

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Robert L. Reibold, Administrative Law Judge
Appellate Case No. 2024-000602

MARK BOLTE,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,
RESPONDENT.

INITIAL BRIEF

Mark Bolte #304800
Allendale Corr. Inst.
F3-A40
1057 Revolutionary Trail
Fairfax, SE 29827

Other Counsel of Records:
Joseph P. Skakibanasab, Esq.
Office of General Counsel
S.C. Dept. of Corr.
4444 Broad River Road
P.O. Box 21787
Columbia, SE 29221-1787

RECEIVED

MAY 20 2024

SC Court of Appeals

TABLE OF CONTENTS

Table of Authorities.....	ii
Statement of Issues on Appeal.....	1
Statement of the Case.....	2
Standard of Review.....	8, 19
Arguments.....	22
Conclusion.....	23
Proof of Service.....	24

TABLE OF AUTHORITIES

Ackerman v. SCDE, 415 S.C. 412, 782 S.E.2d 757 (Ct. App. 2016)	10
Andrews Bearing Corp. v. Brady, 216 S.C. 533, 201 S.E.2d 241	8
Brown v. James, 389 S.C. 41, 697 S.E.2d 604 (Ct. App. 2010)	9, 10, 11, 15, 16
Cabiness v. Town of James Island, 393 S.C. 176, 712 S.E.2d 591 (2011)	16
Curtis v. State, 345 S.C. 557, 549 S.E.2d 591 (2001)	16
Doe v. Doe, 370 S.C. 206, 634 S.E.2d 51 (Ct. App. 2006)	20
Ex parte Allstate Ins., Co., 248 S.C. 550, 151 S.E.2d 849 (1966)	8
Home Med. Sys., Inc. v. SC Dept of Motor Vehicles, 382 S.C. 556, 677 S.E.2d 582 (2009)	20
Hyde v. SC Dept of Mental Health, 314 S.C. 207, 442 S.E.2d 582 (1954)	7

Law v. SCDC, 368 S.C. 424, 629 S.E.2d 642 (2006) _____	16
Moore v. Bennette, 517 F.3d 717 (4th Cir. 2008) _____	17
Original Blue Ribbon Taxi Corp. v. SC Dept of Motor Vehicles, 380 S.C. 600, 670 S.E.2d 674 (Ct. App. 2008) _____	19
Ross v. Blake, 578 U.S. 632, 136 S.Ct. 1850 (2016) _____	17
Thetford Props. IV Ltd. P'ship v. U.S. Dept. of Hous. & Urban Dev., 907 F.2d 445, (4th Cir. 1990) _____	16
Torrence v. SCDC, 433 S.C. 638, 861 S.E.2d 36 (Ct. App. 2021) _____	12, 13, 14
Video Gaming Consultants v. SC Dept of Revenue, 342 S.C. 34, 535 S.E.2d 642 (2000) _____	9, 16
Ward v. State, 343 S.C. 14, 17 n.5, 538 S.E. 2d 245, 246 n.5 (2000) _____	8
Woodford v. Ngo, 548 U.S. 81, 126 S.Ct. 2398 (2006) _____	10
STATUTES	
§ 24-3-430(d) S.C. Code (1993) _____	22

§ 36-3-40(a) S.C. Code Ann. (Supp. 2008) _____ 15

RULES

Rule 11(a) _____ 15

Rule 59(e) _____ 19

STATEMENT OF ISSUES ON APPEAL

1. The Administrative Law Court erred in finding Appellant's grievance was not timely filed and he consequently failed to exhaust his administrative remedies. 8
2. The ALC err in prohibiting Appellant's Rule 59(e), SCRCR, to be filed with and ruled on by the ALC. 19
3. SCDC has continuously and willfully violated Appellant's statutory rights in failing to pay Appellant prevailing wages in violation of Section 24-3-430(b). 22

STATEMENT OF THE CASE

Bolte is an inmate currently incarcerated in the South Carolina Department of Correctional Institution at the Allendale Correctional Institution. Bolte voluntarily participated in the SCDC's Prison Industries Program - ("PIP") Private Sector at the McCormick Correctional Institution's Furniture Plant from May 19, 2005 to December 22, 2005 as an Industries Trainee and was paid 0.50 cents per hour and from December 23, 2005 to February 7, 2007 as a furniture assembler and was paid one dollar per hour. The prevailing wage was \$9.42 per hour at the time of his participation in PIP-Private Sector. Bolte believes that SCDC owes him \$9,280.06. (R. pp. 16, 23).

