

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

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SC Court of Appeals

Laurie Bud Walling, III, #124780,)
)
Appellant,)
)
v.)
)
South Carolina Department of Corrections,)
)
Respondent.)
)

Docket No. 23-ALJ-04-0506-AP

**ORDER DENYING MOTION FOR
DISCOVERY AND MOTION FOR
ADMISSIONS**

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to a Notice of Appeal filed on November 6, 2023 by Laurie Walling (Appellant), an inmate in the custody of the South Carolina Department of Corrections (Respondent or Department). After the Appellant's Step 1 and Step 2 grievances were filed and denied as untimely, the Appellant filed an appeal with the court requesting back pay for all hours of work performed in the Prison Industries program that did not include the prevailing wage.

On December 12, 2023, the Appellant filed his Initial Brief with the court. On December 19, 2023, the Appellant filed a Motion for Discovery with the court. On December 20, 2023, the Appellant filed a Motion for Admissions pursuant to Rule 36 of the South Carolina Rules of Civil Procedure with the court. On January 17, 2024, the Department filed a response to the Appellant's motions, arguing that the Appellant's motions should be denied in their entirety because inmate appeals are governed by the Rules of Procedure for the Administrative Law Court (SCALC) Rules 51-66 and those rules make no provision for discovery. Further, the Department argues that the Rules of Civil Procedure are not applicable to inmate appeals in the ALC.

Pursuant to SCALC Rule 59, once a Notice of Appeal has been filed by an inmate, the Department is responsible for filing a Record After Final Decision within seventy (70) days of the Notice of Assignment. SCALC Rule 58, entitled "Record After Final Decision" provides that where applicable, the Record After Final Decision will consist of:

- A. All documents filed;
- B. All evidence received or considered, including copies of all relevant sentencing

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sheets in sentence calculation matters, and copies of specific policies relied upon by the agency;

- C. A statement of matters judicially noticed;
- D. All proffers of proof of excluded evidence;
- E. The final order or decision which is subject to administrative review;
- F. Any transcript taken of the testimony during the proceedings.

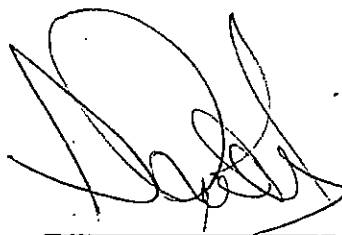
SCALC Rule 58.

However, the SCALC Rules on Special Appeals do not contain any provisions for *additional* discovery beyond what is contained within the Record After Final Decision. Furthermore, although SCALC Rule 68 provides that the South Carolina Rules of Civil Procedure may in the discretion of the presiding administrative law judge, be applied to resolve questions not addressed by the SCALC Rules, because the SCALC Rules specifically provides that the Special Appeals Rules are the exclusive rules of procedure used in appeals from final decisions of the Department of Corrections, the SCALC Rules govern all procedural aspects of this matter. Therefore, based on the foregoing,

IT IS HEREBY ORDERED that the Appellant's Motion for Discovery above and beyond what is contained within the Record After Final Decision is **DENIED**.

IT IS FURTHER ORDERED that the Appellant's Motion for Admissions is hereby **DENIED**.

AND IT IS SO ORDERED.



S. Phillip Lenski
Administrative Law Judge

January 29, 2024
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 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 29th day of January 2024

Judicial Law Clerk