

THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

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SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Robert L. Reibold, Administrative Law Judge

ALC Docket No. 23-ALJ-04-0572-AP  
Appellate Case No. 2024-000560

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

v.

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

APPELLANT' OBJECTIONS TO  
RESPONDENT'S MOTION TO REMAND

Appellant Charles Madden respectfully objects to Respondent's Motion To Remand dated August 1, 2024 and received by Appellant on August 8, 2024.

More specifically, Appellant respectfully objects to this Appeal being remanded to the ALC with instructions to remand to the Department for issuance of a "corrected Step 2 grievance response," and Appellant moves this Honorable Court to DENY Respondent's Motion To Remand in this matter.

Appellant would respectfully show this Honorable Court the following:

1. Respondent failed to provide Appellant Due Process through its Grievance Proceedings whereas it elevated Appellant's Step 1 Grievance to a Step 2 without affording Appellant an opportunity to be heard.

2. Respondent then issued its Step 2 Grievance to Appellant with a Final Decision containing detailed findings of fact and conclusions of law

finding *inter alia*, that Appellant's Grievance is "untimely under SCDC Policy ADM-15.13, section 12.1" issued June 3, 2014, one (1) year after Appellant no longer participated in any PIP. See ROA., p. 1, which is the same Answer Respondent has provided to several others, who also had ceased their participation in the PIP prior to the enactment of this Policy.

3. Respondent knew it was absurd to issue a Final Decision holding that an Inmate is not entitled to compensation he already earned because of non-compliance with a Policy that was impossible for him to comply with in that it was not enacted until after he ceased working in the PIP, and the Policy is irrelevant to a determination of whether or not SCDC must pay the Appellant the difference between what it has already paid him and the prevailing wage for work performed in the various PIP's as mandated by S.C. Code Ann. § 24-3-315 (1987) and § 24-3-430(A)&(D) (1995).

3. Respondent's Motion To Remand merely states that: "It has come to the undersigned's attention that an incorrect response was provided to Appellant on his Step 1 and Step 2 Grievances." "Consequently, an incorrect order was issued by the Administrative Law Court." Motion, p. 1.

Yes, obviously, See Brief of Appellant, p.9, ¶¶ B- F); ROA., p. 2 (Step 1 Grievance); ROA., pp. 6-7; ROA., p. 9; ROA., p. 11 ("The Step 1 grievance was submitted on July 24, 2023 asking for prevailing wage from 1992 to 2013"); and ROA., p. 12 ("He asserts he worked in the Prison Industries Program from 1992 through 2013'). Respondent seeks a "do-over."

4. Appellant respectfully submits that if the Court were to remand this matter back to the Department, it would be allowing Respondent at least a "two-bite" procedure, for what appears to be a tactical reason to allow the Department's General Counsel to change its Final Decision.

5. The Department never denied that it owed Appellant the difference between what it has already paid him and the prevailing wage, but asserted that Appellant failed to timely file his request, which is wrong, and thus, Appellant intends to hold Respondent to that Decision if the Appeal is remanded with instructions requested by Respondent, in that it does appear that the Department seeks a "do-over."

**WHEREFORE**, Appellant respectfully requests that the Court DENY Respondent's Motion To Remand and (a) find that Appellant exhausted his administrative remedies; (b) find that the ALC had subject matter jurisdiction; (c) that this Court Grant the relief requested in Appellant's Brief, and any such other and further relief this Court deems fair and just, or, in the alternative, if this Court determined that it shall remand this Appeal as requested by Respondent, that this Court include instructions requiring that Appellant be permitted to re-submit his Step 1 Grievance before proceeding further.

August 14, 2024  
Fairfax, South Carolina

Respectfully Submitted,

Charles Madden  
Charles Madden, #182326  
Allendale C.I., F3 B-54  
1057 Revolutionary Trail  
Fairfax, SC 29827

Appellant, Pro Se

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Appellate Case No. 2024-000560

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

v.

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

**PROOF OF SERVICE**

I, Charles Madden, herein CERTIFY under penalty of perjury that I have on this date, served a true copy of Appellant's Objections To Respondent's Motion For Remand and the Record On Appeal, in the above captioned case, upon the above Respondent, by hand delivering same to the Allendale Corr., Inst., Mail Room Attendant for deposit into the U.S. Mail, First Class Postage prepaid, addressed to:

S.C. Department of Corrections  
Attn: Christina C. Bigelow, Esq.  
Office of General Counsel  
4444 Broad River Rd.  
P.O. Box 21787  
Columbia, SC 29221-1787

August 14, 2024  
Fairfax, South Carolina

Charles Madden  
Charles Madden, #182326  
Allendale C.I., F3 B-54  
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Appellant, Pro Se

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Allendale Corr., Inst., F3 B-54  
1057 Revolutionary Trail  
Fairfax, SC 29827

August 14, 2024

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Hon. Jenny Abbott Kitchings  
Clerk, S.C. Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RE: Charles Madden v. S.C. Dep't of Corrections  
ALC Case No. 23-ALJ-04-0572-AP  
Appellate Case No. 2024-000560  
Appellant's Objections To Respondent's  
Motion For Remand; Record On Appeal; and,  
Proof of Service

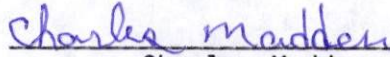
Dear Ms. Kitchings:

Enclosed for filing in the above referenced matter, please find Appellant's Objections To Respondent's Motion For Remand, the Record On Appeal, and Proof of Service of same upon Respondent's "Interim General Counsel" for the SCDC.

Also enclosed, please find a copy of each of the above documents that I ask you to please file stamp and return to me for my records, if you would please do so. I have enclosed a self addressed, postage prepaid envelope for your convenience.

As always, I thank you in advance for your assistance in this matter.

Sincerely & Respectfully,

  
\_\_\_\_\_  
Charles Madden

cc: Christina C. Bigelow, Esq.  
FILE

Charles Madden, #182326  
Allendale Corr., Inst., F3 B-54  
1057 Revolutionary Trail  
Fairfax, SC 29827



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SC Court of Appeals

South Carolina Court of Appeals  
Honorable Jenny Abbott Kitchings, Clerk  
Post Office Box 11629  
Columbia, SC 29211