Bolte participated in PIP-Private Sector at Lee Correctional Institution's www.FLC.DATA CO from March 18, 2010 to June 3, 2010 as a machine operator and paid 0.50 cents per hour; the prevailing wage was \$8.62 per hour at the time; June 16, 2010 to October 28, 2010 as a material handler and paid 0.50 cents per hour. The prevailing wage was \$13.13 per hour at the time. November 23, 2010 to April 18, 2011 as an equipment operator and was paid 0.50 cents per hour. The prevailing wage was \$8.88 at the time. A total of

8640 hours for Appellant's voluntary participation in SCDC's PIP-Private Sector, at Lee Correctional Institution's www.FLC.DATA.co and contends that SCDC owes him approximately \$56,539.60 (R. p. 16; Exhibit 4; page 23-24).

On July 25, 2023, Appellant submitted a "Request To Staff Member" ("RTSM") by Kiosk #23-03186549 requesting he be paid the the prevailing wages for his voluntary participation in SCDC's PIP-Private Sector for his participation in McCormick CI's PIP from May 19, 2005 to February 7, 2006; Lee CI's PIP-Private Sector from March 18, 2010 to April 18, 2011 and from April 19, 2011 to February 24, 2014. (R. p. 16; Exhibit 4, p. 23-24). Appellant's Step 1 grievance was forwarded to the Step 2 level of appeal process and provided with a Prevailing Wage Memo by SCDC office of General Counsel/Inmate Grievance Branch advising Appellant that pursuant to SCDC Policy GA-01.12 Inmate Grievance System, the SCDC advocates timely and efficient resolution of complaints and grievances brought to the attention of administrators by inmates. To this end, the Department will develop, administer, and implement an inmate grievance accessible to all inmates. The appeal of

your grievance requires further investigation and evaluation. However, due to the volume of incoming prevailing wage grievances and the extenuating nature of your appeal, additional time is needed to process your grievance. Consequently, it will be held in abeyance while the authorized personnel complete their investigation and evaluation of your grievance. Upon the conclusion of this investigation and evaluation, your grievance will be processed in accordance with applicable policies and procedures. (Exhibit 1; R. p. 19; Exhibit 2; R. 20).

SCDC filed Step 2 grievance, stamped "Received Aug. 07, 2023 Inmate Grievance." Apparently SCDC was the grievant and adjudicator as SCDC, Mr. Barton J. Vincent signed and dated denial of Step 2 on October 25, 2023 after adopting Appellant's signature onto the Step 2 grievance. Appellant never received a Step 2 grievance form 10-59 nor signed as the grievant. (Exhibit 3; pp. 21-22). Mr. Vincent (SCDC) stated Appellant's grievance was filed on July 24, 2023, approximately two years and one month after the Court of Appeals issued its opinion in *Torrence v. SCDC* [11] and was

untimely under SCDC Policy ADM-15.13 section 12.1, dated October 25, 2023 and received and signed for by Appellant on October 31, 2023. (Exhibit 3; pp. 21-22).

Appellant filed a timely notice of appeal on November 5, 2023, in the Administrative Law Court. The appeal was assigned to the Honorable Robert L. Reibold on December 1, 2023. (Exhibit 4; p. 23).

Appellant raised two issues:

(1) The SCDC's final decision denying Appellant prevailing wages and failure to pay Appellant for wages he had already earned for his voluntary participation in the SCDC's Prison Industries Program - Private Sector is arbitrary and capricious, in violation of statutory and constitutional law and Appellant's right to wages he had already earned. (Exhibit 4; R. p. 24).

