

The South Carolina Court of Appeals

James Anthony Tucker, #260993, Appellant,

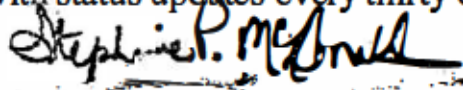
v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2024-000718

ORDER

The Administrative Law Court (ALC) dismissed Appellant's appeal for failure to exhaust his administrative remedies. According to the ALC, Respondent denied Appellant's Step 2 Grievance as untimely. On July 23, 2024, Appellant filed a motion to remand this matter to the ALC to correct a "clerical error" in the order. Respondent filed a return, opposing Appellant's request and arguing Appellant sought a substantive change to the order. However, Respondent asked this court to remand the matter to the ALC with instructions to remand to Respondent for issuance of a corrected Step 2 Grievance response because "there was confusion below regarding the location of Appellant's job(s)." After careful consideration, we deny Appellant's motion and grant Respondent's request for a remand. We hold this appeal in abeyance and remand to the ALC. The ALC shall remand this appeal to Respondent for issuance of a corrected Step 2 Grievance response. Respondent shall provide this court with status updates every thirty days.



FOR THE COURT

Columbia, South Carolina

cc:

James A. Tucker, 260993

Kensey Evans, Esquire

Christina Catoe Bigelow, Esquire

The Honorable Jana E. Shealy

The Honorable Ralph King Anderson, III

FILED
Sep 10 2024