obtain a hearing under the State Employee Grievance Procedure Act; the Chairman of the Commission is the only person authorized to call a meeting, of the Commission.**

\*1 TO: Mrs. Onnie Barham  
Board Member  
South Carolina Commission for the Blind

Your recent inquiry requested an opinion of this office as to who may call a special meeting of the Commission, the legal duty imposed on the Commission by its enabling legislation to hold a hearing upon the request of an employee whose resignation has been requested by the Commission, the right of an employee of the Commission to obtain a hearing under the State Employee Grievance Procedure Act, and other legal requirements imposed upon the Commission which do not need to be considered in light of the responses to the aforesaid questions.

The Chairman of the Commission is the only person who may call a special meeting of the Commission under Section 71–291 of the South Carolina Code Annotated. The aforesaid section specifies that ‘[t]he Chairman may call a meeting when he deems it necessary,’ but does not authorize any other person to do so. The interpretation of this section is governed by the rule of statutory construction, ‘expressio unius est exclusio alterius’ which means, in this case, that by specifying one particular person who may call a meeting of the Commission, all other persons are precluded from calling a meeting. [Jones v. Crosswell](#), 60 F.2d 827 (4th Cir. 1932).

It is well settled in this State that in order for a person to have standing to obtain a hearing before a commission, department, agency or other governmental entity which regulates or controls certain activities and which are by law required to hold hearings for those aggrieved by the actions of such entities in carrying out their duties, that person must be a person for whom the statute which requires the hearing was designed to afford relief. [Black River Electric Coop., Inc. v. S. C. Public Service Commission](#), 238 S.C. 282, 120 S.E.2d 6 (1961); [Folk](#), 15 S.C.L.R. 2 (1962). It is also well settled that in construing statutes, something cannot be read into a statute that is not within the manifest intention of the legislature as gathered from construing the statute as a whole in light of the purpose for which the statute was enacted. [City of Columbia v. Niagara Fire Ins. Co.](#), 249 S.C. 388, 154 S.E.2d 674 (1967).

The act which established the Commission was for the purpose of creating an agency to afford economic, educational and social assistance to persons whose vision is impaired. The enumerated powers and duties of the Commission include maintaining bureaus of information and industrial aid to assist the visually handicapped, establishing and maintaining a training center for the visually handicapped, supervising and controlling concession stands operated by the blind, and other powers and duties to aid the blind. In addition, the Commission may obtain and pay for treatment to improve vision of those persons whose sight can be improved and the Commission may employ teachers for the public schools to assist children with impaired vision. The Commission's power to determine who is entitled to benefit from its programs, however, is the power which has the greatest bearing on the issue of standing.

\*2 It is apparent that the statute requiring that '[e]very person aggrieved by an action of the Commission [for the Blind] shall be granted upon request a hearing,' refers to every person who feels that he is entitled to participation in the programs and to the assistance of the Commission but has not been allowed to participate or granted assistance. S. C. Code Annotated, § 71-299 (1972 Supp.). It is not the intention of the statute to afford employees of the Commission a compulsory hearing before a hearing officer with recourse by appeal to the courts as provided therein. However, any State employee who feels that his employment with the State has been wrongfully terminated including employees of the Commission for the Blind is entitled to be heard and seek relief in accordance with the provisions of the State Employee Grievance Procedure Act. S. C. Code Annotated, § 1-49.11, et seq. (1972 Supp.).

Hubbard W. McDonald, Jr.  
Assistant Attorney General

1973 S.C. Op. Atty. Gen. 76 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3487, 1973 WL 20951

---

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.