(2) SCDC Policy ADM-15.13 (12.1) and GA-01.12 is not applicable to Appellant's grievance requesting prevailing wages for his voluntary participation in PIP - Private Sector. (Exhibit 4; R. p. 27).

Respondent filed a Motion to Extend Time to File the Record on February 12, 2024, requesting one hundred and eighty day extension to file the Record due to the overwhelming

volume of prevailing wage cases and because legislation pending which might amend a prevailing wage statute, section 24-3-430(10) of the South Carolina Code. Appellant did not file a response to the motion.

Judge Reibold denied the request for 180 day extension as excessive. That Department shall file the Record on Appeal forty-five (45) days from the day of this Order (dated February 12, 2024). Judge Reibold further ordered that Appellant shall file his brief within thirty (30) days from the date the Record on Appeal is filed (and in a footnote stating "If Appellant has filed a brief prior to the date of this Order, Appellant may file an amended brief on or before the due date provided in this Order..."); That the Department shall file its brief within (30) days from the date Appellant's brief is filed; and that Appellant may file a reply brief within ten (10) days from the date the Department's brief is filed.

On March 12, 2024, Judge Reibold sua sponte issued an Order dismissing Appellant's appeal in the ALC on the ground of lack of jurisdiction based on Appellant's failure to exhaust admi-

nistrative remedies, noting that Appellant's grievance was untimely under SCDE Policy ADM-15.13, section 12.1 which governs problems with inmate pay. Appellant received order on March 19, 2024. (R. pp. 1-10).

Appellant then attempted to file a Rule 59(e), SCRPC, ALC Rule 68 Motion to Alter or Amend Order on March 25, 2024, raising the following issues:

- (1) The ALC erred in dismissing Appellant's appeal for lack of jurisdiction based on Appellant's failure to exhaust his administrative remedies;
- (2) The Court erred in its findings, are in error as Policy 15.13, section 12.1 was not referenced in response to Appellant's Step 1 grievance;
- (3) Appellant was awaiting the ROA but had to have family members go online and obtain his work history and hours worked;
- (4) Appellant asserts that SCDE has continuously and willfully violated his statutory rights in failing to pay him prevailing wages in violation of §24-3-430(d) in open defiance of the South Carolina Legislative mandate that inmates were to be paid prevailing wages for services perf-

formed in SCDC's PIP-Private Sector. (R. p.

The ALC stamped "Motions For Reconsideration Prohibited." (R. pp. 12-17).

Appellant filed a timely notice of appeal on April 17, 2024.

STAND OF REVIEW

"Whether administrative remedies must be exhausted is a matter within the [circuit court]'s sound discretion and will not be disturbed on appeal absent an abuse thereof." Hyde v. S.C. Dep't of Mental Health, 314 S.C. 207, 208, 442 S.E.2d 582, 582-83 (1994). "An abuse of discretion occurs where the circuit court was controlled by an error of law or where [the circuit court's] order is based on conclusions without evidentiary support." Stanton v. Town of Pawley's Island, 309 S.C. 126, 128, 420 S.E.2d _____ (1992) (quoting Coleman v. Dunlap, 306 S.C. 491, 495, 413 S.E.2d 15, 17 (1992)).

ARGUMENT

Did the Administrative Law Court err in finding Appellant's grievance was not timely filed and he consequently failed to exhaust his administrative remedies?

8

The South Carolina Supreme Court explained, "[t]he doctrine of exhaustion of administrative remedies is generally considered a rule of policy, convenience and discretion, rather than one of law, and is not jurisdictional." Ward v. State, 343 S.C. 14, 17 n.5, 538 S.E.2d 245, 246 n.5 (2000) (citations omitted). The failure to exhaust administrative goes to the prematurity of a case, not subject matter jurisdiction. Id.

