

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

RECEIVED

Robert L. Reibold, Administrative Law Judge

JUL 05 2024

SC Court of Appeals

Appellate Case No. 2024-000560

Charles Madden, #182326,.....Appellant,

v.

South Carolina Department
of Corrections,.....Respondent.

INITIAL BRIEF OF APPELLANT

Charles J. Madden, #182326
Allendale Corr., Inst., F3 B54
1057 Revolutionary Trail
Fairfax, SC 29827
(NO PHONE)

Appellant, Pro Se

S.C. Department of Corrections
Office of General Counsel
Barton J. Vincent, Esq.
P.O. Box 21787
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(PHONE NUMBER UNKNOWN)

Attorney For Respondent

STATEMENT OF THE CASE

This matter is before this Court pursuant to an Appeal of Charles Madden ("Appellant" or "Madden"), an Inmate incarcerated within the South Carolina Department of Corrections ["SCDC" or "Department"], from the dismissal by the Administrative Law Court ["ALC"] for lack of jurisdiction.

This case originated in the SCDC when Appellant attempted an informal resolution to his request to be paid the prevailing wage for his participation in various SCDC's Prison Industry Programs from 1992 through 2013, by sending an Automated Request To Staff Member ("ARTSM") to Inmate Financial using SCDC's Inmate Computer Kiosk System. See ARTSM 23-03184375.

Appellant was directed to file a Grievance. Appellant filed a Step 1 Grievance on July 24, 2023, requesting to be paid the prevailing wage for his work in the Prison's PIP from 1992 to 2013, which was elevated to a Step 2 level for a decision. Barton J. Vincent, Esq., of the Office of General Counsel denied Appellant's Step 2 Grievance on October 25, 2023 finding that Appellant's Grievance exceeded the Statute Of Limitations and SCDC Policy ADM-15.13 Time Limitation Period. Appellant received the Final Decision on October 31, 2023 and timely appealed to the Administrative Law Court ("ALC") on November 17, 2023.

On December 1, 2023, the Appeal was assigned to the Honorable Robert L. Reibold, Administrative Law Judge, on December 1, 2023.

On February 12, 2024, the Department filed a Motion For Extension Of Time In Which To File The Record On Appeal, which the ALC Denied, but resulted in a change to the timeline for filing the Record and other Documents.

On February 20, 2024, Appellant filed his Initial Brief and a Motion To Supplement the record. The Court declined to rule on the Motion and instead addressed the lack of Appellate Jurisdiction and dismissed the Appeal on March 7, 2024, based on a finding that it lacked Appellate Jurisdiction.

On April 3, 2024, Appellant, filed a Notice of Appeal, Motion To Proceed In Forma Pauperis and Affidavit Of Indigency with the Clerk of the S.C. Court of Appeals and served same upon the above Respondent and the Clerk of the Administrative Law Court. It appears that the Court of Appeals received the above documents and file-stamped same on April 8, 2024.

On April 30, 2024, Appellant filed a Motion To Remand and served same upon the above Respondent's counsel of record.

On May 23, 2024, the Court DENIED Appellant's Motion To Remand, but GRANTED Appellant's Motion To Proceed In Forma Pauperis.

On or about April 30, 2024, Appellant filed a Motion To Remand. The Court DENIED that Motion in a one page order dated May 23, 2024.

On or about May 27, 2024, Appellant filed a Motion For Extension Of Time in which to file his Initial Brief and Designation Of Matter To Be Included In The Record On Appeal.

Appellant received a letter from the Court dated June 10, 2024, which provided that he must serve and file the initial brief of appellant and designation of matter within thirty (30) days from the date of letter or his appeal would be dismissed.

This Initial Brief of Appellant and Designation Of Matter To Be Included In The Record On Appeal, now follow:

