

DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL

- 1) Did the ALC Judge commit error in his order of dismissal?
- 2) Was Appellant paid prison prevailing wages as required by law?
- 3) Prison notary public notarize papers should be used as inmates witness.
- 4) Rule 67. (Clerical Mistakes should be consider in appellant's appeal.)

I, Terrance McCall, #339911 certify that this designation of matter contain [NO] matters which is irreverent to this appeal.

This 15 day of July 2024.

RECEIVED
JUL 17 2024
SC Court of Appeals

Respectfully Submitted'

Terrance D. McCall

Terrance D. McCall #339911

TABLE OF AUTHORITIES

* Torrence v. SCDC (2021).....Pg-3

* S.C Code 24-3-430(d) & 24-3-315Pg-3

* Torrence v. SCDC, 433 S.C. 633, 861 S.E. 2d 36 (2021)Pg- 4

* Burning v. S.C. of Health and Envt't Control, 418, S.C. 537, 545, 795, S.E. 2d 290, 294,(2016).....Pg- 4

* S.C. Dept. of Corr. v. Cartrette, 387 S.C. 640, 646, 694 S.E.2d 18, 21 (2010).....Pg-4

* Wicker v. SCDC, 360 S.C. at 425, 602 S.E. 2d at 58 (2004)....Pg- 5

* Ackerman v. SCDC, 415 S.C. 412, 782 S.E. 2d (2016).....Pg- 5

* Rule 67.....Pg-6

* §26-1-90 (Power of a notary public).....Pg-8

CONCLUSION

Appellant respectfully request this honorable court to re-mand this matter back to the Department for tolling of all hours worked in the prison industry applying prevailing wage hours plus all over time hours. Appellant performed approximately 7,185.75 of work hours as a machine operator under code 517042 but was only paid \$7.30 an hour. This pay rate does not comply with the Tyger River C.I wage certification provided by SC Department of Employment and Work Force. Appellant is seeking the mean average prevailing wages pay for all hours worked in the prison industry contractor Shaw Industry.

Respectfully Submitted'

A handwritten signature in black ink, appearing to read "Terrance D. McCall", is written over a horizontal line.

Terrance D. McCall/# 339911

PRO SE

P.O. Box 580

Una, SC 29378

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Terrance McCall, #339911,)
)
Appellant,)
)
v.)
)
South Carolina Department of Corrections,)
)
Respondent.)

Docket No. 23-ALJ-04-0451-AP

ORDER

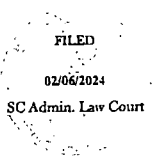
This matter is before the South Carolina Administrative Law Court (Court or ALC) on a Motion to File Out of Time and Motion for Extension of Time (Motion) by the South Carolina Department of Corrections (Department or SCDC) on February 1, 2024.¹

On October 31, 2023, Terrance McCall (Appellant), an inmate housed in SCDC, filed this appeal involving inmate wages. The case was assigned on November 20, 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 January 29, 2024. See SCALC Rule 59. Therefore, the Department did not file its Motion until after 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 anticipates legislation will soon be introduced 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 anticipates legislation being introduced to amend the prevailing wage statute, the passage of that legislation is speculative as it would not apply retroactively to the cases currently pending before the Court. 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.

¹ The Court notes that the Department attempted to file a Motion to Extend Time to File Record on January 29, 2024, however, the Department filed it as a combined Motion for multiple cases involving different Appellants, which was not appropriate. As a result, the Department resubmitted individual motions on February 1, 2024.



STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Terrance McCall, #339911,)
)
Appellant,)
)
v.)
)
South Carolina Department of Corrections,)
)
Respondent.)
_____)

Docket No. 23-ALJ-04-0451-AP

ORDER OF DISMISSAL

This matter is before the South Carolina Administrative Law Court (Court or ALC) pursuant to an appeal filed on October 31, 2023, by Terrance McCall (Appellant), an inmate housed with the South Carolina Department of Corrections (SCDC or Department). The case was assigned on November 20, 2023.

On February 1, 2024, the Department filed a Motion for Extension of Time (Motion) to file the Record on Appeal. The Court granted the Motion on February 6, 2024, and provided timelines for filing the record and briefs. Specifically, the Court ordered that the Appellant shall file his brief within thirty days from the date the Record on Appeal was filed, and, thereafter, the Department shall file its brief within thirty days from the date the Appellant's brief was filed. The Department filed the Record on Appeal on March 25, 2024. As a result, Appellant's brief was due thirty days from March 25, 2024, or April 24, 2024. As of the date of this order, Appellant has not filed his brief.