"Whether administrative remedies must be exhausted is a matter within the trial judge's sound discretion and his discretion will not be disturbed on appeal absent an abuse thereof." Hyde, 314 S.C. 207, 208, 442 S.E.2d 582, 582-83. "The general rule is that administrative remedies must be exhausted absent circumstances supporting an exception to the general rule." Id. at 208, 442 S.E.2d at 583; Andrews Bearing Corp. v. Brady, 261 S.C. 533, 201 S.E.2d 241 (1973); Ex parte Allstate Ins. Co., 248 S.C. 550, 151 S.E.2d 849 (1966).

A commonly recognized exception to the requirement of exhaustion of administrative remedies exists when a party demonstrates that pursuit of administrative remedies would be a

vain or futile act." Brown v. James, 389 S.C. 41, 54, 697 S.E.2d 604, 611 (Ct. App. 2011). Exhaustion is generally as a matter of preventing premature interference with agency processes, so that it may have an opportunity to correct its own errors to afford the parties and the courts the benefit of its experience and expertise and to compile a record which is adequate for judicial review. Video Gaming Consultants, Inc. v. S.C. Dept. of Revenue, 342 S.C. 34, 38, 535 S.E.2d 642, 644 (2000)

The ALC discuss its reasons for dismissing Appellant's appeal for lack of appellate jurisdiction based on Appellant's failure to exhaust his administrative remedies. (R. pp. 1-10).

The ALC states the department [SCDC] denied Appellant's grievance as untimely pursuant to SCDC Policy ADM-15.13 entitled "Inmate Pay" and specifically and specifically ADM-15.13 section 12 entitled "Problems with Inmate Pay." (R. pp. 3-4).

That nothing in Appellant's submissions to the Department [SCDC] suggests an attempt to utilize the problems with the pay system by Policy 15.13 section 12.1. Inmate pay complaints are commenced using the ARTSM, the automated kiosk

but Appellant initiated his wage complaint using the standard inmate grievance system. That Appellant does not appear to dispute that he failed to follow Policy 15.13 Section 12.1 nor Policy GA-01.12 (Inmate Grievance System) and instead argued that under Ackerman v. SCDC, 415 S.C. 412, 782 S.E.2d 757 (Ct. App. 2016) neither Policy ADM-15.13 nor Policy GA-01.12 apply because his grievance concerns a policy/procedure and not an incident.

The ALC quotes numerous cases, both South Carolina cases, other state cases and federal cases. In a lengthy discussion of Woodford v. Ngo, 548 U.S. 81, 90-92, 126 S.Ct. 2378, 2385-86 (2006) and discusses the Federal Prison Litigation Act ("PLRA") and that the South Carolina Court of Appeals took a similar position in Brown v. James, 389 S.C. 41, 697 S.E.2d 604 (Ct. App. 2010). While the court in Brown concluded that the teacher's circuit court action was not barred by exhaustion of administrative remedies, Brown was not barred by exhaustion of administrative remedies, Brown is notable for its stance on compliance with applicable deadlines as part and parcel of exhaustion of administrative remedies. It is undisputed that Appellant did not timely avail him-

self of possible redress under ADM-15.13. The Court therefore concludes that Appellant failed to exhaust his administrative remedies. (R. pp. 5-10).

The ALC's order states that Applicant argues that his prevailing wage complaint was exempt from the 15-day filing deadline under the standard grievance procedure under Torrence v. SEDE, 433 S.C. 633, 861 S.E.2d 36 (Ct. App. 2021), that the Department is attempting to bootstrap by using ADM-15.13 rather than the standard grievance procedure, and that, if ADM-15.13 does not apply, its deadline should be equitably tolled. These arguments do not assert that Appellant in fact complied with ADM-15.13, but rather offer purported reasons why Appellant's failure to utilize ADM-15.13 should be excused. Additionally, the summary of Appellant's Step 1 grievance contained in the Department's Step 2 grievance response refers only to Torrence, and not to ADM-15.13. (R. p. 3-4).

Appellant contends that SEDE's inappropriate handling of his grievance, misconduct, and machination rendered Appellant's grievance unavailable and would have been futile and vain had he pursued administrative remedies any further.

