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**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Robert L. Reibold

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ALC Case No. 23-ALJ-04-0054-AP  
Appellate Case No. 2023-002004

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BOBBY WATSON, # 277427,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

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**INITIAL BRIEF OF RESPONDENT**

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**SOUTH CAROLINA DEPARTMENT  
OF CORRECTIONS**

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**STATEMENT OF ISSUE ON APPEAL**

**THE LOWER COURT'S DECISION SHOULD BE UPHeld WHERE APPELLANT HAS FAILED TO SUBMIT ANY SUBSTANTIVE ARGUMENTS TO SUPPORT ITS REVERSAL.**

## STATEMENT OF THE CASE

This matter comes before this Court pursuant to the appeal of Bobby Watson (Appellant), an inmate in the custody of the South Carolina Department of Corrections (SCDC). Appellant filed a Step 1 grievance with the Department on November 24, 2022. The Department denied the Step 1 grievance on December 2, 2022. Thereafter, Appellant submitted a Step 2 grievance on December 7, 2022. The responsible official denied this grievance on January 24, 2023. Appellant filed a notice of appeal with the Administrative Law Court on February 7, 2023. The Administrative Law Court issued an Order affirming the decision of the Department on October 23, 2023. This appeal follows.

## STANDARD OF REVIEW

S.C. Code § 1-23-610(B) provides the applicable standard of review:

The review of the administrative law judge's order must be confined to the record. The reviewing tribunal may affirm the decision or remand the case for further proceedings; or it may reverse or modify the decision if the substantive rights of the petitioner have been prejudiced because the finding, conclusion, or decision is:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

In an appeal of a final decision of an administrative agency, the standard of appellate review is whether the ALC's findings are supported by substantial evidence. S.C. Code § 1-23-610(B). "Substantial evidence" is evidence which, considering the record as a whole, would allow a reasonable mind to reach the same conclusion that administrative agency reached. Hendley v. S.C. State Budget & Control Bd., 325 S.C. 413, 481 S.E.2d 159 (Ct. App. 1996). A reviewing court shall not substitute its own judgment for that of the ALC as to findings of fact, but it may reverse or modify decisions that are controlled by errors of law or that are clearly erroneous in view of the substantial evidence on the record as a whole. Id.

## ARGUMENT

### **THE LOWER COURT'S DECISION SHOULD BE UPHeld WHERE APPELLANT HAS FAILED TO SUBMIT ANY SUBSTANTIVE ARGUMENTS TO SUPPORT ITS REVERSAL.**

In his brief, Appellant asserts that the final order of the Administrative Law Court (ALC) is erroneous in the following particulars: (1) it incorrectly concludes that “no specific period of employment or types of work were discussed by the Appellant or Warden,” (2) that the time period discussed in paragraph one, page three of the final order “is excepted for wage disputes” and that Appellant is “disputing the policy and procedures that SCDC is erroneously enforcing;” (3) the final order misconstrues the issue on appeal and that “Appellant has consistently emphasized that he was not being paid correctly and the South Carolina Department of Corrections knew that to be true,” (4) that the ALC “continually revisits provisions of ADM 15.13 and attempts to supplant statute 24-3-430 and 24-3-430(D) with policy,” which is a “violation of 1-23-380(5)(E) and (F) and Due Process rights guaranteed under the U.S. and South Carolina Constitution,” (5) that “the pro se Appellant is being held to an unacceptably high standard,” and “the Court should see and know the true intent of the pro se Appellant and not make an unfair and unjust standard.”

The theme of Appellant’s brief is to make statements that the ALC reached a particular conclusion and then claim, **without explanation**, that the ruling was “clearly erroneous,” an “abuse of discretion,” or “in violation of 1-23-380(5)(E) and (F).

The assertions in Appellant’s brief are merely conclusory and provide this Court with no substantive or valid basis for reversal of the decision of the ALC. It is well-settled that short, conclusory arguments are deemed abandoned on appeal and not presented for appellate review. See Glasscock, Inc. v. U.S. Fidelity and Guar. Co., 348 S.C. 76, 81, 557 S.E.2d 689, 691-92 (Ct. App.

2001) (“South Carolina law clearly states that short, conclusory statements made without supporting authority are deemed abandoned on appeal and therefore not presented for review.”); Fields v. Melrose Ltd. Partnership, 312 S.C. 102, 106, 439 S.E.2d 283, 285 (Ct. App. 1993) (“An issue raised on appeal but not argued in the brief is deemed abandoned and will not be considered by the appellate court.”); Brown v. Theos, 338 S.C. 305, 309 n. 2, 526 S.E.2d 232, 235 n. 2 (Ct. App. 1999), aff’d, 345 S.C. 626, 550 S.E.2d 304 (2001), (a one sentence paragraph raised in an appellant’s brief was insufficient to preserve an issue for appeal); State v. Cutro, 332 S.C. 100, 108 n. 1, 504 S.E.2d 324, 328 n. 1 (1998) (noting a one sentence argument is too conclusory to present any issue on appeal); State v. Tyndall, 336 S.C. 8, 518 S.E.2d 278 (Ct.App.1999) (conclusory arguments constitute an abandonment of the issue on appeal); State v. Colf, 332 S.C. 313, 504 S.E.2d 360 (Ct.App.1998) (issue is deemed abandoned if argument in brief is merely conclusory); State v. Black, 319 S.C. 515, 462 S.E.2d 311 (Ct.App.1995) (a conclusory argument of an issue by appellant amounts to an abandonment of the issue). Further, although Appellant mentions cases and statutes, he fails to explain in any way how the cases and statutes support reversal of the ALC’s decision.

The ALC concluded that Appellant’s grievance was properly denied because Appellant failed to submit his issue under the Inmate Pay Policy, SCDC Policy ADM-15.13, which establishes a mandatory prerequisite for a prevailing wage claim. Appellant has failed to make any argument of substance to refute the ALC’s conclusion that this policy was applicable and was properly used to preclude Appellant’s claim. Accordingly, having been provided with no valid basis for reversal by Appellant, this Court should uphold the decision of the ALC.

**CONCLUSION**

For the foregoing reasons, this Court should affirm the Administrative Law Court's decision below.

Respectfully submitted,

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