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Aug 26 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Ralph King Anderson, III

ALC Case No. 23-ALJ-04-0544-AP
Appellate Case No. 2024-000718

JAMES ANTHONY TUCKER, # 260993,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

**RETURN TO APPELLANT'S MOTION TO CORRECT CLERICAL ERROR
AND
MOTION TO REMAND**

On July 18, 2024, Appellant submitted a "Motion to Correct Clerical Error." In that Motion, Appellant is not actually seeking to correct a "clerical error," but is instead asking this Court to change and add language to the ALC's Order. Respondent objects to Appellant's Motion since he is seeking to substantively change the ALC's Order, not correct a clerical error.

That being said, since it does appear that there was confusion below regarding the location of Appellant's job(s), the appropriate remedy would be a remand. Accordingly,

Respondent hereby moves this Court to remand the matter to the ALC with instructions to remand to the Department for issuance of a corrected Step 2 grievance response.

WHEREFORE, Respondent respectfully requests that this matter be remanded to the Administrative Law Court pursuant to the parameters described above.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY: 

CHRISTINA C. BIGELOW
Deputy General Counsel
Office of General Counsel
S.C. Department of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-8508

ATTORNEY FOR RESPONDENT

August 26, 2024

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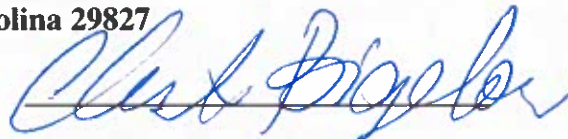
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on this date, she mailed a copy of the **Return to Appellant's Motion to Correct Clerical Error and Motion to Remand** to Appellant, addressed as follows:

**James Tucker, # 260993
Allendale Correctional Institution
HAA-0012
1057 Revolutionary Trail
Fairfax, South Carolina 29827**



Christina Catoe Bigelow
Deputy General Counsel
S. C. Department of Corrections
Post Office Box 21787
Columbia, S. C. 29221
(803) 896-8508

August 26, 2024



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Safety, Service, and Stewardship

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

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SC Court of Appeals

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


RE: James Anthony Tucker, # 260993 v. South Carolina Department of Corrections
Appellate Case No. 2024-000718

Dear Ms. Kitchings:

Enclosed please find Respondent's **Return to Appellant's Motion to Correct Clerical Error and Motion to Remand** in the above referenced matter, along with **Proof of Service**. A copy of the same is being mailed to Appellant today.

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

Sincerely,


Christina Catoe Bigelow
Deputy General Counsel
South Carolina Department of Corrections
S.C. Bar No. 73562

cc: James Tucker, # 260993
Allendale Correctional Institution
HAA-0012
1057 Revolutionary Trail
Fairfax, South Carolina 29827