Appellant contends that his grievance was timely filed as JCEC did not raise Policy ADM 15.13 section 12.1 and the warden did not sign off on the Step 1 grievance. Step 1 was returned with a memorandum "that the Department will develop, administer, and implement an inmate grievance accessible to all inmates. That the Appellant's grievance requires further investigation and evaluation. That due to the volume of incoming prevailing wage grievances and the extenuating nature of your appeal, additional time is needed to process your grievance. Consequently, it will be held in abeyance while the authorized personnel complete their investigation and evaluation of your grievance. Upon conclusion of this investigation and evaluation, your grievance will be processed in accordance with applicable policies and procedures." (Exhibit 1, R.p. 19), Kiosk reference number 23-0186549 is on Step 1 grievance form where Appellant requested the prevailing wages. (Exhibit 2, R.p. 20). Appellant was not provided a Step 2 grievance (Form 10-95). On the Step 2 grievance form where it states "INMATE'S REASON

FOR APPEAL" (state specific dissatisfaction): Appellant was not allowed to present his issues nor sign Step 2 grievance. Appellant contends that SCDC became the grievant as well as the adjudicator when it responded "In accordance with SCDC Policy 01.12 "Inmate Grievance System," due to your allegations you raised in your grievance, it has been forwarded to the Inmate Grievance Branch Central office and Office of General Counsel for a response. Inmate's signature has been adopted from SCDC 10-5, Step 1 Grievance Form." On the back of the Step 2 grievance that "Appellant's grievance was filed on July 24, 2023, approximately two years and one month after the Court of Appeals issues its opinion in Torrence v. SCDC (2021) on June 30, 2021. Accordingly, your grievance is untimely under SCDC Policy ADM-15.13 section 12.1 and quotes section 12.1. (Exhibit 3, R. pp. 21-22).

The SCDC grievance procedure is outlined in SCDC Policy GA-01.12 ("Inmate Grievance System) requires that inmates initially attempt to resolve grievances informally by "submitting a Request to Staff Member ("RTSM") form to the appropriate

supervisor / staff within eight (8) working of the incident. (id. paragraph 13.2).

If an inmate files a Step 1 grievance that does not involve an emergency, the Warden is required to respond to grievant in writing (in the space provided on SCDC Form 10-5, Step 1), indicating in detail the rationale for the decision rendered and any recommended remedies. The grievant will also be informed of his rights to appeal to the next level. The Warden will respond to the grievant no later than 45 days from the grievance was formally entered into the OMS system by the IGC [Inmate Grievance Coordinator]. The response will be served by the IGC to the grievant within ten (10) calendar days, and the grievant will sign and date the response acknowledging receipt. (paragraph 13.5).

If the grievant is not satisfied with the decision of Warden, the grievant may appeal by completing the SCDC Form 10-5a, Step 2 to the IGC within five (5) days of the receipt of the response by the grievant, by placing the Step 2 form in the designated institutional grievance box. Additional pages will not be permitted. All inform-

ation must be placed on the W-5a Inmate Grievance Form. (Paragraph 13.2)

Appellant would further argue that due to SCDC's inappropriate handling, misconduct and machination during Appellant's grievance process, rendered SCDC grievance process null and void, in that pursuant to Rule 11 (a), SCRPC, "... party who is not represented by an attorney shall sign his pleading, motion, or other paper and state his address." And as stated in the Commercial Code Section 36-3-401(a) A person is not liable on an instrument unless the person signed the instrument. §36-3-40(a) South Carolina Code Ann. (Supp. 2008).

Appellant contends that the ALC abused its discretion in neglecting to consider the exceptions to the exhaustion requirement of administrative remedies in this case.

South Carolina, like most jurisdictions, recognizes exceptions to the exhaustion of remedies requirement. The general rule is that administrative remedies must be exhausted absent circumstances supporting an exception to application of the general rule. Brown, Id. at 54, 697 S.E.2d at 611.