SCALC Rule 62 sets forth that an Administrative Law Judge may dismiss an inmate's appeal for failure to comply with the rules of procedure for appeals or for failure to comply with any time limits set forth in an appeal. Accordingly, because Appellant has been afforded ample time to file his brief, has failed to do so, and has not notified the ALC of any extenuating circumstances regarding his failure to file a brief, this matter is dismissed *sua sponte*. SCALC Rule 62

FILED
06/13/2024
SC Admin. Law Court

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL | INMATE GRIEVANCE BRANCH
INMATE GRIEVANCE APPEAL**

INMATE: Terrance McCall | SCDC No. 339911

FROM: Office of General Counsel | Inmate Grievance Branch

SUBJECT: Prevailing Wage Appeal | Grievance No. LIWC-0155-23

DATE: 07/25/23

The Office of General Counsel - Inmate Grievance Branch is in receipt of your prevailing wage appeal. Pursuant to SCDC Policy GA-01.12 Inmate Grievance System, the South Carolina Department of Corrections 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 system 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.

Cc: SCDC Inmate Grievance Branch

STATE OF SOUTH CAROLINA)

IN THE ADMINISTRATION LAW COURT

_____)

CASE NO: 23CO451

APPELLANT,)

INITIAL BRIEF OF APPELLANT

TERRANCE D.McCALL)

vs.)

RECEIVED

RESPONDENT,)

DEC 12 2023

SOUTH CARLOINA DEPT,
OF CORRECTIONS.)

GENERAL COUNSEL

_____)

This matter is before the South Carolina administration law court (ALC or Court) pursuant to a notice of appeal filed by the appellant, Terrance D.McCall _____, an inmate that is incarcerated in the South Carolina Department Of Correction. Appellant appeals the Department's decision denying his step (2) grievance because the respondent dose not include its calculation of wages pursuant to S.C. code § 24-3-430 (d), the (Occupational code) of the department of employment and workforce, as required by law for inmates participating in the prison industries program.

CERTIFICATE OF SERVICE

I hereby certify that I, Terrance D. McCall ^{SCDC# 339911}, on this 5 day of December, 2023, in Spartanburg South Carolina, served a copy of the foregoing Brief on all parties to this matter by depositing the same in the United States mail, postage paid, or in the mailroom of the undersigned institution and address as followed:

Name of person/ Agency served: Dept. of General Counsel, SCDC corrections.

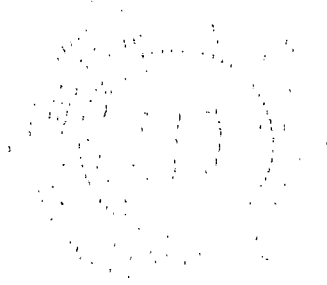
Address: P.O. Box 21787

City, State, Zip Code. Columbia, SC 29221

Print your name: Terrance D. McCall

Sign your name: Terrance McCall

WITNESSED TO AND SUBSCRIBED
BEFORE ME THIS 5 **DAY OF** December, 2023,
AUDREY AILEEN WEBSTER HORTON
Audrey Aileen Webster Horton
NOTARY PUBLIC, STATE OF SOUTH CAROLINA
My Commission Expires 02/07/2024



CERTIFICATE OF SERVICE

I hereby certify that I, Terrance O. McCall ^{SCDC# 339911}, on the 5 day of December, 2023, in Spartanburg, South Carolina, served a copy of the foregoing Brief on all parties to this matter by depositing the same in the United States Mail, postage paid, or in the mail room of the undersigned's institution and address as follows:
 Name of person/ Agency served: The Honorable Judge Anderson
 Address: EDGAR A. BROWN BUILDING, 1205 PENDLETON STREET, SUITE 224
 City, State, Zip Code: Columbia, S.C 29201

Print your name: Terrance O. McCall
 Sign your name: Terrance McCall

SWORN TO AND SUBSCRIBED
 BEFORE ME THIS 5 DAY OF December, 2023,
 AT BY ALLEN WEBSTER HORTON
 Audrey Aileen Webster Horton
 NOTARY PUBLIC, STATE OF SOUTH CAROLINA
 My Commission Expires 02/07/2024

PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA IN THE COURT OF APPEALS

Terrance McCall, #339911

v.

Case No: 2024-001077

South Carolina Department
of Corrections,

I am an inmate at Livesay Correctional Institution. Today, I am depositing this Initial Brief in the institution mail system, first-class postage is being paid by either me or the institution on my behalf.

I hereby certify that I have served a copy of my initial brief to the following:

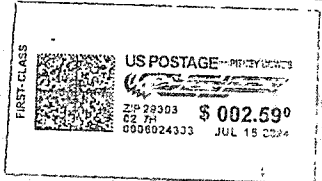
- 1) Administrative Law Court/Clerk of Court.
1205 Pedleton St. Suite # 224
Columbia, SC 29201
- 2) General Counsel
4444 Broad River rd.
P.O.Box 29221-1787
- 3) South Carolina Court of Appeals
Jenny Abbott Kitchings/Clerk
P.O.Box 11629
Columbia, SC 29211

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SC Court of Appeals

I declare under penalty of perjury that the foregoing is true and correct.

Signed By: Terrance McCall on this 15 day of July, 2024.

SC# 339911
Terrance McCall
Livesay Correctional Inst.
P.O. Box 580
LINA, S.C. 29378
Unit 6-10-B



South Carolina Court of Appeals
(Att) Jenni Abbott Kitchings (clerk)
P.O. Box 116293
Columbia, SC 29211



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