STANDARD OF REVIEW

The Administrative Procedures Act (APA) establishes the standard of review in appeals from the Administrative Law Court (ALC). S.C. Code Ann. § 1-23-610(B) (Supp. 2020); Kiawah Dev. Partners, II v. S.C. Dep't of Health & Env't Control, 411 S.C. 16, 28, 766 S.E.2d 707, 715 (2014). S.C. Code Ann. § 1-23-610 (Supp. 2020), sets forth the standard of review when the court of appeals is sitting in review of a decision by the ALC on an appeal from an administrative agency. See S.C. Dep't of Corr. v. Mitchell, 377 S.C. 56, 258, 659 S.E.2d 233, 234 (Ct. App. 2008). "The review of the [ALC's] order must be confined to the record." S.C. Code Ann. § 1-23-610(B) (Supp. 2020). "This court may not substitute its judgment for judgment of the ALC as to the weight of the evidence on questions of fact." Id. In determining whether the ALC's decision is supported by substantial evidence this Court need only find evidence from which reasonable minds could reach the same conclusion as the ALC. See Kiawah, 411 S.C. at 28, 766 S.E.2d at 715. However, when the issue on review raises a question of law, this court may reverse the decision of the ALC when it is in violation of a statutory provision or it is affected by an error of law. Id.

An Appellate Court may reverse or modify a decision if the ALC's findings or conclusions are:

- (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.

Id.

JURISDICTION

The ALC had Appellate Jurisdiction over this appeal from a Denial of a Final Decision of the South Carolina Department of Corrections.

The ALC's jurisdiction to hear this appeal is derived in part, from the decision of the South Carolina Supreme Court in Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). In Al-Shabazz, the Court held: "[A]n inmate may seek review of Department's final decision in an administrative matter under the APA. Placing review of these cases within the ambit of the APA will ensure that an inmate receives due process, which consists of notice, a hearing and judicial review. It also will provide an orderly and consistent framework for resolving such matters." Id. at 369, 527 S.E.2d at 750. Slezak v. S.C. Dep't of Corr., 361 S.C. 327, 333, 605 S.E.2d 506, 509 (2004) ("We hold that the ALJD has jurisdiction over all properly perfected inmate appeals, but clarify that it may summarily decide those appeals that do not implicate an inmate's state-created liberty or property interest.").

In Allen v. S.C. Dep't of Corr., 439 S.C. 164, 170, 886 S.E.2d 671, 674 (2023), the South Carolina Supreme Court, clarified once again, that the ALC has jurisdiction over all properly perfected inmate appeals and went on to state: "We now clarify-again-that the ALC has subject matter jurisdiction over inmate grievance appeals that have been properly filed. See Slezak, 361, S.C. at 331, 605 S.E.2d at 507 ("We now clarify that the AL[C] has subject matter jurisdiction to hear appeals from the final decision of [SCDC] in ... [an] administrative matter.")" Allen, 439 S.C. at 170, 886 S.E.2d at 674.

There is no question that the ALC has subject matter and Appellate jurisdiction over this matter in that Appellant's Inmate Grievance Appeal was properly filed and no adequate showing has been made to the contrary.

The question of subject matter jurisdiction is a question of law for the court. Capital City Ins. Co. v. BP Staff, Inc., 382 S.C. 92, 99, 674 S.E.2d 524, 528 (Ct. App. 2009). An Appellate Court "may reverse the decision of the ALC where it is in violation of a statutory provision or is affected by other error of law." Kiawah Dev. Partners, II v. S.C. Dep't of Health & Env'tl. Control, 411 S.C. 16, 28, 766 S.E.2d 707, 715 (2014).

ARGUMENTS

I. THE ALC ERRED IN HOLDING THAT IT LACKED APPELLATE JURISDICTION OF THIS APPEAL FROM A FINAL DECISION OF THE SCDC BASED ON A FINDING THAT APPELLANT FAILED TO EXHAUST HIS ADMINISTRATIVE REMEDIES WHEN THE DEPARTMENT RAISED A TIME LIMITATIONS DEFENSE.

A. The Department's Final Decision Raised A Statute Of Limitations And Policy Limitation Defense And Not An Exhaustion Of Administrative Remedies Defense.

The Department's decision states in pertinent part:

"In your **grievance** you are requesting adjustments to your inmate pay pursuant to Torrence v. South Carolina Department of Corrections (2021). The South Carolina Court of Appeals opinion in Torrence was filed on June 30, 2021. You submitted your Request To Staff Member regarding this matter on July 22, 2023, approximately two years and two months after the Court of Appeals issued its opinion. Accordingly, your grievance is **untimely** under SCDC Policy ADM-15.13. section 12.1." "This Policy states as follows:"

"12. **PROBLEMS WITH PAY:**"

"12.1 Inmates must report any problems in their pay to their institutions Inmate pay designee utilizing the Automated Request to Staff Member (ARTSM) within 15 days of the payroll date error..."

