

State of South Carolina
Court of Appeals

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Appeal for Administrative Law Court
Robert L. Reibold, Administrative Law Judge

SC Court of Appeals

Appellant Case No. 2024-000436

Jeffrey L. Smith, #322992

Appellant

v.

South Carolina Department of Corrections

Respondent

Brief of Appellant

By: *Jeffrey L. Smith*

Jeffrey L. Smith, #322992

Pro Se

P.O. Box 580

Una, S.C. 29378

State of South Carolina
Court of Appeals

Jeffrey L. Smith, #322992 v. SCDC
Appellant Case No, 2024-000436

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Case Laws

Torrence v. SCDC
Wicker v. SCDC

Policies

1-23-380
24-3-430D
ADM 15.3 (12.1)
GA-01.12 (13.10)

State of South Carolina
Court of Appeals

Jeffrey L. Smith, #322992 - Appellant

v.

South Carolina
Department of Corrections - Respondent

Case No. 2024-000436

Amended Initial Brief

ISSUE

Did the Administrative Law Court, the Honorable Robert L. Reibold presiding, erroneously dismiss appellants appeal citing deprivation of jurisdiction due to appellants failure to exhaust all administrative remedies, 1-23-380, with a primary focus on ADM-15.3(12.1)?

Statement of Case

I, Jeffrey L. Smith, appellant, have worked for Prison Industries since my incarceration in 2010. From 2010 to 2012 I worked at Lieber Corrections, from 2015 to 2017 at Tiger River Corrections, and from 2017 to 2022 at LIVESAY Corrections. Only recently was I made aware of the prevailing wage lawsuits. Once I read 24-3-430D for myself, I immediately attempted an informal resolution by writing "legal" via the kiosk (ARTSM) (ref. #23-03124640) (26 May 2023). Their response suggested that I have an attorney assist me in this matter. I did not use the ARTSM to write "Inmate Financial" because "Inmate Financial" DOES NOT handle Prison Industries payroll matters. I then submitted my Step 1 grievance on 6 June, 2023 (Grievance ref. #LWc-0087-23). This grievance was received on 28 June, 2023. It was then upgraded to Step 2 status on 10 July, 2023 due to the overwhelming number of grievances the department was receiving. The Step 2 grievance was then dismissed on 24 October, 2023 citing failure to comply with ADM-15.3(12.1).

This decision was appealed through the Step 3 grievance (Administrative Law Court) on 31 October, 2023. Appellants "Original Brief" to the Administrative Law Court - the Honorable Robert L. Reibold - was served on 5 February, 2024. The response to the brief was an order of dismissal signed 5 March, 2024. Judge Reibold claimed that the court could not rule on the case due to lack of jurisdiction created by the appellant as he failed to exhaust all administrative remedies. A notice of appeal was then filed with the South Carolina Court of Appeals on 19 March, 2024.

Argument

I, Jeffrey L. Smith, appellant, attest that I most definitely exhausted every administrative remedy available to me regarding my claim to back pay of prevailing wages. The Administrative Law Court claims that I failed to utilize the ARTSM system under the guidelines of ADM-15.3(12.1) to report my "payroll discrepancy". I must beg to differ. I wrote "legal" on the kiosk (#23-03124640) (26 May, 2023 @ 10:18 A.M.) just minutes after reading the applicable Prison Industries policy (2473-430D). I wrote "legal" because the infraction was of an abuse of policy and procedure nature by SCDC. (Torrence v. SCDC). I did not write "Inmate Financial" because they DO NOT handle Prison Industries payroll issues. All Prison Industries payroll issues are handled "In house" by an inmate clerk overseen by a PI supervisor. There is no available route to them via the ARTSM system. In regards to the 15 day time limit in ADM-15.3(12.1), it is a moot point in that the grievance deals with a recurring violation of policy and procedure and not an isolated error in payroll. (Torrence v. SCDC) (GA-01.12(13.10)). Furthermore, in regards to my hours worked at Lieber Corrections (2010-2012) ADM-15.3(12.1) was not in existence until June of 2014 when the kiosks were installed. These prevailing wage hours pre-date policy.

Conclusion

I, Jeffrey L. Smith, appellant, feel that for a period spanning decades, SCDC has basically been guilty of Swindling: by definition, "to obtain money or property by fraud or deceit. I feel that they've displayed just a blatant disregard for policy and procedure in lieu of profit. I feel that I am entitled to all unpaid prevailing wages due me all the way back to my time at Lieber Corrections (2010). I am not quite certain whether my time at Lieber falls under the "prevailing wage," but I know that it falls under the "federal minimum wage." (Wicker v. SCDC) I feel that the order to dismiss should be reversed and my case remanded back to the court for rule.

25 April, 2024

By: *Jeffrey L. Smith*

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Certificate of Service

I, Jeffrey L. Smith, hereby certify that on the 29th day of April, 2024, in Una, South Carolina, I served a copy of the "Amended Initial Brief on the respondent by depositing (1) copy of the same in the United States Mail, postage prepaid, addressed as follows:

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