

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Ronald Ceo, #258464,)
)
 Appellant,)
 vs.)
 South Carolina Department of Corrections,)
)
 Respondent.)

Docket No.: 22-ALJ-04-0305-AP
 Grievance No.: MACCI 77-22.

**RECEIVED
ORDER OF DISMISSAL**

MAY 24 2023

SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (“ALC” or “Court”) pursuant to the Notice of Appeal filed June 30, 2022, by Ronald Ceo (“Appellant”), an inmate incarcerated with the South Carolina Department of Corrections (“Department”). Appellant is seeking to be paid pursuant to the prevailing wage statute for work performed in the Prison Industries Service Project.

The ALC has subject matter jurisdiction when: (1) the Department disciplines an inmate and punishment is imposed which deprives the inmate of a constitutionally protected liberty or property interest and (2) when an inmate believes prison officials have erroneously calculated his sentence, sentence-related credits, or custody status. *Sullivan v. S.C. Dep’t of Corr.*, 355 S.C. 437, 441-42, 586 S.E.2d 124, 126 (2003); *Al-Shabazz v. State*, 338 S.C. 354, 369, 527 S.E.2d 742, 750 (2000); *Skipper v. S.C. Dep’t of Corr.*, 370 S.E. 267, 273-74, 633 S.E.2d 910, 914 (Ct. App. 2006). In addition, “states may create liberty interests which are protected by the Due Process Clause, but ... ‘these interests will be generally limited to freedom from restraint which ... imposes atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life.’” *Sandin v. Conner*, 515 U.S. 472, 484, 115 S.Ct. 2293, 132 L.Ed.2d 418 (1995).

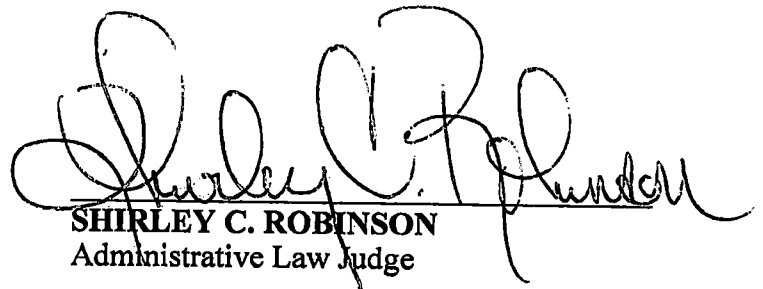
In *Slezak v. S.C. Department of Corrections*, 361 S.C. 327, 605 S.E.2d 506 (2004), the Supreme Court further clarified that the ALC has jurisdiction of all inmate grievance appeals that have been properly filed. When the grievance appeal does not implicate a state-created liberty or property interest, the ALC may summarily dismiss the appeal at its discretion. *Furck v. South Carolina Department of Corrections*, 374 S.C. 334, 649 S.E.2d 35 (2007).

Here, Appellant asserts that he is entitled to be paid pursuant to the prevailing wage statute for work performed in the Prison Industries Service Project at Carolina Textiles. Appellant

believes that his work at Carolina Textiles was established through sections 24-3-315, -430(D) and -410(B)(7) of the South Carolina Annotated Code (Supp. 2022). The Prison Industries Service Project within which Appellant participated was established pursuant to section 24-1-290 of the South Carolina Annotated Code (Supp. 2022). Section 24-1-290 expressly provides that wages for prison industry service work may be less than prevailing wage for export work of a similar nature in the private sector. The Record is devoid of any evidence to suggest that Appellant was a participant in the Prison Industries Project. Participation in a Prison Industries Project is not a right, but a privilege. *Skipper v. South Carolina Department of Corrections*, 370 S.C. 267, 633 S.E.2d 910 (Ct. App. 2006). (“This employment program does not meet the test for a state-created liberty interest as outlined in *Sandin* because it does not present an atypical, significant hardship on inmates who are not permitted to participate. Consequently, [an inmate], in being terminated from his prison employment, d[oes] not suffer an infringement upon his liberty interests.”). *Id.* at 276, 633 S.E.2d 910, 915. Accordingly, Appellant has not alleged deprivation of a state-created liberty or property interest in this appeal, and the Court finds *Furtick* to be controlling in this matter.

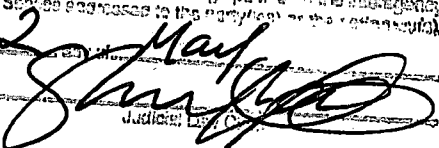
THEREFORE, IT IS HEREBY ORDERED that this appeal is **DISMISSED**, with prejudice.

AND IT IS SO ORDERED.


SHIRLEY C. ROBINSON
Administrative Law Judge

May 2nd, 2023
Columbia, South Carolina

CERTIFICATE OF SERVICE
This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by aces the copy hereof, in the United States mail, postage paid, or in the emergency Mail Service addresses to the recipient or the recipient's.

This _____
By: 
Judicial Law Clerk

The State of South Carolina
FILED
MAY 02 2023
Administrative Law Court