

RECEIVED
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SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Kevin Harbin, #303214)
)
Appellant,)
)
v.)
)
South Carolina Department of Corrections,)
)
Respondent.)
_____)

Docket No.: 23-ALJ-04-0127-IJ
[Grievance No.: TYRCI 18-23]

Hon. Sebastien Phillip ("Phil") Lenski

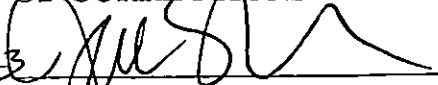
MOTION TO REMAND

This matter comes before the Administrative Law Court pursuant to the appeal Kevin Harbin ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("Department"). Respondent moves to remand this case back to the agency to allow the agency time to investigate and evaluate Appellant's grievance and issue a final agency decision.

On January 11, 2023, Appellant filed a Step One grievance seeking to be paid pursuant to the prevailing wage statute, i.e., S.C. Code Ann. §24-3-430 (d). The Step One grievance was investigated and denied on January 27, 2023. Appellant then filed a Step Two grievance on February 3, 2023. Due to the volume of prevailing wage grievances before the Department it is taking additional time to investigate and evaluate the prevailing wage grievances. The Department has not yet issued a final agency decision for this grievance. On April 7, 2023, Appellant filed a Notice of Appeal with this Court prior to the Department issuing a final agency decision. Respondent now moves this Court to remand this case back to the agency to allow the Agency sufficient time to investigate and evaluate Appellant's grievance and issue a final agency decision.

Respectfully Submitted,

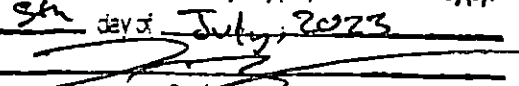
SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS


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GRANTED

S. Phillip Lenski
SC Administrative Law Judge
Date: July 5, 2023

The State of South Carolina
FILED
JUN 29 2023
Administrative Law Court

CERTIFICATE OF SERVICE
This is to certify that the undersigned has this date served this order on all parties to this case by depositing a copy hereof, in the United States Mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).
This 5th day of July, 2023
By: 
S. Phillip Lenski