

STATE OF SOUTH CAROLINA
COURT OF APPEALS

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JUL 19 2024
SC Court of Appeals

Gregory Collins # 347252

Appellant,

vs.

NOTICE OF APPEAL ON DECISION

MADE BY ADMINISTRATIVE LAW COURT

JUDGE Phillip Lenski

SCALC Judge Phillip Lenski

Pocket # 24-A25-04-0124-IJ

Respondent,

Notice is hereby given that Gregory Collins # 347252 does hereby appeal the final decision of the South Carolina Administrative Law Court dated 6-19-24 and received on 6-25-24, a copy of which is attached. A general statement of the grounds for appeal is:

See Attached Documents

Gregory Collins

Appellant's Name

P.C.I 430 Oaklawn Road
Pelzer, S.C. 29669

Mailing Address

City, State, Zip Code



Signed

7/16/2024

Dated

CERTIFICATE OF SERVICE

I hereby certify that I, Gregory Collins (your name), on the 16 day of July, 2024, in Pelzer (city), South Carolina, served a copy of the foregoing Notice of Appeal 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 addressed as follows:

Name of person/Agency served:

Address:

Administrative Law Court
Attn: Judge Phillip Lenski
1205 Pendleton Street, Suite 224
Columbia, S.C. 29201

Reference: Inmate Gregory Collins, #347252, vs. SCDC

Docket No. 24-ALJ-04-0124-IJ

[Grievance No: PCI915-23]

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JUL 19 2024
SC Court of Appeals

South Carolina Court of Appeals

1220 Senate Street

Columbia, South Carolina 29201

To whom it may concern:

On June 25, 2024 the Appellant (Gregory Collins #347252) in this case received Administrative Law Court Judge Phillip Lenski's Order of Dismissal on the above referenced case.

The Respondent in this case (South Carolina Department of Corrections) used multiple SCALC Rules (ALC Rules 54, 59, and 62) as grounds for Dismissal. But due to Negligence by the Respondent the following grounds for dismissal should not have applied. Below are the Rules the Respondent used as grounds for dismissal. And the Appellant's rebuttal argument on these issues.

The Respondent is claiming in their Motion to Dismiss that the (30) days were exceeded in the fact that the SCDC made their ruling on the Step 1 Grievance on December 18, 2023 and the filing of appeal was on January 25, 2024.(SCALC Rule 59)

SCALC Rule 59 Notice of Appeal: "The notice of appeal from the final decision to be heard by the Administrative Law Court shall be filed with the court and a copy served on each party, including the agency, within (30) days of receipt of the decision from which the appeal is taken."

Argument: On January 12, 2024 at 12:36 pm after not receiving any types of reply from SCDC on the Grievance the Appellant (Gregory Collins) wrote a Request to Staff Member (RTSM) #24-03366926 to GRIEVANCE stating "*In October or November I filed a Grievance and I have not received a response. I would like to check the status of this Grievance to ensure it was not lost before I received my copy of response.*"

On the same date January 12, 2024 at 12:42 pm the Appellant received a reply to this request from Author #067823 stating "*Replies were sent and the issue of the Grievance was noted as out of time to Grieve.*"

On January 12, 2024 at 8:40 pm the Appellant wrote RTSM #24-03367470 to GRIEVANCE stating *"I received your reply in reference to RTSM #24-03366926 where I was informed that my grievance had been denied due to a time issue. Could you please send a second copy of grievance so I can file a step 2 Grievance on the issue of prevailing wages since I did not receive my copy of your response on this issue."*

On January 16, 2024 at 8:09 am the Appellant received a reply from Author #067823 stating *"You cannot file a Step 2 Grievance on this issue since you exceeded the time frame to file Step 1."*

On January 17, 2024 the Appellant received a copy of the Step 1 Grievance and proceeded to compile the necessary paperwork to file with the Administrative Law Court and General Council. Note that this is the first time the Appellant had seen this Grievance with the decision made by SCDC since it was written on November 4, 2023 and the decision by SCDC was made in December 5, 2023. This shows that SCDC had possession of this Grievance for over (30) days before their decision on the Grievance was made, and then another (43) days before the Appellant was given his copy of the Grievance. Therefore showing South Carolina Department of Corrections negligence in assuring that a copy was delivered to the Appellant on this issue.

This shows that the Respondents claim that the Notice of Appeal was not filed within (30) days is unrealistic since the Appellant would have less than 24 hours to file this paperwork due to the negligence by SCDC in getting the Step 1 Grievance to the Appellant. The South Carolina Department of Corrections is saying these papers had to be filed by January 18, 2024.

SCDC used the tactic of refusing the Appellant his Grievance paperwork until the last minute in an effort to use as an excuse to not pay the many people who are filing on the "Prevailing Wages" issue.

