

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Robert L. Reibold

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

CHARLES MADDEN, # 182326,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

MOTION TO DISMISS APPEAL

On August 29, 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. The ALC issued an Order of Remand to the Department on September 6, 2024.

On September 25, 2024, the Department served Appellant with a corrected Step Two Grievance response (attached). 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 respectfully requests that this Court dismiss this appeal.

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

September 27, 2024

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

Office Use Only

INMATE NAME: Charles Madden
SCDC NUMBER: 182326
INSTITUTION: Allendale CI ✓
HOUSING UNIT: _____
WORK ASSIGNMENT: _____

Grievance No. ACI-0214-24 ^{23^{lc}}
Code: General MYTWS
Policy _____
Disc. Hear. _____
Class _____
PREA _____
Date Received: _____
IGC Initials: _____
Date Received: 9/19/24
IGA Initials: XC

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

In accordance with SCDC Policy GA-01.12, "Inmate Grievance System," due to the nature of allegations you have raised in your Grievance, it has been forwarded to the Inmate Grievance Branch Central Office and Office of General Counsel for a response. Inmate's signature has been adopted from SCDC 10-5, Step 1 Inmate Grievance Form.

Grievant Signature N/A Date N/A

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

Madden, Charles 182326 ACI-0214-23 *Modified Step 2*****

You contend that you are due to be paid under the prevailing wage statute for labor performed from 1992 through 2013 for your assignments to industries. Your grievance is upheld in part and denied in part. The only work you performed that was subject to the prevailing wage statute was your assignment to the PIECP operated by R&M Design from September 2013 through November 2013. SCDC will pay you the net total of the difference between the wages you were paid and the wages you should have received for your labor in this program. The net total is calculated to be \$173.50, and these funds will be placed in your E.H. Cooper Account. Your grievance is denied as to the remainder of your grievance. The labor you performed prior to that time frame was for either Traditional Prison Industries or Prison Industries Service Programs, which are not subject to the prevailing wage statute. Accordingly, your grievance is upheld in part and denied in part.

Responsible Official Signature Patricia Vincent Date 9-19-24

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.

IM refused to sign
Grievant Signature _____ Date 09/25/24

Shirley Chisolm 9/25/24
IGC Signature _____ Date _____

(SEE REVERSE SIDE FOR INSTRUCTIONS)

RECEIVED

Sep 30 2024

SC Court of Appeals

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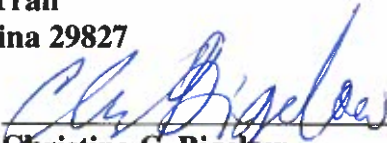
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on today's date, she mailed a copy of the Respondent's **Motion to Dismiss Appeal** to Appellant via U.S. Mail addressed as follows:

Charles Madden, # 182326
Allendale Correctional Institution
HAB-0054
1057 Revolutionary Trail
Fairfax, South Carolina 29827



Christina C. Bigelow
Deputy General Counsel
S.C. Department of Corrections
Post Office Box 21787
Columbia, S. C. 29221

September 27, 2024



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Division of Legal Counsel & Compliance

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

RECEIVED

Sep 30 2024

SC Court of Appeals

OFFICE OF GENERAL COUNSEL

September 27, 2024

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

RE: Charles Madden, # 182326, v. South Carolina Department of Corrections
Appellate Case No. 2024-000560

Dear Ms. Kitchings:

Enclosed please find the Respondent's **Motion to Dismiss Appeal** in the above captioned case, along with **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,

Christina C. Bigelow
Deputy General Counsel
South Carolina Department of Corrections

cc: Charles Madden, # 182326
Allendale Correctional Institution
HAB-0054
1057 Revolutionary Trail
Fairfax, South Carolina 29827