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JUN 12 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Kenneth Rivera, #318979,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

) Docket No.: 23-ALJ-04-0169-AP  
)  
) Grievance No.: BRCI 0104-23

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)  
) **ORDER OF DISMISSAL**  
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This matter is before the South Carolina Administrative Law Court (“ALC” or “Court”) pursuant to the Notice of Appeal filed by Kenneth Rivera, (“Appellant”), an inmate incarcerated with the South Carolina Department of Corrections (“Department”). Appellant appeals the decision of the Department denying his grievance.

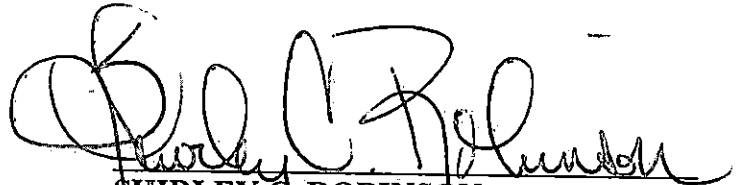
The ALC has subject matter jurisdiction when the Department disciplines an inmate and imposes a punishment that deprives the inmate of a constitutionally protected liberty or property interest. *Al-Shabazz v. State*, 338 S.C. 354, 369, 527 S.E.2d 742, 750 (2000). In *Al-Shabazz*, the Court held that the inmate in that case had a “protected liberty interest due to the potential loss of sentence-related credits.” *Id.* *Slezak v. South Carolina Department of Corrections* provided further clarification that although the ALC has jurisdiction of all inmate grievance appeals that are properly filed, summary dismissal may be appropriate when the grievance does not implicate a state-created liberty or property interest. 361 S.C. 327, 331, 605 S.E.2d 506, 508 (2004).

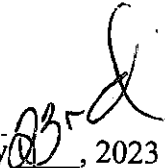
Here, Appellant complains that he is not receiving adequate portions of food while housed in the Restrictive Housing Unit at Broad River Correctional Institution. This appeal does not arise from punishment administered for a disciplinary conviction, nor does it relate to Appellant’s sentence, sentence-related credits, or custody and does not involve an “atypical” condition of restraint. Inasmuch as there is no allegation involving deprivation of a state-created liberty or property interest in this matter, the Court finds *Slezak* to be controlling and summary dismissal is warranted.

The State of South Carolina  
FILED  
MAY 23 2023  
Administrative Law Court

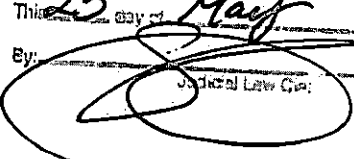
**THEREFORE, IT IS HEREBY ORDERED** that this appeal is **DISMISSED**, with prejudice.

**AND IT IS SO ORDERED.**

  
**SHIRLEY C. ROBINSON**  
Administrative Law Judge

  
May 23, 2023  
Columbia, South Carolina

The State of South Carolina  
**FILED**  
MAY 23 2023  
Administrative Law Court

**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 depositing a copy hereof, in the United States mail, postage paid, or in the interagency Mail Service addressed to the party/office to be served.  
This 23 day of May  
By:   
Judicial Law Clerk