The State is using the fact that the Notice of Appeal paperwork filed by the Appellant shows that *"Gregory Collins #347252 hereby appeals the final Decision of the South Carolina Department of Corrections dated 12-7-23 and received on 12-18-23."* This was a blanket document and was an omission on the Appellant's part by not correcting this date. However this paperwork should not be used by the state as evidence either since the date on the Grievance is actually dated 12-5-2023 as the date SCDC made their decision on the Grievance, which is incorrect by SCDC paperwork. The SCDC RTSM's (#24-03366926 & #24-03367470) show and prove that as of January 16, 2024 the Appellant still did not have a copy of this Grievance. So this proves that the Notice of Appeal paperwork showing that the Appellant received the Grievance on *12-18-23* is a typographical error by the Appellant. But this should not be grounds for dismissal simply because of the inexperience of an incarcerated inmate's legal dialogue. The Respondent has the resources to employ people who have law degrees and years of experience dealing with these types of cases to look for any discrepancy in the smallest of details. The South Carolina Department of Corrections has and will continue to use whatever loophole they can to get out of paying these wages to the Appellant.

Other inmates who worked during the same time period as the Appellant at *Shaw Flooring* have already taken settlements and others have received cash payments from SCDC in this case. (Raymond Burnette #341129 vs. SCDC, Avery Davenport #166732 vs. SCDC and Michael Givens #300027 vs. SCDC).

The South Carolina Department of Corrections was negligent in not paying inmates prevailing wages from the start of employment in private sector Prison Industries.

Your Honor this case is the same and can be referenced to *Torrence vs. SCDC 433sc 633 861 SE 2d, 36*. In this case the court ruled in favor of *Torrence* and awarded him the monies he was owed. I am simply asking for the same in my case. I ask that the evidence listed above and the records that can be requested through the South Carolina Department of Corrections (Request to Staff) be reviewed and taken into account. This case should not have been dismissed due to a typographical error. Thank you for your time on this matter.

Timeline of Grievance process in this case:

November 4, 2023- Filed Grievance.

January 12, 2024 (12:36 pm) - Sent RTSM# 24-03366926 to Grievance.

January 12, 2024 (12:42 pm) - Received response from Grievance Author #067823

January 12, 2024 (8:40 pm) - Sent RTSM# 24-03367470 to Grievance.

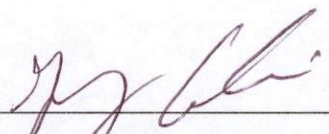
January 16, 2024 (8:09 am) - Received response from Grievance Author #067823.

January 17, 2024 -Received SCDC Step 1 Grievance. (First time having seen decision by SCDC and first time having a copy of grievance).

January 25, 2024 - Sent Notice of Appeal to SCALC and General Council.

June 25, 2024- Received order of Dismissal from ALC Judge Phillip Lenski.

All Request to Staff (RTSM) are through Kiosk system and copies can be acquired through request from SCDC.

 # 347252

Gregory A. Collins #347252

7/16/2024

Date

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

RECEIVED

JAN 29 2024

Gregory Collins # 347252

Appellant,

GENERAL COUNSEL

vs.

NOTICE OF APPEAL

South Carolina Department of Corrections,

Respondent.

DOCKET NO. -ALJ-04-
GRIEVANCE NO.: PCI-0915-23

State

Notice is hereby given that Gregory Collins # 347252 does hereby appeal the final decision of the South Carolina Department of Corrections dated 12-7-23 and received on 12-18-23, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

I appeal SCDC's denial of my prevailing wage grievance as untimely under Policy ADM-15.13, sec.12.1. In their denial, SCDC is saying I was required to report any problems with my pay to the inmate pay designee within 15 days of the opinion being filed in Torrence v. SCDC; or within 15 days of the payroll date error. This is contrary to the Court's holding that inmate prevailing wage grievance involve SCDC policy/procedure, rather than an isolated incident, and the 15 day filing deadline in SCDC Grievance Policy does not apply. Sec.12.1 of Policy ADM-15.13 is an informal resolution provision and not a timeline to file a grievance. It is the same informal resolution provision stated in SCDC Policy GA-01.12, which the Court has held cannot be used to deny inmate prevailing wage grievances. I APPEAL.

Appellant's Name
Gregory Collins

Signed [Signature]

Mailing Address
Perry C.I., 430 Oaklawn Road
Pelzer, SC 29669

Dated 1/25/24

CERTIFICATE OF SERVICE

I hereby certify that I, Gregory Collins (your name) on the 25 day of January 2024 in Pelzer (city), South Carolina, served a copy of the foregoing Notice of Appeal 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 addressed as follows

Name of person Agency served: South Carolina Department of Corrections, General Counsel

Address 4444 Broad River Road/P.O. Box 21787

City, State, Zip Code Columbia, S.C. 29221-1787

Print your name Sign your name
(See reverse side for instructions)

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JUL 10 2024

SC Court of Appeals

Gregory Collins # 347252

QB-206

430 Oaklawn Road

Pelzer, SC 29669

South Carolina Court of Appeals
1220 Senate Street
Columbia, S.C. 29201

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JUL 17 2024

PCI MAILROOM

RECEIVED

JUL 19 2024

SC Court of Appeals