

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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APPEAL FROM THE ADMINISTRATIVE LAW
ADMINISTRATIVE LAW JUDGE ROBERT

COURT
SC Court of Appeals

L. REIBOLD

ALC CASE NO: 23-ALJ-04-0054-AP
APPELLATE CASE NO: 2023-002004

BOBBY WATSON, #277427

APPELLANT

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

RESPONDENT

FINAL BRIEF OF APPELLANT

BOBBY WATSON, 277427
PRO-SE

TYGER RIVER C.I. 117225
200 PRISON ROAD
ENOREE S.C. 29335

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CASES	PAGE
<u>TORRENCE V. SOUTH CAROLINA DEPARTMENT OF CORRECTIONS - 6.</u> 433 S.C. 633	
<u>WL31728841 (SCAG) 2002.</u>	- 5.
<u>ACKERMAN V. SOUTH CAROLINA DEPARTMENT OF CORRECTIONS - 6.</u> 415 S.C. 412	

STATUTES

S.C. CODE § 1-23-10	3.
S.C. CODE § 24-3-430	3.
S.C. CODE § 24-3-40	3.
S.C. CODE § 41-10	3.
U.S. § 18 USCA - 1761	3.
S.C. CODE § 1-23-610	3.

STATEMENT OF ISSUE ON APPEAL

THE LOWER COURT'S DECISION WAS FLAWED AND CONTRARY TO PREVIOUS SOUTH CAROLINA COURT RULINGS. THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS IS ATTEMPTING TO USE A LOWER COURT RULING TO UNDO PREVIOUS RULINGS BY SOUTH CAROLINA COURT OF APPEALS AND THE SOUTH CAROLINA SUPREME COURT.

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 S.C.D.C. NOVEMBER 24, 2022. S.C.D.C. DENIED THIS GRIEVANCE DECEMBER 2, 2022. APPELLANT SUBMITTED A STEP 2 GRIEVANCE ON DECEMBER 7, 2022. S.C.D.C. DENIED THE STEP 2 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 DENYING THE APPEAL ON OCTOBER 23, 2023. THIS APPEAL FOLLOWS.

ARGUMENT

THE LOWER COURT'S DECISION IS CONTRARY TO THE LAW AND PRIOR DECISIONS OF THE COURTS IN THE STATE OF SOUTH CAROLINA AND SHOULD BE REVERSED AND REMANDED.

THE ADMINISTRATIVE LAW COURT IN JUDGE REIBOLD'S "FINAL ORDER" ON THIS CASE (P.6) USES SOUTH CAROLINA DEPARTMENT OF CORRECTIONS (S.C.D.C.) POLICIES GA.-01.12 AND ADM-15-13 TO ESTABLISH A BASIS FOR DENYING APPELLANT'S CASE. SOUTH CAROLINA LAW LOOKS UPON THESE POLICIES AS REGULATIONS NOT LAW. (SEE § 1-23-10(4)). APPELLANT HAS CONSISTENTLY ARGUED THAT THE LAWS OF THE STATE OF SOUTH CAROLINA, § 24-3-430, § 24-3-40, § 41-10 AND THE LAWS OF THE UNITED STATES § 18 U.S.C.A. 1761 ARE OF PARAMOUNT IMPORTANCE. APPELLANT ARGUED THAT S.C.D.C. SHOULD HAVE BEEN AWARE OF THE UNDERPAYMENT OF INMATES BECAUSE THESE LAWS MAKE IT VERY CLEAR. INMATES WITH HIGH SCHOOL EDUCATIONS OR LESS

ARE HAVING TO OPPOSE THE AGENCY THAT CLAIMS TO "PROTECT THE PUBLIC SAFETY." HOWEVER IF THE COURT WILL NOTE - BOTH THE STATE OF SOUTH CAROLINA AND THE UNITED STATES GOVERNMENT HAVE CRIMINAL PENALTIES ATTACHED TO THE AFOREMENTIONED STATUTES FOR DOING EXACTLY WHAT THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS IS DOING IN THIS MATTER AND OPPOSING COUNSEL IS ATTEMPTING TO PERPETUATE 18 U.S.C.A. § 1761 - STATES THAT INMATES HAVE IN CONNECTION WITH SUCH WORK, RECEIVED WAGES AT A RATE WHICH IS NOT LESS THAN THAT PAID FOR WORK OF A SIMILAR NATURE IN THE LOCALITY IN WHICH THE WORK WAS PERFORMED.

THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS SHOULD BE FULLY AWARE OF THE LAW SINCE THIS LAW ALLOWS THE STATE OPERATE "PRISON INDUSTRIES" PROGRAMS IN THE FIRST PLACE.

THE LAW ALLOWS FOR A PENALTY OF A FINE OR IMPRISONMENT UP TO TWO YEARS OR BOTH. APPROXIMATELY 400 INMATES ARE EMPLOYED AT THE TYGER RIVER FACILITY AND PAID EVERY TWO WEEKS. THEREFORE, IS IT POSSIBLE THAT THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS OFFICIALS THAT ARE RESPONSIBLE FOR THIS UNDERPAYMENT COULD BE FACING 800 YEARS OF FEDERAL TIME EVERY TWO WEEKS. THE CHAIRMAN OF THE SENATE CORRECTIONS COMMITTEE IN 2002, SENATOR MIKE FAIR, RECEIVED AN OPINION ON PREVAILING WAGE (SEE 2002 WL 31728841 (SCAG). THIS LETTER PLAINLY SPELLS OUT WHAT THE LAW IS REGARDING PREVAILING WAGE AND THE NEED TO COMPLY WITH THE PROVISIONS REGARDING PREVAILING WAGE. IF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS WAS TO CLAIM IGNORANCE OF THIS,

THEN THEY CERTAINLY CANNOT AFTER THIS HONORABLE COURT DECIDED TORRENCE V. SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, 433 S.C. 633 IN AUGUST OF 2022.

THE ISSUE THAT THE ALL HIGHLIGHTS IN DENIAL OF APPELLANT'S APPEAL (FINAL ORDER) IS A 15 DAY LIMIT ON INMATE PAY DISPUTES PER POLICY ADM 15.13 (12.1) THIS COURT PREVIOUSLY HELD THAT "WAGE GRIEVANCES WERE EXCEPTED FROM S.C.D.C.'S GRIEVANCE SYSTEM POLICY'S 15-DAY FILING DEADLINE. ACKERMAN V. SOUTH CAROLINA DEPARTMENT OF CORRECTIONS 415 S.C. 412. THE ALL'S DECISION IS CLEARLY IN VIOLATION OF S.C. CODE § 1-23-610(B)(A)(D)(F). THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS ALSO ATTEMPTS TO SHIFT THE BURDEN OF SUPPLYING RECORDS TO APPELLANT. APPELLANT IS IN THE CUSTODY OF RESPONDENT

AND ALL RECORDS REGARDING EMPLOYMENT OF APPELLANT ARE IN THE CUSTODY AND CONTROL OF RESPONDENT. THE ALC USES A 2014 REVISION (P. 10) OF J.C.D.C.'S POLICY TO QUESTION "THE CONTINUED VITALITY OF THESE CASES." REFERRING TO ACKERMAN V. J.C. DEPARTMENT OF CORRECTIONS AND TORRENCE. THIS IS ODD SINCE THOSE NAMED CASES WERE BEFORE THIS COURT IN 2017 AND 2022 RESPECTIVELY. SOME 3 TO 8 YEARS AFTER THE REVISION STATED. THEREFORE, THE ALC ABUSED ITS DISCRETION AND MADE A CLEARLY ERRONEOUS DECISION.

CONCLUSION

WHEREFORE THE ALC HAS ERRED IN
IT'S RULING AND DENIED APPELLANT
PROPER RESOLUTION ACCORDING TO
STATUTE AND PRECEDENT, APPELLANT
PRAYS THIS COURT TO REVERSE
AND REMAND.

RESPECTFULLY SUBMITTED

BY: Bobby Watson #277427
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