"SCDC Policy ADM-15.13(12.1) (Issue Date June 3, 2014)."

"Therefore, your grievance is denied."

Id. SCDC Policy ADM-15.13(12.1) (Issue Date June 3, 2014. ROA, p. 1.

B. The Final Decision refers to the time between the decision of the Court of Appeals in Torrence v. S.C. Dep't of Corr., 433 S.C. 633, 861 S.E.2d 36 (Ct.App. 2021), and the time that Appellant submitted his Staff Request, "approximately two years and two months after the Court of Appeals issued its opinion," and states, "Accordingly, your grievance is **untimely** under SCDC Policy ADM-15.13." ROA, p. 1, (emphasis added). The Decision says nothing about failing to exhaust remedies, Id., and the ALC found that "The Department denied Appellant's grievance as **untimely** pursuant to SCDC Policy ADM-15.13." Order, at p. 3. (emphasis added).

C. The DOC's failure to pay a certain wage does not constitute a tort so as to be cognizable under the Tort Claims Act because while Inmates are not entitled to a private right of action in tort, they may protest through the grievance process the Department's failure to comply with these statutes (S.C. Code Ann. § 24-3-315 (1987) and S.C. Code Ann. § 24-3-430(D) (1995)), Adkins v. South Carolina Department of Corrections, 360, S.C. 413, 419, 602 S.E.2d 51, 55 (2004). Since these statutes do not give rise to a private action cognizable under the Tort Claims Act, the limitation periods found in the Tort Claims Act do not apply. In Torrence v. South Carolina Department of Corr., 433, S.C. 633, 861 S.E.2d 36 (2021), the Court allowed Torrence to claim the difference between the wage he was paid and the prevailing wage where his Grievance was filed ten years after the first wages he was challenging. Id. 433 at 637, 861 S.E.2d at 54. That decision suggests that an Inmate is not bound by a time limit to file a grievance implicating a Department Policy or Procedure. Thus, neither a statute of limitations nor a Policy Rule should be permitted to bar Appellant's claim in this matter.

II. THE ALC ERRED IN HOLDING THAT IT LACKED APPELLATE JURISDICTION OF THIS APPEAL FROM A FINAL DECISION OF THE SCDC BASED ON A FINDING THAT APPELLANT FAILED TO UTILIZE SCDC POLICY ADM-15.13, (12.1) THAT WAS ISSUED ON JUNE 3, 2014.

A. The ALC found that "Nothing in Appellant's submissions to the Department suggests an attempt to utilize the problems with pay system established by Policy ADM-15.13 section 12.1." The Court also found that "None of Appellant's submissions to the Department reference ADM-15.13 or any of its provisions." And once again, the Court found that "Appellant does not appear to dispute that he failed to follow Policy ADM-15.13, Section 12.1. See Order, p. 4.

The Honorable Robert L. Reibold is correct for the most part, other than the fact that Appellant mentioned ADM-15.13 in the Title of the first Argument of his Initial Brief and once in the argument.

Because Appellant's handwriting is hard to read, Appellant types that argument verbatim for the convenience of the Court, as follows:

"ARGUMENT"

Issue 1: SCDC cannot deny Appellants grievance #ACI-0214023 under Policy ADM 15.13, Section 12.1, The 15-day filing rule."

"According to the case of Thomas J. Torrence vs SCDC (2021), a precedent has already been established since the Administrative Law Court, Through the Honorable Deborah Brooks Durden, has already found the doctrine of Equitable Tolling applied to Torrence grievance. This finding had a backing also in the Court of Appeals, by the Honorable Huff, as it was affirmed in the Holdings of said case."

"Inmates grievance involved Department Policy and procedures, rather than an isolated incident, and thus, The 15 day Filing rule did not apply."

Therefore, SCDC cannot deny Appellant's grievance #ACI-0214-23 by Policy ADM 15.13 section 12.1, which speaks of an one time pay period instead of an ongoing infraction of policy and procedures."

Brief of Appellant, Docket No. 3-ALJ-04-0572-AP, ROA, p. 6.

