

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Robert L. Reibold, Administrative Law Judge

ALC Case No. 23-ALJ-04-0567-AP
Appellate Case No. 2024-000602

Mark Bolte, #304800 Appellant,

v.

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

RESPONDENT’S MOTION TO DISMISS APPEAL

On July 2, 2024, this Court issued an Order remanding the matter to the Administrative Law Court (“ALC”) with instructions to further remand this matter to the Department of Corrections (“Department”) to issue a corrected Step Two Grievance response. The order provided that the Department was to provide the Court of Appeals status updates every thirty days.

On July 29, 2024, the Department served Appellant with a corrected Step Two Grievance response (attached) along with a new Notice of Appeal form to the ALC. If Appellant does not agree with the corrected Step Two Grievance response, Appellant may file a new Notice of Appeal with the ALC in the normal fashion.

Therefore, pursuant to Rule 240, SCACR, the Department moves this Honorable Court for an order dismissing this appeal.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

Office Use Only

INMATE NAME: Mark Bolte
SCDC NUMBER: 304800
INSTITUTION: Allendale
HOUSING UNIT: _____
WORK ASSIGNMENT: _____
INMATE'S REASON FOR APPEAL (state specific dissatisfaction): F3A40

Grievance No. ACT-0227-23
Code: General MV/BM
Policy _____
Disc. Hear. _____
Class _____
PREA _____
Date Received: _____
IGC Initials: _____
Date Received: 7/29/24
IGA Initials: KC

The following is in response to the inmate's appeal to the Court of Appeals and the Administrative Law Court (ALC)

Grievant Signature _____ Date _____

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

Your grievance was remanded to the SCDC by the Court of Appeals and the Administrative Law Court to issue a corrected Step Two Response. You are requesting to be paid the prevailing wage. SCDC records were reviewed, and it was determined that you never worked for a Prison Industries Enhancement Certification Program. Only Prison Industries Enhancement Certification Programs were subject to the prevailing wage statute. The programs you worked for were traditional and service programs. These programs were not subject to the prevailing wage statute. Service programs were governed by the budget provisos and since August 1, 2007, they were governed by S.C. Code Ann. 24-1-295.

Therefore, your grievance is denied.

You may appeal this decision under the South Carolina Administrative Procedures Act to the South Carolina Administrative Law Court. In order to appeal, you must fill out the attached Notice of Appeal Form (Form) and submit it as instructed on the form within 30 days of receipt.

Responsible Official Signature [Signature] Date 7/26/24

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Mark Bolte 7-29-24
Grievant Signature Date

[Signature] 07/29/24
IGC Signature Date

(SEE REVERSE SIDE FOR INSTRUCTIONS)

INSTRUCTIONS FOR COMPLETING STEP 2 GRIEVANCE FORM

1. Complete form in its entirety, writing only in the space provided for inmate use.
2. State your specific reason for further appeal. Do not submit any new issues for review. No additional pages will be permitted.
3. Submit this completed form with your copy of the Step 1 form by placing in the Grievance Box within five (5) days of your receipt of the Warden's decision. Do not write in the space provided for the responsible official.
4. The decision rendered by the responsible official exhausts the appeal process of the SCDC Inmate Grievance Procedure.

RECEIVED

Jul 31 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Robert L. Reibold, Administrative Law Judge

ALC Case No. 23-ALJ-04-0567-AP
Appellate Case No. 2024-000602

Mark Bolte, #304800..... Appellant,

v.

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

PROOF OF SERVICE

I hereby certify that on this day I have served a copy of the foregoing *Respondent's Motion to Dismiss (with attachment)* upon Appellant by depositing a copy of same in the United States

Mail, addressed to:

Mark Bolte, #304800
Dorm-Room-Bunk: HAA-0040-A
Allendale Correctional Institution
1057 Revolutionary Trail
Fairfax, SC 29827

July 31, 2024
Columbia, South Carolina

Respectfully submitted,

Joseph R. Shakibanasab, SC Bar #102825
S.C. Department of Corrections
P.O. Box 21787
Columbia, South Carolina 29221-1787
Phone: (803) 896-8508
Counsel for Respondent



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Division of Legal Counsel & Compliance

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

RECEIVED

Jul 31 2024

SC Court of Appeals

OFFICE OF GENERAL COUNSEL

July 31, 2024

Via Email to ctappfilings@sccourts.org

The Honorable Jenny A. Kitchings
Clerk of Court, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

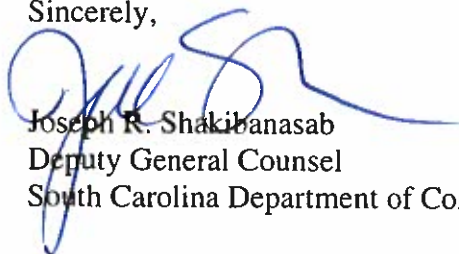
RE: Mark Bolte, #304800 v. South Carolina Department of Corrections
Appellate Case No. 2024-000602

Dear Ms. Kitchings:

Enclosed, please find the **Respondent's Motion to Dismiss Appeal** in the above captioned appeal, along with the **Proof of Service**.

Thank you for your attention to this matter, and please do not hesitate to contact me should you have any questions or concerns.

Sincerely,



Joseph R. Shakibanasab
Deputy General Counsel
South Carolina Department of Corrections

Enclosures

cc: Inmate Mark Bolte, #304800, *via USPS*