Futility is a general exception to the requirement of exhaustion of administrative remedies. The South Carolina Supreme Court in Law v. S.C. Dept. of Corrections, (stated that while futility is a general exception to the requirement of exhaustion of administrative remedies, it must be demonstrated by a showing comparable to the administrative agency taking "a hard and fast position that makes an adverse ruling a certainty." (quoting Thetford Props. IV P'ship v. U.S. Dept. of Hous. & Urban Dev., 907 F.2d 445, 450 (4th Cir. 1990); Video Gaming Consultants, Inc. v. S.C. Dept. of Revenue, 342 S.C. 34, 39, 535 S.E.2d 645 (2000).

Appellant contends that his case presents issues of important public interest and a resolution would promote judicial economy. See Cabiness v. Town of James Island, 393 S.C. 176, 712 S.E.2d 416 (2011) (addressing issues in the interest of judicial economy to supply a sufficient analytical framework for future cases); Curtis v. State, 345 S.C. 557, 549 S.E.2d 591 (2001) (recognizing that an appellate court may decide questions of imperative and manifest urgency to establish a rule for

future conduct in matters of important public interests).

Appellant contends that the ALC abused its discretion in finding that Appellant's grievance was untimely and failed to exhaust his administrative remedies where the remedy was unavailable where SCDC thwarted Appellant from taking advantage of the grievance process through machination, misrepresentation, or intimidation. See Ross v. Blake, 578 U.S. 632, 136 S.Ct. 1850 (2016).

"[A]n administrative remedy is not considered to have been available, if a prisoner, through no fault of his own, was prevented from availing himself of it." Moore v. Bennette, 517 F.3d 717, 725 (4th Cir. 2008)

ARGUMENT

Did the ALC err in prohibiting Appellant's Rule 59(e), SCRCP, to be filed and ruled on by the ALC?

STANDARD OF REVIEW

The Administrative Procedures Act establishes this court's standard of review for cases decided by the ALC and is set forth in Section 1-23-610(B) of the South Carolina Code (Supp. 2009), which provides:

The review of the administrative judge's order must be confined to the record. The Court may not substitute its judgment for the judgment of the administrative law judge as to the weight of the evidence on questions of fact. The court of appeals 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; (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted discretion. The review of the administrative judge's order must be confined to the record. The decision of the AHC should not be overturned unless it is unsupported by substantial evidence or controlled by some error of law. Original Blue Ribbon Taxi Corp. v. S.C. Dept. of Motor Vehicles, 380 S.C. 600, 604, 670 S.E.2d 674, 676 (Ct. App. 2008).

"substantial evidence, when considering the record as a whole, would allow reasonable minds to reach the same conclusion as the [ALC] and more than a mere scintilla of evidence." Id. at 605, 670 S.E.2d at 676.

Appellant contends that the AHC erred in prohibiting him to file his Rule 59(c), SCRP, and render a finding on his issues. ALC Rule 68 specifically allows the Rules of Civil Procedure to apply in ALC cases.

The South Carolina Rules of Civil Procedure

and the South Carolina Appellate Court Rules may, where practicable, be applied in proceedings before the Court. Doe v. Doe, 370 S.E. 2d 206, 212, 634 S.E.2d 51, 54 (Ct. App. 2006) ("To preserve an issue for appellate review, the issue cannot be raised for the first on appeal, but must have been raised to the trial court and ruled on by the trial court."); Home Medical Sys., Inc v. SC Dept of Revenue, 382 S.C. 556, 562, 677 S.E.2d 582, 586 (held that Rule 59(e), SCRCP, motions are permitted in ALC proceedings).

Therefore, his issues are preserved for review, where he filed a Rule 59(e) on March 25, 2024, and received the motion back on April 10, 2024, stamped "Motions For Reconsideration Prohibited" with no date-stamp. (R. pp. 12-18).

ARGUMENT

Has SCDC continuously and willfully violated Appellant's statutory rights in failing to pay Appellant prevailing wages in violation of Section 24-3-430(b).