B. This self-imposed arbitrary Policy does not apply in this context as Madden did not ask SCDC to "adjust" his pay, Madden's "wages" are not "Inmate Pay" and Madden had no "Problem with his pay" within the meaning of Policy ADM-15.13 (12.1) (Issued June 3, 2014). The Respondent arbitrarily re-characterized its statute of limitations defense into a "Failure To Exhaust Administrative Remedies" defense by asserting that Appellant had requested SCDC to "adjust his Inmate Pay," which Appellant did not do.

C. Appellant still receives his "Inmate Pay" of \$ 18.25 every two weeks, didn't make a request for an adjustment to "Inmate Pay," and didn't request an adjustment to "Inmate Wages" that he is owed. See ROA, p. 2., where Appellant gave information as to where he participated in the SCDC's PIP Programs and requested to "be paid the prevailing wages for the time I worked in PI-2 see above, PI-1." ROA, p. 2.

D. Appellant invoked the prevailing wage statutes as stated by the holding of the S.C. Court of Appeals in Ackerman and in doing so, protested the Department's failure to comply with statutory mandates.

E. No evidence exists in the record to support a finding that Madden "had problems with pay," sought an "adjustment to his Inmate pay," or for that matter, that anyone knows when the so called "payroll error" occurred or who caused it!

Appellant submits that the ALC erred in finding that he sought an "adjustment" to his Inmate Pay or had "problems with pay" and was therefore required to use Policy ADM-15.13, or be found to have failed to Exhaust his Administrative Remedies, as the record fails to support this finding.

F. Policy ADM-15.13(12.1) (2014) was not in effect in 1995 to 2013, when Madden worked at in the SCDC's PIP's and finding to the contrary is not supported in the record, and, is "disputed by the record."

The Department's decision specifically avers that its Policy ADM-15.13 was issued on June 3, 2014. ROA, p.1. Appellant averred in his Automated Request To Staff Member ("ARTSM") that he was requesting his prevailing wages for his work in the SCDC's PIP, providing the years (1992-2013), the Institutions and the names of the Private entities he worked from. See ARTSM 23-03184375.¹ Appellant's Step 1 Grievance shows that he worked in various PIP's beginning at CCI as a Welder in 1992, Working in R&M Design at Kershaw in 2013 and that he is only seeking to be paid the Prevailing Wage for his work from 1996 through 2013, which he is entitled to by law. See ROA, p. 2. Appellant's Brief provided the same information. ROA, p. 9. The ALC found in its "Factual Background," that Appellant "asserts that he worked in the Prison Industries Program from 1992 through 2013. See Order p. 2. ROA, p. 12.

An 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); see also Ross v. Blake, 136 S.Ct. 1850 (2018).

1. Appellant is unable to provide a copy of ARTSM in that the Department refuses to print those out when an Inmate makes a request.

Appellant could not utilize an alleged "Administrative Remedy" if it was not enacted until after he ceased working in the Prison Industries in 2013. That remedy, which is not a remedy at all, was unavailable.

G. The Department's Inmate Grievance System, SCDC Policy GA-01.14, is the sole method for an Inmate such as Appellant, to use in order to "Protest the Departments's failure to pay the prevailing wage."

"[The Department's] Inmate Grievance System Policy, designated as Policy GA-01.12, provides for formal review of inmate complaints in two steps." Ackerman v. South Carolina Department of Corrections, 415 S.C. 412, 782 S.E.2d 757, 758 (Ct. App. 2016). "Paragraph 13.1 of Policy GA-01.12 requires an inmate to file a [s]tep [one] Inmate Grievance Form within fifteen days of the alleged 'incident.'" Id. at 418, 782 S.E.2d at 760.

In Torrence v. S.C. Department of Corr., 433 S.C. 633, 645, 861 S.E.2d 36, 43 (2021), the Court explained:

"In the instant case, we find Torrence timely filed his step one grievance. As in Ackerman, Torrence's claims involved "topic[s] governed by statute" that reflect the Department's "expression of the legislature's policy on inmate pay." 415 S.C. at 420-21, 782 S.E.2d at 761-762 (finding inmate grievances raising topics governed by statute that involve enduring conditions, such as inmate wages, "cannot realistically be characterized as 'incidents,' which are temporarily limited and rarely affect more than a few inmates"). "Specifically, Torrence alleged the Department failed to pay him the prevailing wage for his labor under PIP..." "Because Torrence's claim involve continuous conditions potentially affecting numerous inmates, we find Torrence's grievance involves Department policies and procedures, rather than an isolated incident. Therefore, we find Torrence's grievance falls within the exception enumerated in Paragraph 13.9 of the Department's Policy GA-01.12, and thus, Paragraph 13.1's fifteen-day filing rule does not apply. See Id. at 41, 782 S.E.2d 762 (Holding the Department's attempt to characterize inmate wage grievances as "incident" grievances under paragraph 13.1 was arbitrary and capricious)."

