

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

SCDC

JUN 07 2024

MAIL ROOM

James Thomas Gentry, Jr., #261188, )  
)  
Appellant, )  
)  
v. )  
)  
South Carolina Department of Corrections, )  
)  
Respondent. )

Docket No. 23-ALJ-04-0534-AP

ORDER RECEIVED

JUN 17 2024

SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (Court or ALC) on a Motion for Extension of Time (Motion) to file the Record on Appeal filed by the South Carolina Department of Corrections (Department or SCDC) on February 9, 2024.

On November 7, 2023, James Thomas Gentry, Jr. (Appellant), an inmate housed in SCDC, filed this appeal involving the payment of his inmate wages. The case was assigned on December 1, 2023. Pursuant to the Rules of Procedure for the Administrative Law Court (SCALC Rules), the Record on Appeal was due seventy days after the Notice of Assignment was filed, or February 9, 2024. *See* SCALC Rule 59. Therefore, the Department did not file its Motion until the day the Record was due. In its Motion, the Department requests a one hundred and eighty (180) day extension to file the Record due to the overwhelming volume of prevailing wage cases and because it recently submitted legislation to amend section 24-3-430(D) of the South Carolina Code. As of the date of this Order, Appellant has not filed a response to the Motion.

Although the Court is aware of the significant number of existing prevailing wage cases, an extension of 180 days is excessive. Furthermore, although the Department asserts it needs more time to file the Record because it has recently introduced legislation to amend the prevailing wage statute, the passage of that legislation is speculative and does not constitute good cause to extend the time to file the Record. Nonetheless, I find that an extension of forty-five (45) days is justified.

**IT IS THEREFORE ORDERED** that the Department shall file the Record on Appeal within forty-five (45) days from the date of this Order.

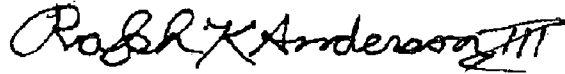
**IT IS FURTHER ORDERED** that Appellant shall file his brief within thirty (30) days from the date the Record on Appeal is filed.

**IT IS FURTHER ORDERED** that the Department shall file its brief within thirty (30) days from the date the Appellant's brief is filed.

FILED  
02/13/2024  
SC Admin. Law Court

**IT IS FURTHER ORDERED** that Appellant may file a reply brief within ten (10) days from the date the Department's brief is filed.

**AND IT IS SO ORDERED.**



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Ralph King Anderson, III  
Chief Administrative Law Judge

February 13, 2024  
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Stephanie Perez, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).



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Stephanie Perez  
Judicial Law Clerk

February 13, 2024  
Columbia, South Carolina