Appellant contends that SCDC owes him approximately \$67,000 for his participation in in PIP-Private Sector at the McCormick and Lee Correctional Institution's Private Sector Prison Industries Plants. (R. pp. 16; Exhibit #4; R. p. 23). § 24-3-430 of the S.C. Code Ann. (1998) provides that "No inmate participating in the program may earn less than the prevailing wage for work of a similar nature in the private sector."

Without Record on Appeal Appellate is struggling with hours worked, and monies paid have him. He incorporates his previous argument into this appeal. (R. pp. 23-29) and Letter from Assistant Deputy Attorney General Robin D. Cook in response to inquiry concerning section 24-3-430(b) of the S.C. Code from Senator Mike Fair, dated October 17, 2002

CONCLUSION

Appellant prays this Honorable Court reverse the AHC Order of Dismissal and remand back to the AHC to reverse Appellant's grievance process and order that he be allowed to properly exhaust his grievance process fully with a Record on Appeal provided by SCPE or remand to the AHC obtain work hours, the monies paid him and the difference the monies paid and the prevailing wages.

Respectfully

Submitted,

x MARK BOLTE

mark Bolte #304800

Pro se Appellant

Allendale corr. Inst.

F3-A40

1057 Revolutionary Trail

Fairfax, SC 29827

May 9, 2024

RECEIVED

MAY 20 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Robert L. Reibold, Administrative Law Judge

Case No. 2024-000602

MARK BOLTE,

Appellant,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

PROOF OF SERVICE

I certify that I have served a copy of Appellant's Initial Brief and Designation of Matter to Be Included in the Record on Appeal by depositing a copy of each in a postage prepaid envelope and depositing envelope in the Interdepartment Mail, at the Allendale Correctional Institution's mailroom, on this 9th day of May, 2024, properly addressed as follows: Joseph P. Shakibanasab, Esq., Office of General Counsel, South Carolina Dept. of Corrections 4444 Broad River Road, P.O. Box 21787, Columbia, SC 29221-1787. Dated this 9th day of May, 2024.

x Mark Bolte

Mark Bolte #304800
Allendale Corr. Inst.
F3-A40

1041 Revolutionary Trail
Fairfax, SE 29827

Mark Bolte #304800
Allendale Corr. Inst.
F3-A40
1057 Revolutionary Trail
Fairfax, SC 29827
May 9, 2024

Joseph P. Shakibanasab, Esq.
Office of General Counsel
South Carolina Dept. of Corr.
4444 Broad River Road
P.O. Box 21787
Columbia, SC 29221-1787

RECEIVED

MAY 20 2024

SC Court of Appeals

Re: Mark Bolte #304800 v. SCDC
Appellate Case No. 2024-000602

Dear Mr. Shakibanasab,

Enclosed please find a copy of Appellant's Initial Brief; Designation of Matter to Be Included In The Record on Appeal with Proof of Service.

* *Mark Bolte*
Mark Bolte #304800
Appellant pro se

Enclosure
original clerk
S.C. Court of Appeals

May 9, 2024

RECEIVED

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

MAY 20 2024
SC Court of Appeals

Re: Mark Bolte #304800 v. SCDC
Appellate Case No. 2024-000602

Dear Ms. Kitchings,

Enclosed for filing is Appellant's Initial Brief;
Designation of Matter To Be Included In The Re-
cord On Appeal with Proof of Service.

May, 2024.

x *mark Bolte*
mark Bolte #304800
Allendale Corr. Inst.
F3-A40
Fairfax, SC 29827
Appellant prose

Other Counsel of Record:
Joseph P. Shakibanasab
Office of General Counsel
South Carolina Dept. of Corrections
4444 Broad River Rd.
P.O. Box 21787
Columbia, SC 29221-1787

Mark Bolte #304800
Allendale Com. Inst. F3-A40
1057 Revolutionary Trail
Fairfax, S.C. 29827

US POSTAGE
EPC 55827 \$002.83
0000373016 MAY 20 2024

RECEIVED

MAY 20 2024
SC Court of Appeals

Hon. Jenny Abbott Kitchens
Clerk,
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