Torrence, Id. at 645, 861 S.E.2d at 43.

The Department characterized Appellant's Wage Grievance as an incident grievance under its Policy ADM-15.13 so as to defeat this Court's rulings on this issue. Even under ADM-15.13, Appellant's Grievance still involves Department policies and procedures, rather than an isolated incident, still involved continuous conditions, involved topics governed by statute that reflect the Department's "expression of the legislature's policy on Inmate Pay, and, cannot realistically be characterized as an incidents. Thus, the

Departments' attempt to characterize Appellant's wage grievances as an "incident" grievance under ADM-15.13, is just as arbitrary and capricious as doing do under Paragraph 13.1 of its Grievance Policy, and the ALC erred in holding otherwise.

In Torrence v. South Carolina Dept. of Corrections, 373 S.C. 586, 593, 646 S.E.2d 866, 869 (2007), the South Carolina Supreme Court enunciated, "The clear rule emerging from the Adkins and Wicker cases is this. Inmates working in the Prison Industries Program have a cognizable, state-created interest in having the DOC pay them according to the statutory scheme governing the program, but they do not have a private right of action; instead, the **DOC's internal grievance procedure, with recourse to the Administrative Law Court**, is the appropriate way to have a prisoner's wage claim adjudicated." Id. (emphasis added).

Madden properly filed his Step 1 and Step 2 Grievances, ROA, pp. 1-2, he exhausted all administrative remedies that were available to him, and as a result, the ALC had jurisdiction over the Appeal from the Department's Final Decision.

Because the Department operates its PIP as a part of its day-to-day operations, the Court in Ackerman v. S.C. Dep't of Corrections, 415 S.C. 412, 782 S.E.2d 757 (Ct. App. 2016), found that an inmate grievance challenging a specific rate of pay and invoking the Prevailing Wage Statute constitutes a grievance challenging a policy of procedure under paragraph 13.9, rather than a grievance involving a specific incident under Paragraph 13.1. Id. at 418-20, 782 S.E.2d at 760-61.

Appellant submits that there has been no mention by the Department or the Courts, as to when this "Payroll Error" occurred, what kind of "Payroll Error" it was, and why it persisted for so long, allegedly unnoticed.

H. The ALC's findings as Appellant stated in ¶ A above are correct to the extent that the Department failed to allow Appellant to make any submissions to regarding why he didn't use ADM-15.13 where no decision was given in reply to the Step 1 Grievance to give him an opportunity and no one signed the Step 1 Grievance (ROA, p. 2), that grievance was elevated to the Step 2 level (ROA, p. 11), and the Department's Grievance Procedure prohibits Appellant from attaching documents or Affidavits to the Step 1 or Step 2 Grievance.

The alleged failure of Appellant to exhaust administrative remedies is not jurisdictional. The 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. Storm M.H. ex rel. McSwain v. Charleston Cnty. Bd. of Trs., 400 S.C. 478, 487, 735 S.E.2d 492, 497 (2012) (quoting Ward v. State, 343 S.C. 14, 17 n.5, 538 S.E.2d 245, 246 n.5 (2000)). "[T]he failure to exhaust administrative remedies goes to the prematurity of the case, not subject matter jurisdiction." Id. (quoting Ward, 343 S.C. at 17 n.5, 538 S.E.2d at 246 n.5).

"Relief is not generally available to one who has not exhausted administrative remedies." Garris v. Governing Bd. of S.C. Reinsurance Facility, 319 S.C. 388, 390, 461 S.E.2d 819, 821 (1995). "Where an adequate administrative remedy is available to determine a question of fact, one must pursue the administrative remedy or be precluded from seeking relief in the courts." Hyde v. S.C. Dep't of Mental Health, 314 S.C. 207, 208, 442 S.E.2d 582, 583 (1994).

J. SCDC Policy ADM-15.13-(12.1) is not an administrative remedy within the meaning of § 1-23-380 and does not apply to the "Prevailing Wage" issue.

1) Nothing in ADM-15.13(12.1) purports to put anyone on Notice that resort to that Policy is a must, for anything other than "incidents" that involve deductions from "Inmate Pay" or "Inmate Wages." That Policy has nothing to do with requiring an Inmate to alert ANYONE that SCDC is not paying Inmates the Prevailing Wage they are due or the Department's refusal to comply with Statutory Mandates regarding the "Prevailing Wage."

2) The Department's inclusion of § 24-3-40 and § 24-1-295 in the beginning of this Policy (governing "deductions") and the fact that it refrained from including both, § 24-3-315 and § 24-3-430(D), (governing prevailing wages), indicates that ¶ 12.1 means "problems with deductions" from Inmate's wages. Had the Department entered § 24-3-315 and § 24-3-430 into this Policy, which it most certainly could have done, Inmates who may have reviewed the Policy would have been placed on Notice that SCDC was possibly failing to pay the Prevailing Wage and that Inmates were required to make objections to an Inmate Financial Officer.

3) Appellant requests that this Court take "Judicial Notice" of SCDC Policy ADM-15.13, "STATE/FEDERAL STATUTES." See Philips v. Pitt Cnty. Mem. Hosp., 572 F.3d 176, 180 (4th Cir. (2009) ("Courts may properly take judicial notice of matters of public record"); Kitty Hawk Aircargo Inc. v. Chao, 418 F.3d 453, 457 (5th Cir. 2005) (taking notice of information on a government agency's website).

K. Any requirement of exhaustion of administrative remedies should be excused because it appears that the issue of whether SCDC must comply with the law [§ 24-3-315 and § 24-3-430] is solely a matter of law. See e.g., Ex parte Allstate Insurance Co., 248 S.C. 550, 151 S.E.2d 849 (1966).

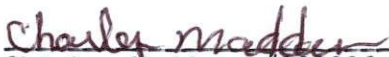
A reviewing court is prohibited from substituting its judgment for that of the agency as to the weight of the evidence on questions of fact. Grant v. S.C. Coastal Council, 319 S.C. 348, 461 S.E.2d 388 (1995). An appellate court's review is not so constrained when deciding questions of law. Gibson v. Ameris Bank, 420 S.C. 536, 542, 804 S.E.2d 276, 279 (Ct.App. 2017) ("[Q]uestions of law may be decided with no particular deference to the trial court...") (quoting U.S. Bank Trust Nat'l Ass'n v. Bell, 385 S.C. 364, 373, 684 S.E.2d 199, 204 (Ct. App. 2009); Flexon v. PHC-Jasper, Inc., 413 S.C. 561, 569, 776 S.E.2d 397, 402 (Ct. App. 2015) ("This court [Court of Appeals] reviews questions of law de novo.") (quoting Proctor v. Steedly, 398 S.C. 561, 573, 730 S.E.2d 357, 363 (Ct.App.2012))). If a decision is affected by an error of law, when properly raised, the Court will not hesitate to correct said error. See S.C. Code Ann. § Ann. § 1-23-380(d); S.C. Dep't of Revenue v. Blue Moon of Newberry, 397 S.C. 256, 260, 725 S.E.2d 480, 483 (2012).

CONCLUSION

For the reasons stated herein, Appellant respectfully requests that this Court find that the ALC had Appellate Jurisdiction to hear the appeal from the Department, that this Court remand this case back to the ALC for Further proceedings, and that this Court Grant any such other and further relief that this Court deems fair and just.

Respectfully Submitted,

July 1, 2024
Fairfax, South Carolina


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THE STATE OF SOUTH CAROLINA

In The Court Of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Robert L. Reibold, Administrative Law Judge

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JUL 05 2024

SC Court of Appeals

Appellate Case No. 2024-000560

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South Carolina Department
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CERTIFICATE OF SERVICE

I, Charles Madden, herein CERTIFY under penalty of perjury that I have on this date, served an Initial Brief Of Appellant, Appellant's Designation Of Matter To Be Included IN The Record On Appeal, and Appellant's Record On Appeal in the above captioned case, upon the Respondent, by hand delivering same to the Allendale Correctional Institution Mail Room Clerk, for deposit into the United States Mail, First Class Postage prepaid, addressed to:

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Attn: Barton J. Vincent, Esq.
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July 2, 2024
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